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# Help Us Make Your Case

It's 8:45 on a Saturday evening. I'm sitting on a train, commuting home from the airport after spending the last several days in Chicago. The APFA Division Representatives and I have just finished another annual meeting of the National Academy of Arbitrators (NAA). Most unions—APFA included—have been attending this meeting on a regular basis for more years than I can count. It is truly a fascinating gathering of some of the brightest, most intellectual minds in the arbitration community—not only arbitrators, but also advocates from both labor and management.

The workshops at this meeting are some of the training tools APFA uses in developing and honing the skills of its Division Representatives (DR). The curriculum is heavy in arbitral topics, including panel discussions dealing with myriad labor and management issues—a number of them specific to the airline industry. Also important, the NAA annual meeting presents APFA with the opportunity to meet and observe arbitrators that may be candidates for our panel arbitrators.

As I sit here reflecting on the past several days, I consider how fortunate APFA is to have such highly skilled advocates in the System Board of Adjustment (SBA) Department. Most Flight Attendants will never have the opportunity to see firsthand the work of APFA's advocates: a well-coordinated corps consisting of the five Division Representatives, our Attorneys and other Flight Attendants that act as SBA Advocates and assist within the department.

Fortunately, we at APFA have a wealth of knowledge and history to draw from. This clearly works to our benefit. As we continue to cultivate and educate our advocates, their skills become our single greatest weapon against the Company in the grievance arena.

The discussions from this just-concluded NAA meeting recall our contractual Dispute Resolution process, which is based on a highly developed concept and practice called Alternative Dispute Resolution (ADR).

Over the last several years, I have observed a distinct change in the way AA does business when it comes to resolving disputes. Previously, decision makers at the base level made decisions and took responsibility for those decisions. Nowadays, most Flight Service Managers seem paralyzed by fear of making the wrong decision when it comes to resolving a dispute. This environment of self-preservation has created a logjam of grievances being forced into the System Board of Adjustment. This results in great part from the shortsighted attempts by American's Human Resource (HR) and Employee Relations (ER) departments—does anyone know why we need both?—to homogenize everything that takes place within the company. Their mottos must surely be: “no thinking outside the box” and “the beatings will continue until you think like us.”

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The intent of the language in Article 28 of our contract was to steer the resolution process to the base level and let those involved with the dispute craft a workable resolution. It makes sense for those most involved to have input and ultimately resolve the issue since they are most familiar with it.

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## You—the line Flight Attendant—can make a difference in the outcome of a dispute.

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This was an important component of the process when the parties negotiated Article 28. It was so important to the parties that we jointly developed, and have maintained, an ADR training curriculum under the guidance of the Northwestern University Kellogg School of Management. The training is offered yearly to new APFA Representatives and members of Flight Service management. I personally believe this training is unbelievably helpful *provided that* the participants actually use the ADR process in resolving disputes.

What has become alarming is that during the Dispute Resolution Conference (DRC), some facilitators do not feel empowered to issue recommendations that resolve the dispute. This lack of confidence is unfortunate for several reasons. It leads to:

- loss of confidence in the process
- release of control over the final outcome to a third party arbitrator
- escalation of the cost of resolution for the Company and APFA
- increased time needed to resolve the dispute

It speaks also to inferior training company facilitators received two years ago when the Company conducted facilitator training *without the participation of APFA*. To date the results of that training have been nothing short of abysmal.

As more and more Notices of Dispute (NOD) fail to be resolved at the base level, they flow into—and unnecessarily burden—the SBA Department. At this point, the case is transferred from the local representative to the Division Representative. The DR will continue to work with the Company in an effort to resolve the issue. Meantime, preparation starts for possible arbitration once the case has been reviewed by the Grievance Review Committee (GRC).

As the title of this article suggests, you—the line Flight Attendant—can make a difference in the outcome of a dispute. When you or your crew is involved in a situation that may rise to the level of a dispute, you *must* protect your interest. Take the initiative to collect as much information as possible to help your case.

Begin by garnering any and all information that will be helpful: paperwork, dates, times—anything that may be useful. Docu-

ment your discussions. Also, remember the witnesses. If a passenger, ask them for contact information and explain that they may be contacted if needed. If a fellow crewmember, ask them for a statement while the information is fresh.

This may all seem somewhat trivial but in many cases, time itself becomes the enemy as recollections fade and information becomes irretrievable or is erased from the computer system. Try and grab as much information as you can. Use “the six W’s” as a guide:

- Who**
- What**
- When**
- Where**
- Why**
- Witnesses**

These simple steps can make the difference between a good case and a bad one. In the SBA Department we spend an inordinate amount of time piecing cases together, researching information and scouring for documentation. There are unfortunate times, though, when we are unable to recreate or retrieve records and evidence that would have been helpful. So from the beginning, create a log or timetable of everything that takes place and include any paperwork you can find in support of your

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case. Even if you think it is not important, hang on to it. We may see it differently. Always contact your APFA Representative immediately for assistance.

Our Union has an excellent record in resolving and arbitrating cases. With your assistance, we can increase the chances for a positive outcome—be it at the local level or in arbitration.

APFA provides many services Flight Attendants have come to rely on. I feel we are very fortunate to have so many dedicated individuals serving the membership. But if you take just one thing away from this article, let it be that should you be involved in some type of dispute, the more information you produce to support and prove your case, the better your odds of prevailing in the end. With information comes knowledge; with knowledge comes power.

Fly safe and always carry your contract or On-Duty Contract Guide. 

