

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:11-CV-00371-RJC-DCK

US AIRWAYS, INC.,

Plaintiff,

v.

US AIRLINE PILOTS ASSOCIATION and  
MICHAEL J. CLEARY,

Defendants.

**TABLE OF CONTENTS OF EXHIBITS  
TO DECLARATION OF LYLE HOGG IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR TEMPORARY RESTRAINING  
ORDER**

<b>Exhibit</b>	<b>Description</b>
1	August 4, 2011 placard
2	August 5, 2011 placard
3	August 4, 2011 e-mail from "b767pilotdriver@gmail.com" announcing the "Pink Panties Winners"
4	August 3, 2011 USAPA publication entitled "The Iron Compass"
5	August 6, 2011 "USAPA President's Message" entitled "The Spent Cartridges of the Battlefield"

# **Exhibit 1**

**ZERO TOLERANCE**

**ENTER ALL DISCREPENCIES IN THE LOG  
BOOK, WHEN AND WHERE THEY ARE FOUND**

**NO EXCEPTIONS!!!**

**THERE IS NO SUCH THING AS A "MINOR DISCREPANCY"**

Parts:

08.04.2011 15:49

## **Exhibit 2**

**ARE YOU "ON BOARD"**

**YOU ARE EITHER PART OF THE SOLUTION OR  
YOU ARE PART OF THE PROBLEM**

**THERE IS NO MIDDLE GROUND  
IF YOU WANT A NEW CONTRACT...EARN IT!!**

## **Exhibit 3**

From: Kevin Smith <b767pilotdriver@gmail.com>  
Date: August 4, 2011 17:05:38 EDT  
To: undisclosed-recipients;;  
Subject: July Int'l Captain Pink Panties Winners July Int'l Captain Pink Panties Winners

First of all I would like to say we have a snitch among us.

Lower than life.

Someone who would turn in or forward an email to management.

You are the biggest loser.

You better hope we never find out who YOU are.

Thanks for everyone who is "ON BOARD" and not just wearing the lanyard.

It is OUR airline and we want it BACK...

As a reminder for the times listed below if you were a reserve we didn't mind you fly 85 hours.

It is the block holders & secondary holders that should have dropped trips.

The times are what was scheduled, not actual time flown.

Note: If we made any mistakes let us know and we will write a contraction.

And the

GRAND PRIZE for flying the most time in JULY goes to a PHL A-330 Captain, who is a block hold that bid reserve and flew

102:45.

Yes you got that right, 102:45.

Let's congratulate him for helping Parker out.

Captain TOM BELTZ.

Thanks Tom, make sure you thank all the other block holders for giving their trips up so you could be a whore.

By the way, if you are a block holder and bid reserve and have bank time, they pay your bank time off, so who knows how much time he really got paid for.

I've Got Mine, right Tom.....

PHL A-330 Captains

Tom Beltz

102.7

Reserve for July-normally a solid block holder

Mark Butler

95.3

Block holder

John Carney

93.4

Secondary

Bob Eames

83.5

Secondary

Robert Healy

88.9

Block holder

Jon Hinton

94.3

Secondary

Larry Holeman

88.0

Block holder

Jim Ikard

93.7

Reserve

Richard James

96.6

Reserve

Tom Lillie



88.1

Secondary

Mario Santavicca

92.5

Reserve

-- THIS GUY TOOK A POTA TRIP ON A DAY OFF

Steve Savell

94.6

Reserve

Dave Vazquez

88.0

Secondary

PHL B-767 Captains

Bill Bradford

81.1

Block holder

Bruce Clarke

88.3

Block holder

Jim Countryman

85.4

Secondary

Bob Flom

90.4

Reserve

John Golly

84.4

Block holder

John Lander

87.9

Secondary

John Lindsay

81.5

Block holder

Ed Lynch

83.6

Block holder

Kevin McIntosh

87.8

Secondary

Bobby Moore

81.6

Secondary

CLT A-330 Captains

A Colberg

86.7

Secondary

JC Giannotti

98.1

Block holder

MP Haraseviat

85.9

Block holder

RG Lawlor

91.8

Block holder

JD Oys

82.6

Block holder

CW Pflum

93.2

Block holder

RW Wolfe

96.7

Block holder

CLT B-767 Captains

NA Baffoni

87.0

Block holder

DL Blankinship

81.0

Block holder

RP Gaudioso

87.1

Block holder

RA Jeffords

81.5

Block holder

DW Mullins

83.7

Block holder

AM Riolo

87.5

Block holder

KE Silverthorn

81.0

Block holder

So this leaves us with one thought, if each one of these pilots would have dropped ONE trip, how many trips would they have cancelled.

