

VIA EMAIL ONLY

DATE: December 4, 2023

TO: Bryan T. Norwood, Vice President for Public Safety
LaTonya Andrews, MLER, Labor Relations

FROM: Heidi Meinzer, Counsel for IUPA Local 5004
Cpl. Jason Moseley, President, IUPA Local 5004

RE: Demand to Arbitrate
Matter: Article 26/Secured Lots/Hang Tag Fees
Grievant: All Members of the Bargaining Unit

The Union is in receipt of Mr. Norwood's November 28, 2023 Response to the Union's Step Three Grievance regarding the Secured Lots and Hang Tag Fee Issue. **Pursuant to Article 31, Section 2 and Article 32, the Union demands arbitration on behalf of all Bargaining Unit employees in this matter.**

FACTS:

On Thursday, September 21, 2023, Cpl. John Ivey initiated a Step 1 Grievance with Major Crowder regarding requiring Bargaining Unit employees stationed at Dulles International Airport (IAD) and Headquarters (HQ) to pay for hang tag fees. On Wednesday, September 27, 2023, Major Crowder responded that he was unable to resolve the grievance.

The Union proceeded to Step 2 by way of letter dated October 2, 2023 to Chief Huchler. By letter dated October 16, 2023, Chief Huchler stated that the Authority takes the position that officers at IAD must pay for parking while DCA officers do not, and that he was unable to resolve the Union's demands because the payment of fees for parking is outside the scope of his authority.

On October 23, 2023, the Union proceeded to Step 3 in this grievance. On October 31, 2023, Chief Huchler emailed and send an attachment regarding hangtag fees, warning of ticketing and/or towing and possible adverse administrative action. Upon receiving that email, the Union is revised its Step 3 grievance. The Union further revised its grievance by way of email dated November 14, 2023, when it learned that the K9 officers park in a lot that is not secure and that there is a past practice that K9 officers have not been required to purchase hang tags. On November 28, 2023, Mr. Norwood responded to the Step 3 grievance denying the grievance and adding no new facts or arguments. Because MWAA continues to be in violation of Article 26 of the CBA, it is proper to proceed with this arbitration demand.

Article 26 of the Collective Bargaining Agreement states that Bargaining Unit employees who pay the prevailing hang tag fees are entitled to a “secure parking location adjacent to each station at either Airport without additional charge.” It is uncontested that the lot at Reagan National Airport (DCA) is unsecured, and the Union is already in possession of an arbitration award regarding that lot. Since raising this grievance, the Union has also been informed of a recent incident at Dulles International Airport (IAD) in which a female broke into the gate of the IAD parking lot and obtained unauthorized entrance into the IAD lot.

At this time, it appears that the Employer is out of compliance of Article 26 at both airports. Even if the IAD lot is re-secured, it is the Union’s continued position that no Corporals or Officers should have to pay hang tag fees so long as the Authority continues to be in violation of its requirements under Article 26 at either airport. There is but one Police Department, one Bargaining Unit, and one Collective Bargaining Agreement. The Authority’s breach of the CBA at either airport is a material breach of the CBA. The provision of a secured lot at both airports is a condition precedent to any Bargaining Unit employees requirement to pay hang tag fees. Moreover, there is substantial overlap of assignments between airports that additionally justifies the Union’s position. The Union’s interpretation of the arbitration awards from Judge Kloch and Arbitrator Kominers supports the Union’s position.

This is not simply a matter of “MWAA policy.” The CBA trumps “MWAA policy.” Arbitration awards also trump “MWAA policy.”

SECTIONS VIOLATED: Article 26 of the Collective Bargaining Agreement, which states:

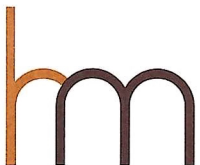
Article 26 – Parking

Section 1

Bargaining Unit employees shall, upon payment of the prevailing periodic fees, be entitled to a secured parking location adjacent to each station at either Airport without additional charge. However, the employees must obtain the appropriate hangtag.

PROPOSED REMEDY: The Union demands the following remedies:

1. All Corporals and Officers at both airports must be provided with secured parking locations that fully comply with Article 26. The Union is already in possession of an arbitration award regarding the lot at DCA and raises this issue as to IAD based on newly acquired facts.
2. All Corporals and Officers should be exempt from paying hang tag fees unless and until such time as the Authority provides secured parking locations that are fully in compliance with Article 26 at both airports. The provision of a secured lot that is fully in compliance with Article 26 at any one location shall not obligate the



Corporals and Officers stationed at that location to pay for hang tag fees unless and until the Authority has provided a secured lot that is fully in compliance with Article 26 at both airports. This could easily be accomplished by issuing all Bargaining Unit employees sixty (60) day temporary hang tags pending resolution of the arbitration, and the Union reserves the right to raise this issue with the Arbitrator pending arbitration in this matter.

3. In the event that any Corporals and Officers have paid hang tag fees, the Authority will immediately reimburse those Corporals and Officers, and the action of having paid those fees shall in no way constitute a waiver of the Union's or the Bargaining Unit employees' rights. The Union will request that reimbursement be due by a date and time certain, and for all Bargaining Unit employees who paid the hang tag fees, regardless of their employment status or status in the Bargaining Unit by the time that this issue is decided. The Union will also request that the Arbitrator retain jurisdiction until such time as all reimbursements are complete and will request sanctions in the event that MWAA fails to issue reimbursements accordingly.
4. In the event that any Corporals or Officers do not pay hang tag fees and are subject to any adverse actions by MWAA, to include ticketing, towing, adverse administrative action, or any other action, the Union reserves the right to raise this issue with the Arbitrator to enjoin such actions, to consolidate those actions with this grievance, and to request that those Bargaining Unit employees be made whole in every way, to include prompt reimbursement by a date and time certain of any payments, lost wages, or any other actions that will make the Bargaining Unit employees whole.
5. Posting of a remedial notice in locations accessible to all Bargaining Unit employees of the Authority's violation and the remedies awarded to the Union.
6. The award of all reasonable attorney's fees and costs incurred by the Union in pursuing this grievance and ensuing arbitration.
7. Any such other relief as is deemed just and appropriate.

The Union reserves the right to amend or revise this grievance based on any facts and information obtained during the pursuit of this grievance and any ensuing arbitration.

Pursuant to Article 31, Section 2 and Article 32, the Union demands arbitration on behalf of all Bargaining Unit employees in this matter.

Sincerely,



Heidi Meinzer, *Counsel for IUPA Local 5004*

cc: Cpl. Jason Moseley (via email)

