

JCBA Section 23 Investigations and Grievances Q&A

General Questions

1. Q: When will the new grievance process and point system for attendance described in the Joint Collective Bargaining Agreement (JCBA), Section 23, be effective?

A: The scheduled effective date for the implementation of Section 23 in its entirety, is September 28, 2017.

2. Q: Where can I find the worksheet needed to initiate the dispute resolution process? Does the submission of a worksheet guarantee that the issue will be moved forward for review?

A: The worksheet is only for disputes involving non-disciplinary actions, contract matters and Company Policies and is available on the AFA website (www.unitedafa.org). The local AFA representatives will evaluate the worksheet to determine whether the issue has merit. If the complaint does have merit, it will be filed as a Notice of Dispute (NOD). If it does not, the Flight Attendant will be provided with an explanation and the issue will not be brought forward.

3. Q: Who comprises the Dispute Resolution Committee (DRC)? What is the role of the DRC?

A: The DRC is a committee of four members (2 representing the Company and 2 representing AFA). The DRC becomes involved when a NOD is not resolved locally. The DRC may resolve a NOD in whole or in part, send it back to the first level dispute resolution participants for further consideration, or assign it to expedited or traditional arbitration.

4. Q: Will a Flight Attendant get credit for “time served” in discipline when their disciplinary record is converted on the Transition Date?

A: Yes. “Time served” in discipline prior to the implementation date shall apply to a Flight Attendant’s disciplinary status post-implementation.

5. Q: If I am issued an Attendance Warning, what date does the disciplinary action go into effect?

A: The disciplinary or effective date of the Attendance Warning is the date of the occurrence that triggers the discipline. If you are issued a Performance Warning, it is the date the Flight Attendant is advised of the Performance Warning, not the date of the letter.

6. Q: Can a Flight Attendant be on an Attendance Warning 4 and a Performance Warning 4 at the same time?

A: No. If an event or combination of events would result in that outcome, the event or combination of events triggers a Letter of Investigation.

7. ****NEW****Q: For the purposes of Section 23.A.7, are sacred days (as defined in Section 12.C.4.) included when determining whether a vacation is more than 14 days?

A: Yes. A Flight Attendant may elect to consider the days off before and after vacation days as part of the vacation, based on the originally awarded schedule. (Note: please review the October 27, 2016 One United communication).

Attendance Point Questions

1. Q: Is an Absence Certificate acceptable documentation for a point reduction if the absence is six (6) days or less?

A: Yes, as long as the information on the document meets the criteria of the JCBA Section 23.F.2. Remember that the document must be submitted to the Supervisor, not the Medical Department. If the Absence Certificate documentation contains medically confidential information, that information should be blacked out.

2. Q: Where do I turn in my Physician's Note to receive a point reduction for an illness of six (6) or less days?

A: Notes should be turned in to your Supervisor before your next pairing or reserve assignment. Additionally, each Base has established a local process for turning in the Physician's Note when your Supervisor is not available. You should check with any Supervisor and/or the AFA Local Office for the established process.

3. Q: Can I get a point reduction if my chiropractor writes a note?

A: No. The JCBA states, "a Physician's Note" means a written notation by a physician or the physician's designee. This does not include a chiropractor.

4. Q: Is an occupational injury/illness absence eligible for a point reduction?

A: Yes, if it is six (6) days or less in duration and if the appropriate documentation has been submitted. (See Attendance Question 2)

5. Q: Are occupational illness absences included for disciplinary purposes?

A: These absences will generate points that contribute to the overall point total. However, occupational injury/illness absences will not trigger new or elevate disciplinary action.

6. Q: Will points be assessed for an occupational injury that is related to clear air turbulence?

A: Points will not be assessed for occupational injury resulting from verified unannounced clear air turbulence. Each situation will be reviewed based on the particular circumstances, according to Section 13.B.3. of the JCBA.

7. Q: Do I receive points for a maternity related illness absence or Maternity Leave of Absence?

A: If the Flight Attendant advises the Company that she is pregnant (no medical documentation) she will be coded as "missed trip". Once pregnancy is medically verified the missed trip will be retroactively coded as maternity sick leave and no points will be assessed.

Once medically verified and the Flight Attendant can fly, intermittent use of sick leave for maternity related illnesses will be assessed points. If the Flight Attendant qualifies for Family Medical Leave, no points will be assessed.

The last illness absence prior to transitioning directly into the maternity leave of absence is not assessed points.

8. Q: Where can I access my accumulated points related to my attendance?

A: It will be each Flight Attendant's responsibility to know her/his own point accumulation. Points will appear in your electronic work history for point accruing occurrences, and a summary may be viewed in your RECORD screen. You may view your points record or discipline level at any time and may also contact a Supervisor regarding your points accumulation.

9. Q: As a Reserve, what happens if I miss my assignment or I am unavailable for call?

A: If a Reserve is unavailable for call or misses their assignments, the assessment will be a missed trip (3 points), which is not subject to reduction. As a Reserve, you are placed back in rotation; any assignment thereafter is part of the normal reserve assignment process.

10. Q: Is there a point reduction application when a Flight Attendant misses a trip, reports to the airport and is informed by scheduling that there are no available substitute trips?

