

# The Association.



THE TWU-IAM ASSOCIATION

**July 15, 2019**

To All Association Members:

The attachment to this bulletin is the Association response to the letter received from the Federal Aviation Administration (“FAA”) addressed to Robert Isom, President of American Airlines, Alex Garcia, Executive Vice President Administration TWU and Sito Pantoja, General Vice President IAM, stressing that “a breakdown in the relationship between American and the Union raises concern about the ongoing effectiveness of the airline's safety management system. Safety is a shared responsibility of American and Union members that demands a collaborative culture, irrespective of any ongoing controversy between the organizations.”

**Director, TWU-IAM Association**  
**International Executive Vice President**  
Transport Workers of America

**Vice Director, TWU-IAM Association**  
**General Vice President**  
International Association of Machinists  
and Aerospace Workers

# The Association.



## THE TWU-IAM ASSOCIATION

July 15, 2019

Ali Bahrami  
Associate Administrator for Air Safety  
US Department of Transportation  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591  
[ali.bahrami@faa.gov](mailto:ali.bahrami@faa.gov)

Re: American Airlines

Dear Mr. Bahrami:

This is to advise you of a court order issued July 10, 2019 which implicates safety concerns you have recently raised with American Airlines, the International Association of Machinists and Aerospace Workers, AFL-CIO (IAM), and the Transport Workers Union of America (TWU).

On June 24, 2019, you wrote to express the FAA's safety concerns in light of the pending litigation between American and the Unions in the Northern District of Texas. In your letter, you expressed the FAA's "concern about the ongoing effectiveness of the airline's safety management system," and that "Safety is a shared responsibility of American and Union members that demands a collaborative culture, irrespective of any ongoing controversy between the organizations." You also urged American and the Unions to "strive to ensure that any judicial order in the litigation does not constrain appropriate safety activities."

On July 10, 2019, American Airlines requested, and the federal court shortly thereafter entered, an Order which requires the Unions to "take all reasonable actions, including but not limited to communications to their members, to ensure that their members working at American's line maintenance stations, within seven days of [July 10] ..., achieve approximately, in the aggregate, on a 7-day moving average basis, overnight productivity levels equal to the aggregate ... overnight productivity levels achieved in the summer of 2018 of 77.5%." A copy of that Order is attached; the quoted language is on page 5.

While the Unions intend to ask the Court to modify its Order to address this particular issue, we felt it necessary to also alert the FAA to this provision in light of your recent communication, and to request that you assign inspectors to all maintenance locations sufficient to ensure that the use of targeted productivity levels does not compromise the public safety or compliance with FAR regulations.

If we can provide any additional information which might assist your review of this issue, please do not hesitate to contact me.

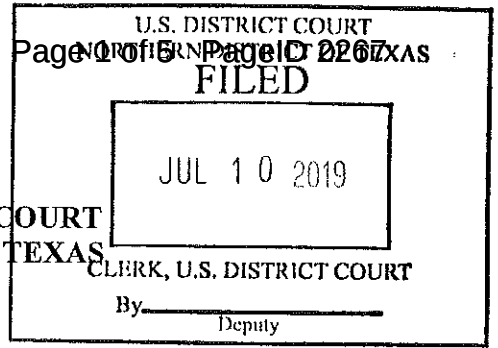
Sincerely,

A handwritten signature in black ink that reads 'Alex Garcia'.

Alex Garcia  
International Executive Vice President, TWU  
Director, TWU/IAM Associations

A handwritten signature in black ink that reads 'Sito J. Pantoja'.

Sito J. Pantoja  
General Vice President, IAM  
Vice Director, TWU/IAM Association



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

AMERICAN AIRLINES, INC.,

Plaintiff,

v.

TRANSPORT WORKERS UNION OF  
AMERICA, AFL-CIO, INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, and AIRLINE  
MECHANIC AND RELATED EMPLOYEE  
ASSOCIATION TWU/IAM,

Defendants.

