

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.

**SUPPLEMENTAL DECLARATION OF
LYLE HOGG IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

I, LYLE HOGG, declare and state as follows:

1. I am employed by US Airways, Inc. ("US Airways"), as Vice President of Flight Operations. In this position, I have responsibility for US Airways' flight technical operations and flight training groups, maintaining the airline's operations specifications, and overseeing operations compliance with all Federal Aviation Administration requirements. I also supervise US Airways' daily flight operations and the pilot and administrative management teams. I have personal knowledge of the facts set forth below and if called as a witness in this matter, I could and would competently testify thereto.

2. In Paragraph 52 of the Declaration of Michael J. Cleary (Docket No. 38-1), Captain Cleary states that: "Flight times are also affected by different ACARS programming features (ACARS functions to automatically record the time of certain aircraft movements, among other functions)." There have been no changes to the ACARS programming features since April 2008.

3. On August 4, 2011, an e-mail was sent from the e-mail address "b767pilotdriver@gmail.com" announcing the "Pink Panties Winners," which is attached as

Exhibit 3 to my Declaration In Support of Plaintiff's Motion for Temporary Restraining Order (Docket No. 29-3). The e-mail listed the names of certain US Airways' line pilots (as opposed to reserve pilots), and also the number of "block hours" flown in July 2011 by these line pilots.

4. The number of "block hours" flown by US Airways' line pilots (included in that August 4, 2011 "Pink Panties" e-mail) is maintained in a restricted portion of US Airways' Crew Activity Tracking System ("CATS") database known as "CATS Menu." Besides members of US Airways' management who need access to CATS Menu to perform their job, this portion of the CATS database is accessible only to a limited number of USAPA committee/board members (*e.g.*, the Scheduling Committee, and the Appeal Board). Specifically, there are only 17 USAPA committee/board members with access to CATS Menu.

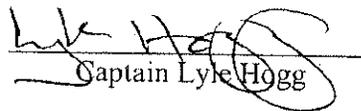
5. I have attached as Exhibit 1 a true and correct copy of a photograph of graffiti discovered in the Charlotte Douglas International Airport on or about May 16, 2011. The photograph was provided to me by a US Airways' employee in the ordinary course of my responsibilities as Vice President of Flight Operations. The graffiti was written on a posted announcement regarding US Airways' "Triple Play Program," which provides monthly bonuses to more than 30,000 eligible employees if US Airways achieves a first place ranking in any of three Department of Transportation-measured metrics (on-time arrival, mishandled bags, and customer complaints) relative to its primary competitors. The graffiti stated, "LET'S WORK ON THIS[.] GET ON BOARD!," with an arrow pointing to US Airways' on-time arrival ranking, suggesting that pilots should be on board to disrupt US Airways' operation by delaying flight arrivals.

6. I have attached as Exhibit 2 a true and correct copy of a placard found on an aircraft on or about August 6, 2011. This was provided to me by a US Airways' employee in the ordinary course of my responsibilities as Vice President of Flight Operations.

7. I have attached as Exhibit 3 a true and correct copy of the USAPA Philadelphia Domicile Update, dated August 11, 2011.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 17th day of August, 2011, at Washington, D.C.



Captain Lyle Hogg

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been duly served on Defendants US Airlines Pilots Association and Michael J. Cleary electronically via e-mail to the following counsel of record, and by utilizing the Case Management/Electronic Case Filing System, which will send notice electronically to the following counsel of record:

John W. Gresham
Tin Fulton Walker & Owen, PLLC
301 East Park Avenue
Charlotte, NC 28203

Patrick J. Szymanski
Patrick J. Szymanski, PLLC
1900 L Street, NW, Suite 900
Washington, D.C. 20036

Brian O'Dwyer
Zachary R. Harkin
O'Dwyer & Bernstein, LLP
Paul O'Dwyer Way
52 Duane Street
New York, NY 10007

This the 17th day of August, 2011.

