



Labor Memorandum

**DATE:** July 12, 2009

**SUBJECT:** Revocation or Suspension of Pass Privileges

**TO:** HR Field Teams

**FROM:** Elizabeth Ryan, MD Labor

In May 2003, AFA and the Company arbitrated whether action taken by the Company to suspend or revoke a flight attendant's pass privileges or benefits is a grievable subject under the collective bargaining agreement.

Arbitrator Vernon agreed it is the Company's option to handle the suspensions of pass privileges administratively under the guidance of the Employee Travel Department or as a matter of discipline with the involvement of the employee's supervisor.

If the Company elects to handle the suspension or revocation of an employee's pass privileges as an administrative action the employee must be notified that such action is administrative, not disciplinary, in nature and that no record is being made in his or her personnel file.

The administrative path cannot involve the employee's supervisor. HR may not advise the supervisor of the details of the incident that led to the suspension or revocation of the employee's travel privileges. Arbitrator Gil Vernon ruled that a "wall" between the administration of pass benefits and the administration of discipline must exist. To allow notice to be given the supervisor with no opportunity or access to the due process protocol of the just-cause provision of the CBA is an erosion of the "wall". When the Company elects to follow an administrative path contractual time limits do not apply.

In the event HR believes the pass incident raises disciplinary issues, the investigation and disciplinary steps must be handled through the employee's supervisor. All provisions, including time limits, outlined in the CBA will apply.

If during the HR investigation it becomes clear that the issue is disciplinary in nature HR must hand the investigation over to the employee's supervisor. Time limits will start once the employee's supervisor is made aware of the incident. In these cases the supervisor should conduct an independent investigation without aid from the parties involved in the initial investigation.

If HR elects the administrative course the Company must accept that because it is not discipline such action can't be used to justify subsequent discipline and can't be considered a step in the progressive discipline process.

In light of the arbitrator's decision all pass incidents should first be handled by HR. If during the course of the investigation HR feels that discipline is warranted it must be handed over to the employee's supervisor. If no discipline is warranted HR must not notify or discuss the incident with the employee's supervisor and all documentation will remain in HR.