They had check pilots out flyin, and on numerous occasions had CLT reserves flying PHL trips.

I think we have their attention.

Now for August.

Can the FO's do better?

Let's hope so.

At least the FO's do not have the attitude of, "I've Got Mine", like the above names have.

Remember,

Reserves- you can call out fatigued after 85 hours.

How many days do you want to work anyway?

By the way if it wasn't for the block holders sapping down, there would not be all this open time anyway.

Secondary- Call in Sick to drop a drip, take a stuck commuting, or just don't sign in for a trip.

Once again if it wasn't for the block holders sapping down, you might not even have a secondary line.

Block holders- If you didn't sap down, then by all means call in sick, take a stuck commuting or don't sign in for your trip.

And a final thought.

The company really did themselves in this time.

Hiring Bill Pollock as an assistant CP in PHL.

How can you ever look this fool in the face and believe him.

He lied to each and every one of us in the past.

Remember, "We will never get rid of the pension without a vote of the membership!"

Just another reason why we got rid of ALPA.

Everyone of them can never be trusted.

Bill, you're the biggest loser of all and we hope you enjoy the rest of your worthless career, you back stabbing piece of monkey shit.

That is all until August Pink Panties Awards

# **Exhibit 4**



# THE IRON COMPASS

## — Ongoing Items —

In any week, your Union is confronting issues on literally dozens of fronts. Let your voice be heard. Get involved.

In addition to the subjects in today's Compass, below are some of the past issues we have discussed.

### **UPEAF Payroll Deduction**

Pilots are now able to contribute to the US Airways Pilots Emergency Assistance Fund (UPEAF) via payroll deductions. [Download the UPEAF Payroll Deduction Form](#)

### **Upcoming USAPA Events**

- Aug 9-12** Negotiating Session with NMB, US Airways
- Aug 15-17** Grievance Arbitration: DIS

## In this edition:

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## Legal Update

(Includes corrections from previous versions.)

On Friday, July 29, 2011, US Airways filed a 43-page complaint against USAPA and Mike Cleary as President of USAPA in the United States District Court for the Western District of North Carolina, Charlotte Division. The complaint alleges that USAPA, in violation of the status quo provisions of the Railway Labor Act, has engaged in a course

10-07-003  
EAST,  
Termination  
CLT Domicile  
Officer  
Elections close  
at 1400 ET

Aug 18

[Click here for the full  
USAPA Calendar](#)

## USAPA Officers

**President**  
Mike Cleary

**Vice President**  
Randy Mowrey

**Secretary-Treasurer**  
Rob Streble

**Executive Vice  
President**  
Gary Hummel

of conduct to put pressure on the company with respect to the ongoing negotiations for a new contract. The complaint asks the federal court to enjoin USAPA from continuing its work in promoting safety for its members by alleging that the work of USAPA in promoting a culture of safety is a subterfuge and that the real reason that USAPA has enlisted its members in the safety campaign is to disrupt the operations of US Airways. The company alleges that the so-called slowdown campaign has been effective in that since May 1, 2011 additional flights have been delayed, taxi times have increased, maintenance write-ups have increased, as have calls from pilots who say that they are too fatigued to fly.

Your union will vigorously defend this case, defend your right to a safe work environment and defend the passenger public's right to safe flights. As you know, USAPA has already filed a lawsuit in the federal court of New York charging US Airways with multiple counts of violation of the Railway Labor Act, including intimidation and failure to bargain in good faith. Your union has also brought to the passenger public's attention, through an ad in USA Today, the lengths to which US Airways will go to put operational needs above the safety of the passenger public and its employees. It is no coincidence that US Airways' action was filed almost immediately after the advertisement appeared in USA Today. In short, US Airways is in federal court not because of any actions of its pilots, but in a blatant attempt to muzzle your union from bringing its legitimate concerns regarding the safe operation of US Airways airplanes to the attention of the passenger public. We have retained counsel and experts to maintain a comprehensive and vigorous defense and will apprise you of the developments in this case as they unfold.

