



The Basics of Negotiations

Definition of a Negotiation: Discussion between parties aimed at reaching a mutually beneficial agreement. (*New Oxford American Dictionary*)

When our Collective Bargaining Agreement (also known as our Contract) becomes amendable, our Union's Negotiating Committee (or Negotiating Team - NT) and Southwest Airlines' Negotiating Team meet to discuss changes each side would like to see made to our CBA. As our industry and operation changes, so must our Contract.

Once an Agreement in Principle (AIP) is reached between both Teams, the next step for our Negotiating Committee is to present the Tentative Agreement (TA) to our TWU Local 556 Executive Board for review. With a 2/3 majority vote, our Executive Board can send a TA out for a Membership-wide vote. A simple majority (50% + 1 person) determines whether or not to ratify the agreement. **If it is approved by our Membership, the TA becomes our new Contract.**



Q: "How often do we negotiate a new Contract?"

A: It depends on the length of time agreed upon and ratified during the last round of bargaining. Article 35 - Duration & Termination states when the current Contract became effective and when the next round of bargaining will begin. For example, our most recent Contract had a five (5) year duration.

Important Things to Know About Negotiations:

- Our Contract does not expire... *it becomes amendable.*
- We work under the current Contract until a new one is ratified by our Membership. (AKA "Status Quo")
- Our Executive Board votes whether to send the Tentative Agreement to our Membership for a vote.



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Q: "So how exactly does the Negotiations process work?"

A: The process of Negotiations has multiple steps, depending upon the progress of the two Negotiating Teams.

As airline employees, we are governed by the **Railway Labor Act (RLA)**. The RLA was the first federal law guaranteeing the right of workers to organize, join unions and elect representatives without employer interference.

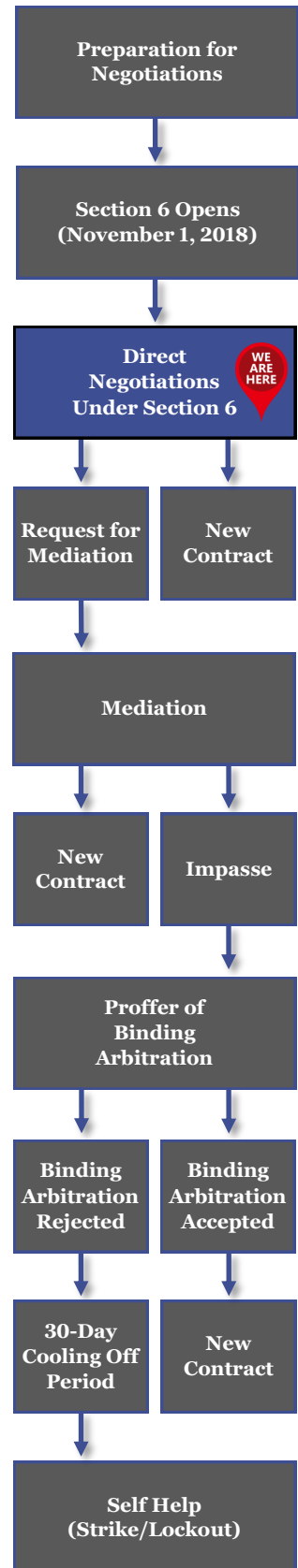
Per our Local's Bylaws, our Negotiating Committee (NT) is established prior to the Amendable Date. **Our NT is comprised of five (5) Flight Attendants.** Our Local Bylaws mandate that our President is the Lead Negotiator. Two NT Members are appointed by our Executive Board, and two NT Members are elected by our Membership. Our NT is accompanied at the table with a Labor Attorney and is provided assistance from an Airline Economist (historically provided by TWU International) and Subject Matter Experts, when necessary.

Once our NT is formed, they begin preparing for the opening of Negotiations.

The **Amendable Date** is the date on which changes to our current Contract can be made. A written notice (by either party) to open the Contract for Section 6 Negotiations is submitted 30 days prior to the Amendable Date.

Section 6 Negotiations refers to the portion of the RLA that establishes the procedures for collective bargaining.

NOTE: Most recently, we entered this step on November 1, 2018.





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Our Negotiating Committee (NT) and SWA's Negotiating Team agree to a Tentative Agreement (TA).

Our NT presents the TA to our Executive Board (EB).



Our EB **reaches** a 2/3 majority to send the TA to our Membership for a vote.

Our EB **does not reach** a 2/3 majority vote to send the TA to our Membership for a vote.



Our Membership is given a **MINIMUM** of 45 Days to review and vote on the TA.

Our NT goes back to the table with Management.

NO

YES

The TA is ratified and becomes our newest Contract.



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IMPORTANT COMMONLY USED TERMS IN NEGOTIATIONS:

Railway Labor Act (RLA): A United States federal labor law that was passed in 1926 (amended in 1934 and 1936). The RLA substitutes **bargaining, mediation and arbitration** in place of strikes, and is aimed to resolve labor disputes in the railroad and airline industries without work-stoppages.

Section 6 Negotiations: Section 6 of the RLA details how Contracts of those covered by the Act will be negotiated. This is often referred to as direct negotiations.