/s/ Robert R. Marcus

Robert R. Marcus

Attorney for Plaintiff

Exhibit 1

Wittie, John

cc: Corporate Communications

cc: Tuesday, May 10, 2011 11:44 AM

Corporate Communications

Subject: **US Employees Earn \$50 Triple Play Payout**

May 10, 2011

Fellow Employee:

For today the Department of Transportation (DOT) released the Air Travel Consumer Report (ATCR) for March. US Airways employees earned a 5th consecutive win for baggage handling, which translates into a \$50 payout later this month and brings total Triple Play payouts thus far for 2011 to \$200 per employee.

In March, we posted our best results year-to-date in on-time arrivals and customer satisfaction, but we didn't take the top spots in either category. However, it was a very close race! For on-time arrivals, we missed the number one spot by roughly 15 flights per day. In customer satisfaction the difference of just two complaints ranked us second place. This really underscores the importance of every flight and every interaction.

Looking back to April results, we faced difficult weather and we'll have to wait until early May to see how we measured up. Summer is around the corner and that means more customers counting on us to get them to their vacation destinations safely and on time. I know you'll continue to run a reliable operation by getting our flights on time and ensuring our customers get to their destinations with their bags.



LET'S WORK ON THIS

GET ONBOARD!

On-Time Arrivals*		Baggage Performance**		Customer Satisfaction***	
March					
1) UA	84.0%	1) US	2.42	1) DL	1.11
2) US	82.8%	2) UA	2.57	2) US	1.15
3) AA	80.8%	3) CO	2.85	3) AA	1.19
4) DL	78.4%	4) DL	2.93	4) CO	1.50
5) CO	77.6%	5) AA	3.43	5) UA	1.82

Exhibit 2

THIS IS WAR !!!

**WE MUST STAND TOGETHER AND ACT AS ONE
UNIFIED PILOT GROUP**

THE TIME IS NOW AND THE CAUSE IS JUST

**FAILURE TO ACT ON THE PART OF JUST ONE PERSON PUTS THE
REST AT RISK. EXPECT TO BE TREATED ACCORDINGLY!!!**

Exhibit 3

August 11, 2011

PHL Domicile Update

Philadelphia Pilots -

While we prepare for upcoming hearings and continue to fight harassment from Management, we'd like to make sure the latest CLT update (shown below) was available to you. The Charlotte reps are front and center in our battle against Management and the Shut Up and Fly mentality that defines US Airways Flight Operations. We thank you for staying engaged and informed.

Fraternally,

Chairman Steve "Spike" Szpyrka

spike@usairlinepilots.org

704-408-6814

Vice Chairman Eric Jordan

ejordan@usairlinepilots.org

980-875-7643

Vice Chairman Mike Gillies

mgillies@usairlinepilots.org

704-620-8824

Charlotte Domicile Update

Saturday, July 30, 2011

Safety Culture - The Beat goes on

The threat levels and intimidation attempts by US Airways management continues at an increased velocity as their unprofessional and unprecedented behaviors have transgressed the range of

ridiculousness to ludicrous in their continued attempts to force their way into your cockpits. The fact that management fails to respect your valuable input, professionalism, and concerns is now playing second fiddle to their attempts to whip our pilot group into accepting their versions of safety and compliance. The fact that they have total disregard for your experience as an aviation expert and Professional Airline Pilot is unconscionable considering that the ruling members of upper flight department management (who have clearly lost their pilot focus) appear to be drunk with greed from their bonus checks as they disrespect all of us and the airline profession. They are now disregarding what we do on the line every day and are enforcing irresponsible behaviors to pacify their masters. These former pilots are now judging, second-guessing, and condemning your decisions and authority in the cockpit; forgetting who they are, where they came from, and what little actual experience they possess.

We find their arrogant behaviors to ignore your inputs as the only real Aviation Professionals on this property, with the experience levels required to quantify the flawed and continually failing Safety Culture at our airline, as not only disrespectful but threatening to worsen an already failed Safety System. They have increased not only their rhetoric but now are displaying retaliatory behaviors on our pilot group and the stress levels have increased proportionally. Their arrogance and ignorance astounds us as they have now stepped up their campaign of attempting to intimidate US Airways pilots through false investigations, contrived terminations and ridiculous hearings that effectively are calling all of you liars. The fact is that they are enabling and even actively assisting the corporate attorneys and the Robert Isoms of the world to threaten, intimidate, and pressure the pilots every day, as Management ignores our inputs and concerns. Their behaviors clearly demonstrate that these men no longer deserve the wings they wear as they are no longer representational of Professional Airline Pilots.