- USAPA Legal

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### Vice President's Message

USAPA Vice President Randy Mowrey attended the LCC Board of Directors meeting in Tempe in July. He recently sent a letter to all pilots summarizing his experiences at the meeting, which can be viewed [here](#). He also circulated the full transcript of his comments to the Board, which can be read by clicking [here](#).

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### Grievance Update: Company Rhetoric Regarding LOA 93

The Grievance Committee has been made aware of comments made by Robert Isom, US Airways Chief Operating Officer, pontificating as to the timeline for Arbitrator Kasher's decision for Letter of Agreement 93, as well as the merits of the outcome.

As we updated you in our June 7th briefing, USAPA Paralegal Cathy McHale contacted Arbitrator Kasher seeking his availability for the scheduling of future arbitrations. Arbitrator Kasher reported that he was recovering from major surgery, that he was "back in business," and that he would try to complete his work within the next couple of months. As you are aware, he currently has two decisions pending before him: the Hotel Selection grievance and the Letter of Agreement 93 grievance.



Mr. Isom's pontifications are just that: pontifications that are simply untrue. While we are truly impressed with Mr. Isom's ability to predict, with absolute certainty, the timeframe and outcome of this arbitration, perhaps his crystal ball abilities would be best served predicting, with absolute certainty, the price of oil. Could this be the reason US Airways doesn't hedge its fuel?

- The USAPA Grievance Committee

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## Appeal Board Hearing Notice

USAPA Appeal Board  
Formal Hearing Notice

In accordance with the USAPA Constitution and Bylaws, the Appeal Board is holding a formal hearing in Appeal Board Case No. 2011-006 (USAPA Board of Representatives v. Eric Ferguson and Ken Holmes). The hearing is scheduled for September 27-29, 2011 at the USAPA offices: 200 E. Woodlawn, Suite 250, Charlotte, NC 28217.

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## CLT Election Notice

### Polls are Open: CLT Domicile Officer Election

The CLT Domicile Officer election is being conducted by electronic ballot using the telephone and Internet, through BallotPoint Election Services voting system.

As provided in Article IV, Section 4B of the USAPA Constitution and Bylaws, all active USAPA members who are based in CLT and in good standing at 1400 ET on August 18, 2011, will have their vote counted in the CLT Domicile Officer election. The candidates for the CLT Domicile Chairman officer are (in the order in which they appear on the ballot):

**Doug Mowery**  
**Bill McKee**

The candidates for the two (2) CLT Domicile Vice Chairman positions are (in the order in which they appear on the ballot):

**John Mahlman**  
**Steve Crimi**  
**DeWitt Ingram**  
**John P. Owens**

All active CLT-based members who are eligible, or who may become eligible, during the election process may cast a ballot. However, ballots cast by members who are inactive or in bad standing will be rejected during the election certification process. It is the member's responsibility to maintain eligible status as defined in the Constitution and

## Bylaws.

All members will receive a Voting Notice and Instructions in the mail. **If you do not have a VIN/PIN**, follow the instructions in the notice. **If you still have your VIN/PIN from previous elections**, you may immediately access the BallotPoint Election Services voting system.

To vote by *Internet*:

- Go to <https://www.ballotpoint.com/USAPA/> (Click on the link, or be sure to type in the s in https.)

To vote by *telephone*:

- Call (800) 826-5530 and follow the voice prompts.

If you have any questions, please contact the USAPA Ballot Certification Committee by phone at (704) 936-4576 or (877) 332-3342 x4576 or by email at [ballot@usairlinepilots.org](mailto:ballot@usairlinepilots.org).

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## FMLA Eligibility Requirements

(Reprinted from an earlier Iron Compass for your reference.)

It is important to realize that FMLA is not a company benefit. It is your right under federal law as an eligible employee of a covered employer, which US Airways is. For more information on what it means to be an eligible employee and qualifying reasons for leave, please click [here](#) or visit the FMLA Committee section of the USAPA website [here](#).

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## Important Notice from the Grievance Committee

(Reprinted from an earlier Iron Compass for your reference.)