Mediation: When the two parties of a Contract discussion (Union and Management) are not making headway with direct negotiations, either party (or both parties together) can opt for Mediation. The National Mediation Board or NMB (a federal entity) will then step in and act as **an intermediary, neutral party** in the hopes that negotiations between the two parties can continue. When in mediation, both parties have to schedule sessions taking into account the mediators availability, and will travel to neutral sites for the discussions. Only when the NMB has determined that the two parties are at an impasse can further steps be taken.

For more information visit: www.nmb.gov.



Q: “How is a mediator assigned? Do they know our Contract and our job?”

A: Nope. NMB mediators usually come from Union or Company backgrounds and have extensive labor relations experience, but do not necessarily have airline experience. When reviewing the application for mediation, the Director of Mediation Services and Senior Mediators review the case and take into account mediator’s work loads, availability, schedules, mediator experience, etc. While both parties can indicate a desire to work with a specific mediator, many factors determine the assignment.



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Q: "Is there a time-limit for Section 6 bargaining before mediation? And how long does mediation take?"

A: No, there is not a set time for Section 6 bargaining. You'll often hear "bargaining in good faith." This simply means that both parties are reasonably negotiating with a **willingness to actually reach an agreement**. When one (or both) of the parties believes that the Teams are in a stalemate, mediation is the next step. There is also no set time-limit for mediation... it can take weeks, months or years.



Q: "What is a 'Subject Matter Expert' and why would our Negotiating Team want to take them to the table?"

A: Subject Matter Experts are people who have a particular area of expertise or strong knowledge about a specific subject being negotiated at the table, and can come in with our Negotiating Team or Management. These experts can work within our ranks, come from other departments, or bring unique experience to the negotiation process.

For example: We have seen past Negotiators, Flight Attendants with extensive knowledge about Scheduling, and Members with info regarding Safety and Security join our Team at the table.



Q: "I've heard the phrase 'status quo'... what does that mean?"

A: Contracts for those protected by the RLA never "expire," they become "amendable." During direct negotiations, mediation, and any cooling off periods, the Contract that was in place at the beginning of negotiations remains intact and is considered "status quo." An example of violating the status quo would be unilateral wage changes or work conditions.





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Arbitration: When it becomes obvious that the two parties will not be able to reach an agreement even with the help of a mediator, the NMB will offer both parties a “proffer of arbitration.” This offer means that the NMB will arbitrate... or reach **an authoritative judgment or settlement based on industry standard**. If either party declines the proffer of arbitration, and instead asks to be released, a 30-Day Cooling Off Period will begin.

30-Day Cooling Off Period: After the proffer of arbitration is declined and it is determined by the NMB that mediation has been unsuccessful, the 30-Day Cooling Off Period between both parties begins. The NMB may still invite both parties to meet (“public interest mediation”) and will notify the President of the United States of the situation and the impact of a potential strike. At that time the President may create a Presidential Emergency Board (PEB) per Section 160 of the RLA. The PEB has 30 days to create a proposal for both parties to consider. After this is presented, an additional 30-Day Cooling Off Period begins. **At the end of the 30-Day Cooling Off Period, Self Help can occur or Congress can intervene and mandate a settlement.**

Self Help: Examples of Self Help on behalf of Workers include a Strike, Walkout and/or Work Action. A Lockout, Cease of Operation or Imposition of Last Best Offer are Self Help options for Management.

Q: “I’ve heard references to ‘illegal work action’ and ‘slow downs’ in the news. Aren’t those a RLA sanctioned form of Self Help?”

A: When you hear about “illegal work actions”, they are talking about a negotiation that is **still in the bargaining process** and has not yet reached the “Self Help” step of the RLA negotiations chart. Remember, before reaching Self Help, the parties must work their way through Section 6 Negotiations, Mediation, Arbitration and the mandatory cooling off period. Just like the RLA prohibits Management from making arbitrary changes during negotiations (even contentious negotiations), the Union and its Members have a direct responsibility to uphold the “status quo.” This means that “sick outs,” “slow downs,” etc. are considered going against the rules of the RLA and litigious steps may result.





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Q: "What is my role as a TWU Local 556 Member, during Negotiations?"

A: It is important to stay informed with how Negotiations are progressing and where we are in the process. Our Negotiating Committee sends out regular updates after they have met with Southwest Airlines' Negotiating Team, so if you're not receiving those updates, make sure our Local has your updated **PERSONAL** email address. It's important to get your information directly from the source... **OUR TEAM!**

To show support for our Negotiating Committee you should:



✓ **Wear your Union Pin.** The simplest way to show Management that we are united behind our Team is to wear an **APPROVED UNIFORM PIN**. If you don't have a Union pin, reach out to your Domicile Executive Board Member (DEBM), a Shop Steward, or request one on the TWU Local 556 Website (www.twu556.org).

✓ **Complete any surveys** our Negotiating Committee sends out. Our NT represents our Membership at the table. One of the tools they use to make sure they are negotiating things the Membership wants is to **ASK US!**

✓ **Attend Membership Meetings.** This is the easiest way to ask your questions and ensure you're up-to-date on all Local dealings.

✓ **Communicate** your wants to the Negotiating Committee; provide solutions to problems. Our Team can be contacted via email at: nt@twu556.org.

✓ **Participate** in events our Negotiating Committee coordinates (picketing events, Twitterstorms, Zoomcast Webinars, Shows of Unity, etc.).