Ramp Tower Operations

The management team builders in Tempe have ordered Ed Schmidt and a cast of assistants to the CLT Ramp to spy on our pilots in the performance of their duties. What concerns us is Schmidt's eagerness and enthusiasm in attempting to falsely accuse our pilots of wrong doing. His observations have led to over 50 of our Captains being called into the office for Captain discretionary operational issues ranging from FDML write-ups, taxi speeds, engine start and flow procedures, and any other little thing that he deems suspicious. Since Ed has left the line he must have lost his memory on the term "Captain's Authority." For Management to attempt to actively falsely accuse and second guess you, the on-scene aviation expert and Airline Professional, is not only an insult to your experience and knowledge but is further evidence that Ed Bular, Lyle Hogg and Ed Schmidt have made the final turn as they have completely crossed over to the side that chooses to totally disrespect all of us as Professional Airline Pilots. They are making judgments of your performance from a Ramp Tower for God's sakes, with no knowledge whatsoever of what is occurring on your flight deck. Once "investigated", they generally disregard your input to fit their preconceived determinations as they effectively are calling you liars; this in their effort to find hostages to hang for intimidation purposes. Just as they have taken their Distance Learning hostages, Schmidt and his minions are working overtime in their attempts to tag and deliver one of us to the Tempe Management Trophy room for the lawyers and non-pilots to punish as retaliation for their ineptitude and misunderstanding of the definition of Safety Culture! Be careful and mindful; we are living in very different times than any other regime to which we have been exposed. We are on the side of right and our cause is righteous as Dr. von Thaden and Dr. Decker (the real Safety Culture Experts) agree that our working environment is a human relations disaster, and an accident waiting to happen. Every day we witness management behaviors that confirm the

results of the Safety Culture Survey.

Safety Committee Chairman Threatened

Over three weeks ago the US Airways Legal Department actively jumped into the pilot bashing fray by delivering to Captain Tom Kubik, your USAPA Safety Committee Chairman, a threatening letter of potential termination of employment if he did not immediately cease and desist the performance of his union duties, which on occasion suggests safety procedures more conservative than the minimum required by law. The Safety Committee is a nonpolitical committee with a singular function: to deliver the most up-to-date safety information to both Management and the pilots of US Airways, and to provide you, the end user, expert safety guidance and knowledge from a variety of sources. To clarify Captain Kubik's and his Safety Committee's duties to our pilot group are to gather industry knowledge, manufacturer and differing safety practices and deliver their knowledge to all of us to enhance the safety of our airline. This group of aviation professionals attend many industry related safety seminars, participate with the CAPA Safety Committee as well as other pilot groups around the world, receive input and information from all available industry sources (including manufacturers as well as safety experts) as they acquire and extend their knowledge base, which they then pass on to the line pilot. The threatening letter from corporate Attorney Stephen Johnson is not only unprecedented but flies in the face of the flawed Safety Culture US Airways. To summarize, *this "management" group has threatened the union's Safety Committee Chairman with termination if he suggests procedures more conservative than the minimum required by law.* What else do you need to know about the Safety Culture at this broken airline?

Unfortunately, our employer continually attempts to use safety code words without following the established safety practices of SMS. **They simply refuse to understand the connection between their actions that cause daily distractions in our cockpits and the safety culture of our airline. They do not care that they are playing Russian Roulette with safety.** While US Airways management touts their safety record and certain programs they have in place, they have nonetheless created a culture of fear and intimidation to pressure employees, and a system where a Captain's authority takes a backseat to economic considerations and on-time performance.

We all know how US Airways is pressuring all its labor groups to the detriment of safety. We cannot support their desires for profits over safety, and we will not put the lives of our passengers at risk to satisfy the on-time performance goals that produce lucrative executive bonuses.

