



# **BPR Meeting 111**

## **September 4, 2014**

WHEREAS the Board of Pilot Representatives ("BPR") believes that existing circumstances present and may present in the future, the need for collective legal action on behalf of the pilot group, including, but not limited to, representation in seniority integration proceedings.

NOW THEREFORE, BE IT RESOLVED THAT in the event of decertification of USAPA by the NMB, the BPR urges the National Officers to defer the commencement date of dissolution of the Association until such time as the National Officers determine there is no longer a need for collective legal action on behalf of the pilot group.

BE IT FINALLY RESOLVED THAT in the event of decertification of USAPA by the NMB, the BPR further urges the National Officers to decline to make an immediate distribution of the assets of the Association, in whole or part, in that it is not possible at the present time to determine with certainty whether available funds exceed the expected costs of collective legal actions, including seniority integration proceedings and therefore, it is impossible to determine whether there is any "excess monies" for distribution at this time.

Nelson/Taylor

The Board discussed the need and merits of the motion.

14:27: Vote on **AI 14-163 BPR Recommendation to the Officers**

**Passed 7-3.**

FOR: CLT; DCA; PHL Ciabattoni, Music  
AGAINST: PHX  
ABSENT: PHL Taylor

Gary offered the following resolution:

**AI 14-164 Fair and Equitable Treatment Resolution**

WHEREAS on this date, the Board of Pilot Representatives ("BPR") adopted a Resolution urging the National Officers to defer dissolution of the Association in that existing circumstances present, and may present in the future, the need for collective legal action, including but not limited to, representation in seniority integration proceedings; and

WHEREAS the deferral of dissolution of the Association is based upon the determination by a majority of the National Officers that there is a need for collective legal action on behalf of the pilot group, including but not limited to, representation in seniority integration proceedings. It necessarily follows that the structure and institutional governance established by the USAPA Constitution and Bylaws must continue in force and effect during any said dissolution deferral period. Therefore, the following terms and provisions will be in effect in the event that USAPA is decertified as the bargaining representative of the US Airways pilots and the National Officers vote to defer dissolution:

THEREFORE BE IT RESOLVED THAT the USAPA Constitution and Bylaws and Union Operating Manual shall remain in full force and effect during the entirety of the period of time should the National Officers determine to defer dissolution of the Association (hereafter "the Dissolution Deferral Period"), except (a) as to such terms and provisions in said documents that relate to USAPA's status and duties as the certified bargaining representative of the pilots of US Airways and (b) as expressly provided for herein.

BE IT FURTHER RESOLVED THAT Members and Non-Members in good standing as of the effective date of such decertification (hereafter "the USAPA De-Certification Date") shall have their standing status determined by Section 4 of Article II of the USAPA Constitution and Bylaws for the duration of any Dissolution Deferral Period. Members and Non Members not in "good standing", as defined in Section 4 of Article II of the USAPA Constitution and Bylaws, as of the USAPA De-Certification Date may bring themselves into "good standing" by paying such dues and/or fees, and assessments that were due and owing as of the USAPA De-Certification Date as determined by the Secretary-Treasurer of the Association.

BE IT FURTHER RESOLVED THAT to be fair and equitable to all US Airways pilots who have paid dues and/or fees, and assessments to the Association, the provisions of subdivision A of Section 3 of Article 1 of

*the USAPA Constitution and Bylaws shall apply to monies received from Non-Members in the same manner as it applies to Members of the Association.*

*BE IT FURTHER RESOLVED THAT prior to any distribution of assets the Board of Pilot Representatives must approve the methodology prior to said distribution, and*

*BE IT FURTHER RESOLVED THAT for the purposes of subdivision A of Section 5 of Article II of the USAPA Constitution and Bylaws, only compensation received by Members and Non-Members from US Airways while USAPA is the certified bargaining representative for US Airways pilots shall be deemed qualifying income, in accordance with BPR Resolution AI 08-60.*

*BE IT FINALLY RESOLVED THAT nothing in this Resolution shall relieve any USAPA Member or Non-Member from his or her obligation to the Association for delinquent dues and/or fees, and assessments owed as of the USAPA De-Certification Date and the Secretary-Treasurer of the Association shall be empowered to continue all lawful collection efforts with respect to such delinquent dues and/or fees, and assessments.*

Taylor/Music

A great deal of discussion ensued on the fairness of this resolution which addressed non-members who paid dues, vs. the present USAPA Constitution language. General Counsel Brian O'Dwyer stated that Labor Law requires equal treatment to members and non-members.

15:00: Break

15:24: Returned to discussion.

Editorial change accepted.

**MOTION to table AI 14-164** until tomorrow morning.

Ferguson/Simmons            **Failed 5-6.**

FOR: CLT Frear, Nelson; PHX  
AGAINST: CLT Borman; DCA; PHL

The BPR deliberated more on the issue.

**Point of Order – Ferguson:** Board does not have authority to change Constitution; it's out of order.

Vote on **AI 14-164 Fair and Equitable Treatment Resolution**

**Passed 7-4.**

FOR: PHL, CLT Borman, Nelson; DCA  
AGAINST: CLT Frear; PHX

15:51: PHL Vice Chairman Paul Music brought up an issue dealing with USAPA volunteers with bank time owed them by USAPA. General Counsel Brian O'Dwyer confirmed that it is a debt that should be paid if the pilots were unable to drop trips.

16:08: **AI 14-165 Payout of Bank Time Resolution**

*WHEREAS the USAPA UOM prohibits cashing out bank time accumulated by USAPA pilots, and*

*WHEREAS some USAPA pilots have USAPA bank time, and*

*WHEREAS USAPA will be decertified,*