In response to recent questions we have had from line pilots, if you are contacted by anyone regarding coming to the office for a chat about anything, no matter how casual sounding the invitation, you are strenuously urged to not go without notifying your Representatives and getting union representation. The most casual meeting can quickly turn into something much more serious, and a failure to have proper representation present could imperil your employment.

- The USAPA Grievance Committee

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## New POTA Tracking

Fellow pilots,

As you are all aware, when US Airways was looking for concessions and assistance in their times of need, this pilot group assisted the Company in many ways. One of these forms of assistance in the East agreement allowed for the Priority of Trip Assignment (POTA) for unanticipated shortages of operational coverage. This was not intended to be a daily occurrence as it sometimes is on certain pieces of equipment.

In an attempt to assist multiple USAPA committees, including NAC, Scheduling, Permanent Base Bid, and Contract Hotline, we will begin tracking the Company's use of POTA. This will assist us in monitoring staffing needs and trends. USAPA will use this information to ensure that US Airways is processing the assignments in a correct order and document needed staffing requirements.

In an effort to make this as easy as possible for our line pilots to report, you are now able to send an email to [pota@usairlinepilots.org](mailto:pota@usairlinepilots.org). You can also click [here](#) to fill out the required information online.

The requested information should include:

- Date of Trip
- Trip/Flight number/Pairing number
- Position (Captain/FO/IRO)
- Base of Trip Origination
- Base you are Domiciled
- Date and Time of Contact Form Scheduling
- Whether you or someone else accepted the POTA
- Other additional information pilot deems necessary

Because POTAs are an East issue per the East CBA, West pilots may not be familiar with the term. The West Contract covers these types of trips in Section 4, under *Incentive Flying* and *Involuntary Assignment*, and are paid at 135% and 150% respectively.

West Contract Section 4:

G. INCENTIVE FLYING: Incentive flying shall be paid at one hundred twenty five percent (125%) of the total credit.

H. INVOLUNTARY ASSIGNMENT: Involuntary assignments shall be paid at one hundred fifty percent (150%) of the total pairing or leg credit, as applicable.

Thank you for taking the time to forward POTA information.

- USAPA Communications

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## This Week's Safety First Review Items

**QRH-OD-3 Low Visibility Taxi**

Taxi operations are authorized if the Captain decides visibility is sufficient.

### **PH 2c.3.9 Single Engine Taxi**

Review general guidelines to aid in determining when single engine taxi is not appropriate.

Consider crew experience, workload requirements, and passenger comfort.

Consider gross weight, temperature, visibility, ramp congestion, and taxiway surface conditions before deciding to single engine taxi away from the gate.

**Caution:** High thrust settings required for breakaway can damage equipment in close proximity to the aircraft. When operating in congested areas, coordinate with ground/ramp, as appropriate, prior to operating engine(s) about 40% N1.

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## **Tips for Using the USAPA Website**

### **Reset Your Password**

We've recently added a new password reset system on the website. If you forget your password, just enter your email address and USAPA number. You'll receive a confirmation link by email (if not, check your spam/junk folders). Just click on the link, reset your password and log in again.

### **Login Problems**

*"Username and password do not match or you do not have an account yet."*

If you've tried to login to the USAPA website but received this error message, there should be an easy fix.

We believe this problem occurs when there is a discrepancy between your site password and the information you have stored in your Internet browser. If you see this error message, press the CTRL and F5 keys at the same time to reload your browser (on a PC). You can also delete your cookies and temporary Internet files (an option under Tools > Internet Options in Internet Explorer).

If you still have trouble, contact us at [webmaster@usairlinepilots.org](mailto:webmaster@usairlinepilots.org).

### **Member Search**

To be listed in the new Member Search feature on the website, you will need to opt in. In the interest of protecting our members' privacy, your information is currently hidden. If you do NOT wish to make your phone information available to other members, no action is required. If you DO wish to make your information available, simply go to the "My Settings" area, select the appropriate "Allow other members to see this number" box and click the "Save button."

Member Search is located on the right side of the Members home page. To look up a

fellow pilot, just enter the first and/or last name of the member for whom you're searching, including partial spellings (e.g. "Peter" vs. "Peters") and press the "Go" button.

Please note: Due to the initial opt-out of all pilots, pilots are adding their information every day. Your search results may increase you use the Member Search as more members opt in.