Civil Action No. 4:19-cv-00414-A

**~~PROPOSED~~ MODIFICATIONS TO JUNE 14, 2019 TEMPORARY RESTRAINING  
ORDER**

On June 14, 2019, American Airlines, Inc. (“American”) filed a Motion for Temporary Restraining Order, which the Court granted the same day. On July 10, 2019, American filed a Motion seeking Immediate Modification of the Temporary Restraining Order. After considering the July 10, 2019 Motion and Appendix in Support of American’s Motion for Immediate Modification of Temporary Restraining Order, as well as the other filings in this matter, the Court finds cause to modify the June 14, 2019 Temporary Restraining Order by imposing additional requirements on Defendants Transport Workers Union of America, AFL-CIO, International Association of Machinists and Aerospace Workers, and Airline Mechanic and Related Employee Association TWU/IAM (collectively “Defendants” or the “Union”).

THEREFORE, IT IS ORDERED that the June 14, 2019 Temporary Restraining Order remains in full force and effect, and the Union remains adequately indemnified by the bond

previously obtained by American, with the following additional requirements imposed on Defendants:

- a. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall conduct in person group meetings as soon as possible with mechanics at American's line maintenance stations who are currently scheduled to work the RON (overnight) shift, and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal subject to the imposition of fines or discipline by Defendants, and allow representatives of American management to attend those meetings to monitor compliance;
- b. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall conduct in person group meetings as soon as possible with all Union officials, including Local leadership, Local e-board members, shop stewards and grievance committee members, at all stations and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal subject to the imposition of fines or discipline by Defendants, and allow representatives of American management to attend those meetings to monitor compliance;

- c. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall, to the extent that mechanics or Union officials are not available to attend the above meetings to call those mechanics and Union officials, as soon as possible and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee and union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal, subject to the imposition of fines or discipline by Defendants;
- d. Defendants shall post the June 14, 2019 Temporary Restraining Order and these modifications to a dedicated webpage and on dedicated bulletin boards, separate from all other union correspondence;
- e. Defendants shall post a video on the same dedicated webpage of the most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, communicating a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee and union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal, subject to the imposition of fines or discipline by Defendants;
- f. Each of Defendants' members shall sign and date an acknowledgment form stating that they have read and understand their obligation to comply with the

modified Temporary Restraining Order upon risk of being disciplined or fined by Defendants and American;

- g. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall issue, as soon as possible, the following notice, to all mechanics and related employees:

“Despite the Temporary Restraining (TRO) issued by the United States District Court for the Northern District of Texas on June 14, 2019, the disruption from the status quo—as measured by AOS at 0700, high daily open MELs, and low nightly accomplishment yields—has continued, and even worsened.

We therefore notify you, in no uncertain terms, that:

Any actions by mechanic and related employees that are designed or intended to harm or slow down American’s operations is a violation of the Court’s TRO and the Railway Labor Act.

You MUST resume normal working schedules and practices.

You MUST NOT engage in any concerted refusal to perform normal operations.

Any individual employee represented by the Association who is found to have:

- Refused to accept overtime or field trip requests as they would in the normal course;
- Failed to complete maintenance repairs as they would in the normal course;
- Slowed down in the performance of their job duties; or
- Taken any other action intended to cause aircraft to be out of service outside of the normal course (including specifically aircraft out of service at 7:00 a.m.) or otherwise cause flight delays or cancellations or interfere with American’s operations;

WILL face discipline and fines from the Association, TWU and/or IAM”; and

- h. Defendants shall take all reasonable actions, including but not limited to communications to their members, to ensure that their members working at American's line maintenance stations, within seven days of entry of the modified Temporary Restraining Order, achieve approximately, in the aggregate, on a 7-day moving average basis, overnight productivity levels equal to the aggregate status quo overnight productivity levels achieved in the summer of 2018 of 77.5%.

IT IS FURTHER ORDERED that by 10:00 a.m. on the fifth business day following issuance of these modifications, Defendants shall, by sworn declarations, confirm the steps taken toward compliance with each of the above requirements. The declarations shall include full details regarding the timing/location of the meetings and names of attendees at such meetings, and a detailed summary of what Defendants' leaders said at such meetings—with the recognition that Defendants may not be able to accomplish all of the above actions within five business days. If that is the case, Defendants shall update the Court every third business day until completed.

SO ORDERED at 5:23 o'clock <sup>P.m.</sup> this 10 day of July, 2019.

  
HON. JOHN MCBRYDE  
United States District Judge