

Arbitration Decision Regarding Transition Assignments
Grievance 22-99-2-52-07 & 22-99-55-07

Both of these MEC Grievances were filed to challenge the Company's actions with regard to the language found in Section 8.M. 1 & 2. This is where the contract provides parameters for resolving transition conflicts. The cases were heard before Arbitrator George Nicolau on April 8-9, 2008. The arbitrator experienced a serious health condition that prolonged the issuance of a ruling in these matters.

Contract Provision:

Section 8.M.2 reads:

"A Flight Attendant will fly her/his last trip of the prior bid period into the new bid period, unless she/he has elected to have transition resolution by adjusting the current bid award, thus potentially moving her/his transition period into the last three (3) days of the current bid month. Such election may be made on the monthly bid form. Alternatively, the election may be made via the Company computer system within twenty-four hours (24:00) after the posting of the preliminary bid awards."

The Union's Position:

22-99-2-52-07 Bid Period Transition Assignments:

This grievance challenged the company's improper action of adjusting both the last trip sequence of the current bid period and the first trip sequence of the new bid period when a Flight Attendant elected to have transition resolution by adjusting the current bid award.

If you have a transition conflict and do nothing, the company has to resolve the conflict by adjusting the new month's bid award. However, if you submit an RF 200 TL form, this is your way of indicating that the company may elect to resolve the conflict from the current month's trip sequence.

AFA's position was that one trip or the other may be adjusted, but not both.

22-99-2-55-07 Policy of Ignoring 8.M.2:

This grievance challenged the company's improper action in flat out ignoring Flight Attendant requests to resolve transition conflict by adjusting the current bid period, rather than the new month's bid award.

AFA's position was that when a Flight Attendant submits a request to resolve the conflict in the current month (RF 200 TL), it should be honored and not simply ignored because it was not convenient for the Company to resolve the conflict in the current month.

The Company's Position:

22-99-2-52-07 Bid Period Transition Assignments:

The company's position was that when a Flight Attendant has elected to have transition resolution by adjusting the current month's bid trip (RF 200 TL), they are not required to keep either trip intact and may adjust both trips in order to blend the two months flying.

22-99-2-55-07 Policy of Ignoring 8.M.2:

The Company's position was that when a Flight Attendant has elected to have transition resolution by adjusting the current month's trip sequence (RF 200 TL), such request will only be honored if it is more beneficial to the operation to do so. If it isn't, the request will be ignored and the conflict will be resolved in the new bid period.

Arbitrator's Decision:

The arbitrator reasoned that neither Party could be faulted for reading the provision as it does. He stated:

*“Emphasis on the word **“potentially”** (found in Section 8.M.2.) strongly suggests that something; movement of the transition period into the last three days of the current bid month, may or may not take place. If it does not, then it has to take place somewhere else, i.e., the first four days of the new bid period. This reading suggests what the Company says; that the Parties agreed that Crew Scheduling would have an option depending on the circumstances that exist in a particular case.*

*On the other hand, a focus on the word **“shifted”** and the phrase **“elected to have transition by adjusting the current bid award”** indicates that the decision has been made; that the Flight Attendant has spoken, and that the Company no longer has the option of using the first four days of the new bid period, but is confined to the current bid.”*

In the end, the arbitrator ruled that the company's argument, was the better one and he denied both of the grievances.

Conclusion:

If you elect to have transition resolution in the current month (Section 8.M.2.) and submit a RF 200 TL form to the company, they can adjust your last trip sequence of the current month, the first trip sequence of next month's bid award, both sequences or neither sequence; **so buyer beware!** Be careful when electing this option and submitting the form to do so.