Captain Kubik's attempt to "shine the light" on these flawed behaviors and change Management's tactics regarding the intimidation of our flight crews that is commonplace at US Airways is not only a righteous and noble cause for our profession, but a requirement of his duties as Safety Committee Chairman so as to prevent bad things from happening to good people. Mr. Johnson's letter to Captain Kubik is a glaring example of how far Management is willing to push their intimidation tactics into our lives and most importantly into our cockpits. By attacking Captain Kubik, they are attacking all of us with their disrespect of your experience and profession. Your CLT Representatives will not stand for this behavior and we will continue our fight to ensure the safety of our operation remains in the cockpits of our aircraft, not in the office of a corporate officer or lawyer who has no clue regarding the SMS program or aviation safety. We will defend and protect Captain Kubik with every available resource and continue the fight to intervene in the US Airways safety culture; one that is clearly described by Dr. von Thaden as culture in crisis.

Chief Pilot Hearings Adding to the Hero List Daily

The list of pilots being brought into the Chiefs Pilots office continues to grow as Ed Schmidt (self-professed expert observer) and his crew of pilot hunters delivers flight numbers to the office for Chief Pilot review. The following pilots have been called in for following US Airways FOM procedures by meeting or exceeding operational safety while professionally operating their aircraft. These Charlotte pilots have withstood the threats and intimidation delivered by our "management" team:

Captain Hank Ratliff Captain Mike Gearing

Captain Rick Taylor Captain Randy Sands

Captain Tom Jellar Captain Tom White

Captain Tip Airey Captain Stan Parker

Captain Darrell Webb Captain Rocco Fazio

Captain Bill Stamas Captain Bill Dye

Captain Brad Dusenbery Captain Robert Ambrose

Captain Mike Castlen Captain Tim Finen

Captain Bill McGinnis Captain David Hatchen

Captain Skip Crook Captain Mark Roberts

Captain Phil Hawkins Captain Chip Baggett

Captain Steve Lovern Captain Dick Jeffords

Captain Rene Figueroa Captain Larry Harmacinski

These acts of tyranny by Team Tempe to instill fear and compliance in our pilot group should not go unnoticed. We commend each of these pilots who understand the value of their safety environment and in every case have been falsely accused by Ed Schmidt (expert observer) from the ramp tower with no knowledge of what is occurring "on board" the flight deck or cabin of these flights. We consider each of you heroes of your profession and we will not waver in our efforts to defend and protect all of our pilots from the flawed safety culture behaviors of an aggressive, unresponsive management team that simply fails to get it. Every week we receive more victims' names from the Ramp Tower speculators and we look forward to aggressively defending each and every one of our pilots from the misguided efforts of an out-of-control management group taking hostages in a vain attempt to intimidate our pilots into submission.

SOP Guidance

The following document is the Company guidance on SOPs that is copied and pasted from the Pilot Handbook, located in every US Airways cockpit. As Pilot in Command, as noted by the red highlighted area in this document, *our pilots clearly have the authority to deviate from any SOP as*

operational circumstances dictate. The data collected in the Safety Culture Survey clearly indicates that the circumstances at our airline, due to distractions and pressures applied by Management, create operational situations that put our pilots into the yellow and red. All pilots are free to use the Volant Model of Threat and Error Management to ensure that all crew members remain "In the Green." Task load management is essential to safety and every crew has the authority to deviate from SOPs as necessary, as stated in the Pilot Handbook, to meet or exceed US Airways Safety standards.

Standard Operating Procedures SOPs-1

General

Chapter SOPs: Standard Operating

Procedures

Purpose. *The purpose of this information is to provide a time-ordered sequence of events for a normal flight. Each pilot's duties are outlined and integrated with the duties of the other pilot. These Standard Operating Procedures (SOPs) are not intended to supply detailed systems or component operating information, but primarily to:*

- *establish a sequence the designated items are normally accomplished and*
- *designate which crew member normally accomplishes each item.*

• ***Note*** •

Emergency, non-normal, and supplemental normal procedures are not included in SOPs.