Click here to login and visit "[My Settings](#)."

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## Operational Alerts & Reminders

▶ Please remember that we have 58 pilots on furlough.

▶ Adjusting only for parity for both pilot groups, today the Company owes pilots the following approximate amounts, in addition to retroactive pay:

East A320/B737 Captain/First Officer Lineholders: \$74,701/\$51,021.

Reserves: \$66,791/\$45,618.

West B757 Captain/First Officer Lineholders: \$9,195/\$6,068. Reserves: \$7,867/\$5,192.

*(Parity is the difference in current pay between aircraft types. Currently, East A320/B737 are paid less than West, and West B757 are paid less than East. The figures above represent those differences.)*

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## Know of Someone Qualified? USAPA Seeking Communications Specialist

USAPA seeks an experienced communications/public relations professional to support its internal and external communications efforts with its membership and the public. The Communications Specialist must possess a bachelor's degree in a related field plus proficiency in writing and editing skills as well as website design and development. Proficiency in Word, Excel, Outlook, Acrobat, PowerPoint, Dreamweaver and Photoshop. Video editing experience a plus. This is a full-time position with benefits working in USAPA's Charlotte office (Monday through Friday). Send resumes to [jobs@usairlinepilots.org](mailto:jobs@usairlinepilots.org). Put "USAPA Comm Specialist" in the subject line.

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## Vice President's Letter To The Pilots

Fellow pilots,

As many of you know, I attended the LCC Board of Directors, Labor Committee meeting last week in Tempe. The timing of this meeting provided an excellent opportunity to bring our concerns to the Board regarding the deteriorating safety situation at US Airways. While every labor group in attendance has its members' unique interests at the forefront of their agenda, it's important to note that we all have the same goals of providing safe, convenient and reliable air transportation.

My comments to the Board as well as a rebuttal to Robert Isom's letter to employees are attached and can be found in the Miscellaneous Documents Library of the USAPA web site. As you'll quickly perceive, these documents describe a situation that was anything but safe. On the eve of June 16th, US Airways trampled the concept of Captain's Authority in a bout of intimidation and humiliation that we are still working to understand. We feel strongly that Management has reached a new low point in their campaign to destroy the piloting profession, and we will not step aside and allow them success in this regard.

The other labor groups -- while understandably concerned about our decision to publicize the Company's actions in the recent USA TODAY ad and the accompanying information on the USAPA website -- are nonetheless in support of USAPA's position that the Captain, as the pilot in command, needs the authority to prevent unsafe operations from continuing.

While an individual opinion expressed by an AFA member ran counter to their union's position, **the AFA's actual position as disseminated to its members is as follows:**

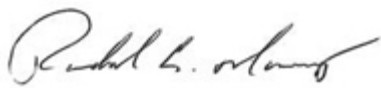
*"US Airways Flight Attendants are trained in and follow the chain of command on each and every flight we fly. The ultimate authority onboard our aircraft lies with the Captain (the pilot in command) of each flight. Our flight attendants respect and support the authority of the Captain and his or her determination with respect to the safe operation of the flight in which he or she is in command." **The East and West Master Executive Councils AFA-CWA***

The CWA expressed their concern that USAPA reported that it was one of their members who made the call to Corporate Security to throw our Captain out of the airport. In a testament to the value of these Labor Committee meetings, I was able to explain that it was indeed **Management's account** of the events that placed blame on Airport Customer Service. The act of pitting one employee group against another is a tired, rehashed management technique, and I trust you share my desire for a more responsible leadership style.

Finally, to our fellow professionals at the IAM, we extended our acknowledgement that these are difficult circumstances and that the pressure from Management to move airplanes on time has reached an unprecedented level. We understand that the IAM's frontline mechanics possess talents that are invaluable to our continued success. The events of July 16th had nothing to do with expertise or the willingness of our mechanics to deal with the A330's electrical failures. Every misstep by Maintenance happened at the supervisory level or above, and our investigation has revealed that these are Management issues -- not Mechanic issues. We are united with the IAM in our pursuit of safe operations, and I look forward to working with them cooperatively to bolster our collective efforts to combat the erosion of US Airways' safety culture.

