AA Proposal

AA Proposal **Date: 6/23/2009** **Time: 10:00 AM**

Subject: System Board of Adjustment/ 3- Person System Board of Adjustment Test	**Version: 13**

Proposal Reference(s): APA Proposals – 11/28/2007, 2/12/2008, 6/30/2008, 08/25/2008, 9/15/2008, 3/3/2009, 4/2/2009,5/7/2009, 5/13/2009
AA Proposals – 1/23/2008, 1/24/2008, 5/7/2008, 5/28/2008, 7/23/2008, 08/13/2008, 8/27/2008, 9/15/2008, 3/4/2009, 4/2/2009, 5/5/2009

Contract Reference(s): Section 23/ New

AA/APA agreed upon items:

- Section(s) 23.C.1, 2, and 3 Arbitrator list, Arbitrator list maintenance, and Arbitrator removal provisions.
- Language correction to remove reference of "Section 23.C.4" from current section 23.C.2. (to correct error from 2003)
- Section 23.G Documents and names of witnesses provided twenty-one (21) days in advance of hearings.
- Performance protocol for Arbitrator and System Board Members.

The Company proposes to make the following modifications to Section 23:

New Section: 3-Person System Board of Adjustment ~~(Trial period of 12 months from date of signing)~~

Provide for an alternative grievance resolution process by creating a 3-Person System Board of Adjustment.

- This option is available after unsatisfactory resolution at the Vice Presidential appeal. This Board would be created to resolve individual pilot grievances, except discharges. The 3-member board would also resolve suspensions. See flowchart.

- The Board would consist of a representative chosen by the Association, a representative chosen by the Company, and an arbitrator chosen from the list established pursuant to Section 23.C.

- The Board would meet quarterly, or as agreed to by the parties. At a minimum, the Board would meet four times per year. Both parties will meet to discuss the implementation or phase-in approach for the 3-Person System Board of Adjustment, ~~to test the new changes to the Grievances and Arbitration process, as well as~~ and also to address the reasonable number of cases per session.

AA Proposal

~~Either party can cancel this 3-Person System Board of Adjustment Test at the conclusion of the 12 month trial period.~~

- After the conclusion of four (4) 3-Person System Boards, but not sooner than one (1) year from date of signing, both parties will meet to discuss the effectiveness of the 3-Person Board. At the~~is~~ conclusion of this effectiveness review, the parties may

  - Agree to continue with the ~~discuss modifications to the~~ 3-Person Board process, or
  - Mutually agree to modifications or
  - ~~e~~Exercise their option ~~of~~to terminate~~ing~~ the 3-Person Board.

  If either party elects to terminate, all cases previously scheduled for the 3-Person Board will be scheduled for the 5-Person Board. If neither party exercises their option to terminate this process, the 3-Person System Board of Adjustment will become a ~~permanent~~ part of the Agreement.

- Elements of the 3-member board and process:

  - 2 cases per day minimum
  - time limits structured for 2 case completion / day
  - same day decision
  - decisions are non precedent setting
  - 14 day prior doc. exchange
  - exchange stipulations 7 days prior
  - no limit on witnesses
  - no transcripts
  - no briefs / oral closing argument only
  - equal time allotted to each party

A: Establishment

Add additional sentence at the end of Section 23.A. as follows:

With the exception of expedited grievances, the Company and the Association shall make every reasonable effort to submit grievances to the System Board on a timely basis. Cases not scheduled for arbitration within two (2) years from the date of the grievance filing shall be submitted to the System Board no later than four (4) months following the expiration of the two (2) year window, for a total elapsed time of twenty-eight (28) months from date of filing.

AA Proposal

Within ninety (90) days of Date of Signing, the Company and the Association shall meet to review all pending grievances in an effort to resolve as many as possible. Grievances not resolved within this timeframe shall be scheduled for the System Board prior to any new grievance.

D: Scheduling of Arbitrations

Section 23.D.3.- No change to current language. ~~The Company accepts APA's proposal to amend Section 23.D.3, which will now read as follows:~~

> ~~The grieving party (the Company or the Association) may elect to either (1) substitute the expedite grievance in the place of any of its other scheduled grievances, provided that the Arbitrator is suitable to hear the expedited grievance as provided in Section 23.C.1, or (2) schedule an additional arbitration in accordance with 23.D.2.c. above.~~

The Company proposes to amend Section 23.G.2. as follows:

G: Representation.

2. The Board acting as a whole, or the Arbitrator, or the Association or Company representative(s) may summon witnesses that are requested by the parties to the dispute. This Section 23 shall not restrict any additional rights granted under applicable law. (Delete "or documents")

L: Expenses

The Company proposes to amend Section 23.L as follows:

> Provide that either party requesting a postponement or cancellation of any part of an arbitration session will bear all arbitrator costs associated with the postponement or cancellation. If the parties mutually agree to a postponement or cancellation, the costs will be split evenly between the two parties.