Detailed explanation of a given item or policy will be found in the following flight phase chapters (i.e., Chapter 2a - Preflight, Chapter 2b - Start, etc.) and/or the Flight Operations Manual (FOM).

• ***Note*** •

Additional information may also be found in the applicable aircraft Training Manual.

SOPs.1 General

SOPs.1.1 Adherence. Pilots should follow SOPs during normal operations and if circumstances dictate, can deviate in the interest of safety, passenger comfort, schedule, and efficiency.

The following is an example of deviating from the SOPs in the interest of schedule and/or efficiency:

If the new ATIS information is not available, you can still request the clearance and when the flight paperwork is received, even enter the FMS routing before obtaining the ATIS information.

SOPs.1.2 Structure. *SOPs define normal phases of flight (preflight, before start, etc.) and describe procedures that will accomplish required tasks prior to verification with checklists.*

If a flow or checklist is preceded by the diamond symbol (◆), that item is accomplished only on the first flight of the day (i.e., the first flight entered into the FDML under the current day using local time).

The above section of the Pilot Handbook is our guidance for operating a safe flight. **You are the final authority in the decision tree on how operate your flight due to the present circumstances, not the so called "expert observers" from the ramp tower.** Be safe out there and keep it "In the Green" regardless of the intimidators in the Ramp Tower.

Distance Learning Terminations - Hostage Taking 101

Lyle Hogg has decided to take 2 US Airways pilots hostage (one in CLT and one in PHL) for their alleged failure to complete the May 31, 2011 Distance Learning Modules on time. We know that in order to remain current Distance Learning must be completed by the **FAA mandated** deadline of midnight the last day of the month it due. Just as your medical is due by the end of a calendar month, so is Distance Learning. US Airways has a policy that if distance learning is not completed by Future trip sign in, the trip cannot be awarded if a pilot is not legal to complete the trip. (For example, if a pilot has a 4-day trip that is scheduled to depart on the 29th of the month, due to Company programming restrictions the pilot cannot begin the trip if his/her Distance Learning is not complete.) To make this clear, this is a US Airways restriction as the FAA only cares if you fly into the next month without completion so if you finish the required training while on your trip prior to midnight the last day of the month you are perfectly legal to fly. In the past, policy dictated that a pilot would lose the time of the trip or, if on reserve, would be marked "personal" and a daily rate reduction to his guarantee would be applied. In other words a financial loss to the pilot was generated and if multiple events occurred, a Chief Pilot conference with a possible letter of warning would be issued to the pilot.

Never in past practice or history has a pilot been terminated for a first offense, or even a second or third offense. This example of discipline is clearly "intimidation by hostage taking," defined in China as shooting a few to educate the rest. Fear and Intimidation Tactics 101, the likes we have never seen on this property. For Ed Bular and Lyle Hogg to order these executions without merit, background, or past practice will be met with all our efforts and energies to protect these two pilot hostages. **What we are saying loud and clear: If they take one of us, they are taking us all!!** We are will defend these two pilots with all of our resources and will be formulating strategies that clearly will need your support and possible contributions. The Safety Culture of this airline has reached an all-time low as Management continues to use fear as they threaten and intimidate all of us by trying to make examples of a few. We need to send a powerful message to Team Tempe that this behavior is unacceptable as we defend our fellow pilots from the tyranny and actions of a

failing management team.

Breaking News

Team Tempe, bolstering their attempt to create hostage situations, is apparently increasing the staffing of our Chief Pilot offices to handle the increased workload. They have also hired former airline pilots to work with Ed Schmidt in the Charlotte ramp tower to monitor your flight operations. These hired spies will be turning in any pilot they perceive to be operating outside predetermined operational parameters, oblivious to the conditions or situations that are occurring on your flight deck or aircraft. We recommend that if you find yourself involved in any non-normal mechanical condition such as a hot start, reroute, weight and balance discrepancy, a passenger service issue (one in the bathroom), cabin issues from flight attendants, or any other situation that causes you to delay, hold, taxi at a reduced pace, or any conceivable situation that may create notice from these management "so-called aviation experts" send an immediate ACARS and radio the ramp tower. You should also consider filing an ASAP due to the added stress related to pressures from Management as they add to your list of concerns while you are attempting to operate your flight. The ridiculousness of these behaviors must be addressed in every conceivable venue and we must turn on the "big bright lights" and let the world know how US Airways management is compromising passenger safety with their unethical behaviors. We need your help to notify us of any and all operational concerns as well as any irregular operations that were required on or near the CLT ramp so that we can proactively address the issues.