Aviation is a very special endeavor. Each of us -- every US Airways employee -- has a moral obligation to work in earnest to protect the lives of our passengers and our co-workers and to preserve the stature of our professions. Management is trying to produce outstanding performance through old fashioned intimidation, pitting its employees against each other, and insulting, low-ball incentives. Predictably, as time wears on, that strategy is failing, and safety is suffering as a result.

Sincerely,



Captain Randy Mowrey  
Vice President

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## FMLA Eligibility Requirements

It is important to realize that FMLA is not a company benefit. It is your right under federal law as an eligible employee of a covered employer. US Airways is a covered employer.

An "eligible employee" is an employee who:

Has been employed by US Airways for at least 12 months, **AND**

Has worked or been paid for not less than 60% of the applicable total monthly guarantee, or equivalent for the previous 12 months, **AND**

The employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation leave or med leave during the previous 12-month period.

The 12 months an employee must have been employed by US Airways need not be consecutive. Employment periods prior to a break in service of more than seven years must be counted in determining whether the employee has been employed for at least 12 months.

If an employee has a break in service caused by the fulfillment of his or her National Guard or Reserve Military Service obligation, the time served performing the military service must be also counted in determining whether the employee has been employed for at least 12 months.

So you can qualify as a lineholder or reserve, if returning from furlough, or if you have performed military service while employed. Time off on medical leave, vacation or personal time commuting does not count towards fulfilling time requirements.

### Qualifying Reasons for Leave

- Birth of a son or daughter, and to care for the newborn child
- Placement with the employee of a son or daughter for adoption or foster care
- Care for the employee's spouse, son, daughter, or parent with a serious health condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves In-Patient care or continuing treatment by a health care provider.
- A serious health condition that makes the employee unable to perform the functions of the employee's job
- The employee's spouse, son, daughter, or parent is a covered military service member on active duty or has been notified of an impending call or order to active duty
- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member

So what are some qualifying conditions? Here are just a few examples:

- Your parent suffers from Alzheimer's or a terminal illness
- Your spouse from migraines
- Your child has a serious illness or an accident

In these cases you may be needed to provide physical care, to transport your family member to doctor visits or treatment, or simply to provide psychological support and comfort. FMLA allows you to take the time you need to care for your family.

A qualifying condition for an employee might include allergies or arthritis, which might make you unable to perform your duties during a flare up. If you have an accident or injury, FMLA can afford you the time you need to recover, to attend physical therapy or doctor's appointments, or to deal with unforeseen setbacks. Note that the qualifying condition does not necessarily affect your ability to hold a medical.

Pregnancy, birth or adoption of a child is qualifying for both parents. A man may be needed to care for his wife during the pregnancy or to prepare for adoption. Both parents may take leave after the child's arrival to care for and bond with the child.

Close relatives of covered service members are eligible for leave for many qualifying circumstances, including military events, child care, or to deal with a pending deployment.

### **Types of Leave - Intermittent or Block**

An eligible employee's FMLA entitlement is limited to 12 workweeks of leave during any 12-month period except in the case of leave to care for a covered service member. Leave to care for a covered service member is limited to 26 workweeks during a single 12-month period.

Leave can be taken in one block of time, all 12 weeks in one continuous time period or a block in duration of the number of weeks necessary to provide care for the qualifying individual.

Intermittent leave can be taken in separate segments of time. It can be taken for one flight segment, an out-and-back, a half day, or a full day. It can also be taken multiple days in succession. You determine when you need your leave, and for how long.

### **Pay while on Family Medical Leave**

Currently at US Airways, an employee is paid from sick time for leave taken for the employee's qualifying condition.

Leave taken for a family member is unpaid.

### **Health Care Provider**

The following health care professionals may fill out FMLA paperwork:

- A Doctor of Medicine or Osteopathy
- Podiatrist
- Dentist
- Clinical Psychologist
- Optometrist
- Chiropractor
- Nurse Practitioner
- Nurse Midwife
- Clinical Social Worker
- Physician Assistant



- Christian Science Practitioner

### How to apply for FMLA

The time frame for filling out paperwork and the company response are mandated by law. Here are the current procedures regarding eligibility determination and use of FMLA.