A: No. The JCBA, specifically outlines that in order to reduce a 3 point missed trip to 2.5 points; a Flight Attendant must pick up a trip that departs on the same day as the missed trip, and the Flight Attendant must secure the assignment while physically present at the departure airport of the missed trip. If no trips are available to pick up, the missed trip remains as 3 points. (JCBA Section 23.F.3.).

11. Q: If I receive a missed trip and 3-points, what should I do?

A: If you have a missed trip, you are required to review with your supervisor the circumstances related to the incident. Depending on the reason, you may qualify for a point reduction or exemption under specific circumstances (e.g., DIF, Commuter Program, etc.).

12. Q: If I receive a missed trip and 3 points, and after having a conversation with my supervisor, I disagree with their assessment, what is my appeal process? Can I file a NOD?

A: Your recourse is to appeal any disciplinary Warning that may include the missed trip (or other point-generating item) under JCBA Section 23.C.1. Step 1. NOD cannot be filed for a claim that discipline or points were unjustly issued. A NOD is only for contractual matters, non-disciplinary actions and Company Policy related issues.

13. Q: Can a Flight Attendant negotiate with their supervisor regarding the point total assessed for a particular absence?

A: No. A contractual point system is applied to attendance occurrences. The only exceptions are those point total reductions applicable to attendance as outlined in Section 23.F. of the JCBA. For example, an absence that generates 2 points can be reduced to 1.5 points if the appropriate documentation is provided.

14. Q: If I am absent due to illness/injury for two consecutive trips with no duty (e.g. flying, reserve assignment, etc.) in between how will points be assessed?

A: For pmCO and pmCMI, points will be assessed as if this is one absence due to illness/injury. If there had been an intervening period of duty, points would be assessed for each of the absences.

For pmUA, points will be assessed as if this is one absence due to illness/injury. If the Flight Attendant had called off sick leave between the two trips, points would be assessed for each of the absences. Note, this will apply to all Flight Attendants upon implementation of Section 13.B.1 Call-On/Call-Off Procedures of the JCBA.

15. Q: If I start an illness absence that qualifies for Family Medical Leave, and while on that status I exhaust my Family Medical Leave hours, do I get points for the duration of the absence associated with that illness?

A: No. If Family Medical Leave was authorized for that absence, it will remain as a 0 point generating item until the end of that occurrence.

16. Q: If a Flight Attendant's current sick leave absence that has generated 2 points is subsequently converted to Family Medical Leave, what happens to the points?

A: The electronic work history item is converted to Family Medical Leave with 0 points.

17. Q: Will I be assigned points when an aircraft departure is delayed due to mechanical, quick turn, or other reasons out of my control?

A: No.

18. Q: Can Customer Service Representatives, Coordinators and others assign points for late check-in, late boarding, etc.?

A: No. Management must comply with Section 22.B.2. of the JCBA, which requires notification and review of any adverse notations before placement in the electronic work history. This means that the Flight Attendant should discuss the reason for the missed trip, late check-in, etc. with their supervisor in order to ensure the incident is assigned the appropriate number of points, if any. This is also the opportunity for the Flight Attendant to correct any errors related to such occurrence. If points are appropriate, only Inflight Management may assign them to a Flight Attendant's record.

19. **NEWQ:** How would the following scenario be addressed? A Flight Attendant is at 28 points, and their Attendance Warning 4 (AW4) expires on April 1st. However, the Flight Attendant calls on sick leave- occupational on March 30th and the absence

is for more than six (6) days. However, on April 4th the absence is rejected as an occupational absence and is now considered non-occupational. What happens?

A: The Flight Attendant will be considered at 30 points, because the sick call occurred before the expiration of the AW4. A Letter of Investigation (LOI) will also be issued.

20. **NEWQ:** If a pmCO or pmCMI Flight Attendant is absent due to illness/injury for two consecutive trips with no duty (e.g. flying, reserve assignment, etc.) in between, how many days will count towards the six (6) days or less calculation for a point reduction with physician's note under Section 23.F.1?

A: For pmCO and pmCMI, days to be counted will include intervening days off as if this is one absence due to illness/injury. If there had been an intervening period of duty, days would be assessed for each of the absences.

21. **NEWQ:** If a Flight Attendant misses a trip that is not considered an emergency, how are the points applied?

A: A Flight Attendant who misses her/his scheduled pairing will be assessed 3 points for a missed trip. Additionally, if crew scheduling attempts to assign a pairing to a reserve but is unable to contact the Flight Attendant, it will be considered a missed trip for purposes of point assessment (this is considered a UTC-Unable to Contact for pmCO and pmCMI, and a DNF for pmUA).

22. **NEWQ:** For the purposes of the points system, what constitutes a late check-in?

A: Each subsidiary will continue with their current method of checking in for a trip. If A Flight Attendant is late, based on the subsidiaries' current standards, this will constitute a late check-in.

23. **NEWQ:** A Flight Attendant calls on sick leave and has a Family Medical Leave Act (FMLA) approval pending for that absence. What happens if the sick leave call is assessed points, but later is determined to be eligible for FMLA?

A: In this situation, once FMLA has been approved, any points and related Attendance Warning associated with the sick leave call will be removed from the Flight Attendant's record.