CLT Chief Pilot additions: We welcome back Captain Brian Newhart from his recent medical leave, Captain Marshall Rodgers, former CLT Council Chairman, and Captain Bruce Galleron, former Flight Training and Standards Check Airman, who will assist in additional staffing requirements to the Chief Pilots' office for Tempe's new campaign. You will love this one, the new addition to PHL, Captain Bill Pollock, former MEC Chairman. Apparently giving away your pension just wasn't enough for Bill.

LOA 93 - Isom Attempting to Manage your Expectations

In a desperate attempt to lower your expectations Robert Isom has resorted to lying to the Check Airmen so that they can spread his briefing to the line pilot regarding the results of LOA 93. To make this clear to all there are defined protocols and procedures in every grievance process that requires all parties to comply. There are five members involved on any given Grievance Panel; the Arbitrator (Richard Kasher), two Company representatives (Beth Holdren and Paul Jones) , and two union representatives (Capt. Dave Ciabattoni and Attorney Theresa Murphy) . When the Arbitrator reaches his preliminary findings he contacts all parties with any questions, any findings, or if he needs further clarifications. If either party offers input or direction or seeks information, Arbitrator Kasher is required to notify all sides of any and all conversations or communications. The kicker here is that any conclusions are required to remain confidential by all parties until the Arbitrator releases his final findings.

To state that Robert Isom is speculating the Company position is an understatement as we assure you that as-of this writing your union has heard nothing from Arbitrator Kasher other than the fact that he is aware he owes us a decision. For Isom to speak to the outcome and time frame of the decision in a Check Airman meeting is not only disingenuous but disrespectful of the arbitration process. His behavior violates all accepted protocols and in our opinion this being done for no other reason than to create F.U.D. (fear, uncertainty, and doubt) in our pilots' minds in their attempts to

intimidate you with desperation. In fact though, the spreading of these lies directly from the Company during an official meeting make it clear just how desperate this management group is. On the other hand, if in-fact Kasher has contacted the Board and Isom disclosed those findings there are two serious breaches. One is the breach between Beth Holdren and Al Johnson of the Company to Isom and the second from Isom to the Check Airmen in his meeting on Wednesday July 27, 2011. He has clearly violated the protocols of Railway Labor Law and the accepted past practice of the Arbitration process but it clearly demonstrates the lengths these slime balls will go in their attempts to control your expectations.

What we can tell you from every resource we have talked to is that as-of July 30, 2011 Kasher has not contacted our System Board members with any indication of a decision and as far as we know Robert Isom is outright lying to you by indicating he has inside knowledge as to the process as well as the results. Do not be tricked into believing his rumor mongering as we will not speculate on the results of this Arbitration. No one wants to deliver the results of this Arbitration to you more than your Representatives, regardless of the decision. Trust us, ten months later we are tired of answering your frustrations and questions with "we do not know". What we will absolutely guarantee you is that as soon as we do know you will all know the results so that we can plan accordingly. We have contingency actions in place for all scenarios and regardless of the outcome of LOA 93, never forget we are involved in a war that requires more than money to fix. We need to fix our airline, and we are prepared to go to the mat to make that happen regardless of the tactics and disingenuous actions by Team Tempe. With the game plans being played by management, Isom had better be rooting for the pilots on LOA 93 as the scenario of losing will not be to his or Doug's long term best interests. We will remain focused as we watch the events unfold and patience at this stage is the better part of valor.