When you realize that you have a need for leave, contact Absence Management at [Absencemngmt@usairways.com](mailto:Absencemngmt@usairways.com). Please contact them as soon as you know that you need leave, as the leave can be applied retroactive to the day that you make contact. The Company has 5 working days to respond by sending you an eligibility form, which you will fill out and return. The Company then has 5 working days to respond by sending you the Health Care Provider Form to be completed by a health care professional as listed above. You have 15 calendar days to return this form. The Company then has 5 days to respond. You are not APPROVED for FMLA; **rather**, the Company informs you that you meet the eligibility requirements. If you meet the requirements, you MUST be granted leave.

### How to use FMLA

The current procedure for pilots at US Airways to use FMLA is to call the Chief Pilot's office if your need arises during office hours. At other times you will contact Crew Scheduling. Inform them that you are using FMLA and the time period you require. Remember, you are not ASKING for leave, you are informing them that you are exercising your right to leave. Federal law prohibits the Company from attempting to discourage you from using your FMLA.

### Problems in using FMLA

Since FMLA is not a company or contractual benefit, the Grievance procedure is not applicable if you have a problem. Contact your FMLA Committee to help resolve the issue. If the Company is in violation of the law, a complaint may be filed with the Department of Labor.

If you have any questions or need any further information or assistance in filing your Family Leave paperwork, please contact any of the FMLA Committee members.

Janet Zweber	612-281-6334
Adrienne Wooley	724-312-1353
Clay Absher	561-703-7557

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200 East Woodlawn Road, Suite 250 | Charlotte, NC 28217  
Phone Message: 877-332-3350 | Office: 704-936-4500 | Toll-free: 877-332-3342

# **Exhibit 5**



## USAPA President's Message - The Spent Cartridges of the Battlefield

USAirlinePilots.org

# USAPA

200 E. Woodlawn Road, Suite 250  
Charlotte, NC 28217

US AIRLINE PILOTS ASSOCIATION

Fellow Pilots:

On July 19th I wrote to you concerning Management's latest assault on our rights to communicate, that of the new lanyard and badge backer directive. I am attaching that President's Message to this one because it contains key information relevant to the discussion (or you can click [here](#) to read it). It is well worth a re-read as we think this issue through; please take a moment to take a look at it now. In that letter, we advised you to continue to wear your lanyards until ordered to remove them by your supervisor. Because of the specific communications that has come from Management, it is clear they are intent on taking hostages on this issue. It is likewise critical that we deny them that opportunity.

The lanyards are a symbol of our solidarity behind our safety campaign. Management knows that. What they do not yet understand is that they are powerless to strip us of that solidarity. Desperately, all they can do is admit to you that it bothers them when we think and act together and to attempt to punish you for daring to challenge their flawed safety culture. And so, in an attempt to provoke you, they have tried to pick a fight with us over the mere symbol of that solidarity. The unity exists not because of the lanyards but because of their questionable actions. You have the depth of airline experience to know that we are in the right. If Management truly wanted to fix the latent problems here, then they need to look at their own actions and not at our lanyards.

There is no doubt that management by retaliation and intimidation is the failed technique of choice at Team Tempe. They are looking for hostages to weaken your resolve as we tackle the separate but critical projects of our safety campaign and our contract negotiations. The lanyards have served their purpose - their use has demonstrated to our fellow pilots, to Management, and to our fellow employees that the pilots are unified in pursuing the safety initiatives that will reclaim our flawed safety culture - a culture desperately in need of "intervention" according to Dr. Terri von Thaden. The lanyards are spent cartridges along the battle field. Put them in your trophy case. We must deny Management any opportunity to create an easy hostage target, and this issue could well be one of them. Management's admission of our solidarity constitutes surrender. They have failed with this effort because they are further from winning the hearts and minds of the pilots than ever before. Intimidation is a last desperate act in a series of failed motivational techniques.

You may absolutely be assured that very soon you will be provided numerous alternative methods of showing support for your union. Thank you for your strong conviction and for staying engaged. This is the very reason we are discussing this issue at all. Management has shown their weakness yet again - they do not want you engaged.

Solidarity has won many a war far greater than this one. I have great faith that each of you holds the long view of the war and that the skirmishes along the way will be held in the perspective of that vision.

Sincerely,

A handwritten signature in blue ink that reads "Michael Cleary". The signature is written in a cursive, flowing style.

Captain Michael Cleary  
President

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