

*Disposition: Adopted 19-3-0-0 on 12/13/2016*

R2016 – 30 Rev 1  
BOD MTG:  
06/07-09/2016

SOURCE: MIA

FOR	<u>19</u>
AGAINST	<u>3</u>
ABSTAIN	<u>0</u>
ABSENT	<u>0</u>

Title: Supplement F and Section 11.D.1. - Negotiating Committee Tasking

Presented by: CA Ed Sicher      Seconded by: CA Billyray Read

Policy Manual: \_\_\_\_\_ Cons. & Bylaws: \_\_\_\_\_

1            **WHEREAS**, the three separate contracts prior to the merger of US Air East, America West,  
2 and American Airlines treated disability retirements differently; and,

3            **WHEREAS**, the JCBA Supplement F. (1) 5. (d) and Section 11.D.1 adopted the most  
4 restrictive of the three, the American Airlines contract, which has been subjectively reinterpreted by  
5 the Company to allow the removal of a pilot from the seniority list after five (5) years of continuous  
6 disability; and,

7            **WHEREAS**, the former U.S. Air East contract allowed disabled pilots to remain on the  
8 seniority list until they reach the federally mandatory retirement age for pilots; and,

9            **WHEREAS**, the former America West contract effectively removed pilots from the seniority  
10 list for retirement disabilities longer than eight (8) years without a provision to be reinstated in the  
11 event that pilot should ever regain his or her Class A medical; and,

12            **WHEREAS**, the merging of the seniority lists is creating a disparate treatment amongst the  
13 individual pilot groups; and,

14            **WHEREAS**, the most beneficial treatment of all of our disabled pilots is to allow them  
15 reinstatement from long-term disability in as expeditious and fair a manner as possible; and,

16            **WHEREAS**, there has been some evidence indicating that the company has unfairly  
17 withheld reinstatement to long-term disabled pilots who have regained their Class A medicals from  
18 being reinstated if they were considered problematic employees; therefore,

19           **BE IT RESOLVED**, that the Negotiating Committee expeditiously engage the company in  
20 in negotiations which seek to:

- 21           1.   Modify the language in the JCBA Sup F. (1) 5. (d) Disability Retirement and  
22           Section 11.D.1 so that it will not prevent a pilot from retaining and accruing  
23           seniority after a disability period of more than five (5) years commencing at the  
24           expiration of the pilot’s paid sick leave and thus results in effectively removing  
25           the pilot from the seniority list;
- 26           2.   Negotiate language which allows pilots with long term disabilities from being  
27           removed from the seniority list until they reach the federally mandated retirement  
28           age for pilots;
- 29           3.   Negotiate contractual language that provides for the immediate reinstatement and  
30           return to the Pilot System Seniority List of all pilots who are currently out sick or  
31           on disability and who have been removed from the seniority list as a result of the  
32           provisions previously contained in the respective contracts, and;
- 33           4.   Prevent the further removal of pilots from the Pilot System Seniority List as a  
34           result of sickness or disability until they reach the mandatory pilot retirement age,  
35           and;
- 36           5.   Gather the names of the pilots from the three separate pilot groups that were  
37           medically retired due to long-term disability or disabilities and thus removed from  
38           their respective seniority lists and include them on the Seniority List Integration  
39           currently being negotiated.