Safety Lanyards the new Frontier

It is apparent to all that the unity displayed by the "Safety First On Board" lanyards has created a stir in upper management. Just as your participation in the first attempted hostage taking hearings that resulted in crew room security cameras, your actions of wearing the yellow "Safety Lanyards" has caused consternation in upper management. Could it be that seeing the unity of our pilots stepping up to the plate in support of their union is so disconcerting to Robert Isom that he has ordered new ID holder and lanyards, attempting to outlaw all other displays of individual ID holders or legal union-authorized displays. It is clear to us that the Company is violating labor law in its efforts to suppress your freedom to demonstrate your unity for an improved Safety Culture at our airline. We are republishing the following July 19, 2011 letter from USAPA President Mike Cleary, which defines the actions and gives directions to our pilots on how to respond to Management's actions and threats regarding your legally protected freedom to wear your lanyards without interference.

July 19, 2011

Fellow Pilots:

As most of you are aware, the US Airways pilots have been subject to a far-ranging assault on our right to communicate with one another concerning our collective

interests. Pilot terminations have escalated, the USAPA Safety Committee Chairman has been threatened with termination in response to insistence that the Company maintain a safe working environment, and newly-installed video cameras in the crew rooms, which were supposedly installed to deter theft, are instead being used to monitor your actions and conversations - as we suspected they would be.

Most recently, the Company has issued a new directive that seeks to eliminate the use of union lanyards as part of a new ID holder policy. In the context of recent events, the new policy must be viewed as a further assault on our statutory rights.

*The Railway Labor Act, in many respects, is less supportive of employee rights than its National Labor Relations Act counterpart. Nevertheless, with respect to union-related communications it has been held that the RLA "does not offer any less protection than the NLRA..." *Hurley v. Horizon Air Industries, Inc.*, 613 F. Supp. 2d 1229, 1232 (W.D. Wash. 2009); *Skywest Pilots ALPA Organizing Committee v. Skywest Airlines, Inc.* 182 L.R.R.M. 2485 (N.D. Calif. 2007).*

Even in the RLA context, it has been specifically held that:

*Employees have the right to visibly demonstrate their support of ... a particular bargaining representative absent some **exceptional reason** for curtailing such expression.*

Adams v. Federal Express Corp., 470 F. Supp. 1356, 1362-63 (W.D. Tenn. 1979), *aff'd*, 654 F.2d 452 (6th Cir. 1981).

In our view, there is no "exceptional reason" that would justify the Company's ID holder policy, and I have indicated this in a response to US Airways COO Robert Isom, which is available on the USAPA web site and attached to this letter. We consider the new policy to be simply a component of a policy of intimidation, undermining union activities, and subordinating safe operations to corporate profit.

The lanyards are a symbol of our solidarity toward our safety campaign, and Management knows that. They may well be able to strip us of the symbol temporarily until the matter can be litigated, but they have no way to strip us of the solidarity. Their feeble and transparent attempt to do so is but one more illustration of just how clueless they are in the field of employee motivational tools. Exactly what was the last act by our management that demonstrated any positive motivation of the employees? They know of no other way but to focus on the negative. The former East pilot managers, led by Ed Bular, are clearly under a great deal of pressure to keep you under Management's thumb. Bular's promises to his Tempe masters are now showing all signs of failure. The lanyards issue is but one more example of why they really have no business running this company; it is obvious to everyone but themselves. They want to fight over a symbol of a safety campaign? Really? To truly prove who is right and who is wrong about the lanyards, we

will have to litigate yet another matter. And to do so we have incorporated the matter into our status quo filing in the eastern District of New York.

The lanyards are a symbol of our solidarity, a fact that they don't like to admit. They cannot take the solidarity, all they can do is admit to you that it bothers them when we think and act together.

We encourage you to continue to wear your union lanyard. If you are directed by management personnel to remove the lanyard, ask him/her exactly what special circumstances justify the Company's demand and whether they object to the message that you are committed to the safe operation of our airplanes. Ask if you are subject to discipline if you fail to remove your union lanyard.

If you are advised that you will be subject to discipline, remove your lanyard rather than subject yourself to the inevitable insubordination charge. Record the date, time, identity of the management representative, and the justification provided (if any) for the demand. Then transmit this information at the earliest opportunity to your Domicile Representatives for inclusion into the litigation.

