

# Hardship Transfers: Balancing Conflicting Interests

By Jeff Pharr, APFA Secretary

Whenever there is a change in national officers at APFA, there takes place an overlapping transition period during which the outgoing and the incoming officers confer and work together to pass along some established procedures of the office and to share particularities of the job duties that build and support our Organization. These are the history, precedents, insights helpful to fulfilling the role of serving the membership.

Each incoming officer is not expected to "reinvent the wheel" as it were. Like those who have occupied this office before me, I have relied on this passing down of the wisdom of previous National Secretaries, particularly when it comes to the tasks and obligations that call upon judgment and subjective decision making.

The APFA Policy Manual, as written and amended by the APFA Board of Directors, assigns to the Secretary the role of representing the Union in the process of approving or denying hardship requests. Section 2.J of the manual reads in part:

*"(1) Requests for hardship transfer... and any other request to supersede the seniority of other flight attendants shall be coordinated through the Office of the Secretary...(2) Decisions to approve or deny hardship requests shall be made by the Secretary..."*

Members can review the entire section text and policy manual online through the "Members' Resources" link from the

APFA.org main page.

Many of our members erroneously think of a hardship transfer as being just one of the accepted and readily available ways a flight attendant can move to a desired base should the normal transfer awarding process not be available. However, though requests may be frequent, actual hardship transfers are rare. This rarity is by design.

*"...though requests may be frequent, actual hardship transfers are rare."*

The wording of the Policy Manual makes clear that a hardship transfer, however compelling, is a superseding—a violation—of seniority. Accordingly, the positive benefit to the flight attendant receiving a hardship transfer must be carefully weighed against the negative effects on other members: on the flight attendant(s) who might have otherwise been next in line for an opening to the base; on the flight attendant(s) who might now have someone more senior come into a base which otherwise had not been open to transfers.

In resolving one person's hardship, we cannot—without extraordinary and overwhelming cause—visit undue disadvantage on another. The "transfer" in question here is from base A to base B, not a transfer of a hardship from member A to member B.

No APFA Secretary before me has attempted to provide a road map to

a successful hardship transfer petition. Frankly, such a thing does not exist. There is no checklist of absolute requirements, no minimum threshold of adversity, no magic bullet that guarantees approval. Each case is exceptional in both the needs of the petitioning member, and the domino effect of a potential approval. The uniqueness and the complexity of each case—the innumerable facets of one’s individual and particular circumstances—mean that hardship transfers, when approved, do not establish a precedent from one to the next. There are just too many variables. Nevertheless, those petitions, both successful and unsuccessful, that have been reviewed over the past decades have left in their wake a thorough, if laborious, set of procedures to ensure each receives the serious consideration due.

“...hardship transfers, when approved, do not establish a precedent from one to the next.”

As mentioned earlier and as stated in the APFA Policy Manual, the APFA Secretary represents the Union in the hardship transfer review process. AA flight service Administration, through its designated representative, is also an integral part of the review. In fact, both Flight Service and APFA must concur for a hardship transfer to be granted and the process itself begins with a request and submission of supporting documents to the company through one’s Flight Service Manager (FSM).

If you are petitioning for a hardship transfer, it is your burden and responsibility to make your case and to provide clear,

compelling and factual documentation to back up your hardship claim, supersede the seniority of other flight attendants and justify a transfer. It is suggested that you advise your current base chair of your petition; she or he may have insight to provide on how to proceed. A copy of all documents should also be sent to the APFA Secretary’s office, however there is no requirement to provide your chairperson with copies.

“Your FSM may offer support or an opinion on your case, but does not approve or deny your petition.”

Though you begin the petition process by submitting your request and substantiating documentation to your FSM, he or she is primarily a conduit to pass along the paperwork to the designated. The designated flight service representative and I meet regularly (every four to six weeks) to review and consider the hardship transfer requests. Together we study and consider the facts as presented in your petition and provided in your documentation. Your case must be convincing and thorough. You must provide written evidence to back up claims, be they medical, financial, etc.

It cannot be overemphasized that pleas and assertions are not enough. The merits of your petition must be proven through complete, unequivocal and above all factual documentation that leaves no potential questions unanswered. There must be decisive evidence not just that a verifiable

*continued on page 22*

(To that end, commuting issues, undeniably difficult and inconvenient, do not in and of themselves satisfy the establishment of a hardship.) This is a high hurdle and most petitions fail due to lack of convincing, substantiating documentation.

**“...commuting issues ...do not in and of themselves satisfy the establishment of a hardship.”**

The decision to approve or deny the petition will be communicated to you through your FSM, as will any request for further information. Denied petitions may be resubmitted following six months from the original petition date.

Be assured, my intent in this article (as in past articles on this same topic by my predecessors) is certainly not to dissuade someone from seeking the remedy they might desire to help resolve an unforeseen hardship. The fact is that hardship transfers exist because legitimate hardships exist. But they are by nature a delicate balancing act of competing and conflicting interests. They are taken very seriously. They are not granted lightly. No one who has served the role of APFA Secretary and taken on the task of making a decision with such a profound impact would tell you otherwise.



There will be more changes prior to PBS. Order of Open Time is likely to change in the future once we have the interim pay protection. Interim pay protection will occur no later than Date of Signing (DOS)+12. Reserve AM/PM will be implemented, as well as a new way of bidding/awarding/assigning Reserve assignments.

The next wave of big changes will occur as a result of the shift to Preferential Bidding and the combination of the international and domestic operations.

The company has begun the process of selecting a Preferential Bidding System. The vendor that is ultimately selected will develop a PBS system unique to American Airlines. Our contract is a complex document, which includes position bidding, Purser and language requirements to name a few. Programming those complexities is a technical challenge that will take a good deal of time. The balance of the LBFO will then be implemented, including a combined international and domestic operation, 100-hour sequence pay protection, 'R' days for new hires, and multiple vacation splits.

Your Negotiating Team will continue to work to fine tune the specifics of each item in a way that will best serve the flight attendants we so proudly represent. 