As the Company persists in its anti-union conduct, we are taking the appropriate legal action to protect your rights by including this most recent abrogation in our Complaint that was filed in the Eastern District of NY alleging violations of the status quo provisions of the Railway Labor Act, and the intimidation of our members for asserting the most basic of rights.

Sincerely,

*Captain Michael Cleary
President*

Final thoughts

The reality is that our profession is under attack. By no choice of our own we find ourselves at war with a management team that fails to understand the fragility of the environment in which we operate. They have taken your input from the Safety Culture Survey that was professionally procured by an aviation expert and essentially tossed your considerations and suggestions into the trash. They do not respect your professional input or observations as all they want from any of us is to forget your thousands of hours of experience and to shut up and fly the jet their way so they can add to their bonus pile. The arrogance of this behavior and total disregard of you, the aviation expert, has come to the point that they now want to enter your cockpit to fly your airplane the way the Robert Isom lawyers tell you. We have a flight department management that fails to stand up for our profession, spineless and cowardly wonders that have sold all of us out for their bonus checks. They not only offer no resistance to the non-pilot management who are attempting to manage your cockpits but they are actively engaged in activities that are detrimental to your well-being as they

attack your Captain's authority. They seek to punish all of our pilots for not following Management's flawed Safety Culture and are on active witch hunts to support the whims of their masters.

Wow, have we come a long way from our first day of indoctrination when the Captain was the ultimate authority and the on-scene supervisor expert of his flight operation? We are now being micromanaged from a ramp tower and treated as children. We see this as nothing but total disrespect of our pilots and our profession as these transgressors reap their bonus monies off the backs of labor. What they fail to embrace is that we are the only aviation experts that make life and death decisions every day on every flight; we are the Professional Airline Captains that know and understand the concept of Safety and the hazards of the environment in which we operate. Human factors are simply not a consideration in their equation as they ignore the fact that it is our accumulated hours of experience that is the backbone of our value to our company.

There is no question that every pilot who flies for US Airways is committed to making sure that safety remains their top priority. To win this war we must stay committed and focused on our Safety Goals and not allow the intimidation of Ed Bular and his bullies interfere with how we manage our flights. The FAA and ironically even the Company itself directs that we are the ultimate authority that makes the final determination regarding the safe operation of our aircraft. Use your threat and error management skills in every instance of your operations to ensure the added stress delivered by these flawed tactics are properly managed. As Management shamelessly takes credit for the safety record we provide them, we are morally bound to bring these cultural failures that this management team embodies to light as well as to protect the integrity of the operation. We must remain committed to bring the Safety Culture of our airline back to the standards our passengers and fellow employees expect and deserve. It is up to us to remain on board with Safety First until we win this war.

Never forget you are the aviation experts and you are Professional Airline pilots that deliver the product safely to our customers every day. We are on a righteous path and we must not fail to stop the operational slide of our airline to the lowest safety levels we have ever seen. This dysfunctional management team must realize the error of their ways and it is up to each and every one of us to stand together and maintain our operation where it belongs; in our control, in our cockpits where we exercise our multitude of experience at our discretion with complete and total Captain's authority. Nothing else is acceptable; we must prevail!

We are proud of your efforts. **With unity, resolve, cause, and purpose we will stop the tyranny and provide what Dr. Terri von Thaden recommends in the Safety Survey results; we are operating in a culture that is in distress and needs immediate intervention before bad things happen to good people.** Management is unwilling to comprehend the concept of human factors so it is up to each and every one of us to protect our work environment. We cannot exercise our best judgment when operating in a culture of intimidation and disrespect dictated by a management team that actually has the nerve to second guess and judge each and every one of us from a Ramp Tower!! It is a defining moment in our careers for all of us; time to pick a side!!

Fly safe, reduce your cockpit work loading by using your training, the Volant Model, and effectually utilizing your threat and error management skills. It is your operation; do not allow anyone to interfere with your crew's ability to keep it in the green. It is your duty regardless of Management intimidation techniques to always focus on meeting or exceeding all FAA and US Airways Safety Standards and protecting all that are counting your judgment, experience, and

Captain's Authority. Thank you all for being on board in protecting the safety and integrity of our airline.

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