

## **NAA 78<sup>th</sup> Annual Meeting 2025**

### **Airline Panel “Turbulence in the Skies”**

**Thursday, May 1, 2025, 1:30 pm to 2:45 pm**

#### **PANEL**

##### **Advocates:**

Tricia Kennedy, Director, Grievances/Dispute Resolution, Allied Pilots Association

Eric Mennel, Director of Labor Relations, United Airlines

Maranda Rosenthal, Managing Director and Associate General Counsel,  
American Airlines

Peter Swanson, Association of Flight Attendants-CWA.

##### **Arbitrators:**

Margie Brogan, NAA;

Walt De Treux, NAA

##### **Concept**

A panel of experienced advocates and arbitrators will discuss current and often controversial issues arbitrated in the airline industry. How is the unpredictable and sometimes even volatile atmosphere in the sky reflected in the issues presented to a system board of arbitration?

The speakers will discuss specific discipline scenarios, exploring how they might analyze a particular case in terms of what factors should be considered in determining just cause for discipline. While we are primarily focusing on the airline industry, the arbitrators may discuss how these cases may be considered differently in a non-airline setting.

## **Scenarios**

**1) Social media:** A Flight Attendant posts disparaging information about an airline co-worker on a private social media group or chat room designated for that airline's Flight Attendants and Pilots, in which one can only join by demonstrating that they are employed by the airline. This is not a group officially sanctioned by the Employer or actively monitored by the Company. The Company gets a complaint by the targeted co-worker and investigates.

A) What if the comment is related to the targeted person's political or religious beliefs?

B) Does the analysis change if the comment is related to the targeted employee's work habits or ability to get along with others?

C) What if the airline employee posts a similar message on a social media site sanctioned by the airline for use by its employees? How are postings on such a site monitored?

D) What about if they post a negative comment on the targeted employee's general social media page but do not associate the person with the airline?

E) What if the posting does not denigrate a co-worker or the airline per se, but features a flight attendant, in uniform and on the plane, dancing somewhat seductively?

1) Does the analysis change if the Flight Attendant adds text to the posting saying that, "I work for \_\_\_\_ Airlines and it is Fun and Fabulous. Choose us for your next trip."

2) Does it matter if the video was filmed prior to passengers boarding?

## **2) Allegedly inappropriate verbal interaction between co-workers.**

Two Flight Attendants have an angry verbal exchange in the back galley of the airplane. Curse words are exchanged. Both employees were not aware that they were heard by a passenger who boarded early. The passenger complains. What result?

A) Does the analysis change if no passenger heard the exchange but a Flight Attendant in the galley did and reported it?

B) What about if no curse words or slurs were used, but angry voices were raised?

C) What about if the interchange occurs in an airport lounge or other waiting area designated for airline employees where the riding public does not have access?

D) Is there a different standard if the conduct occurred between ramp or baggage employees?

E) What if the interchange gets physical? Are both employees disciplined?

### **3) Alleged theft.**

As he is leaving the plane at the end of a flight, a Flight Attendant notices a small bag which he believes belongs to a customer based on his conversation with that passenger during that flight. The FA takes the bag as he is exiting the plane, with the plan of turning it in at the airport. Before he can do so another FA on the flight sees his conduct, reports it by radio, and the FA who took the bag is stopped as he exits the plane. He is taken to security and after he is interviewed he is told he is terminated. Is the dismissal for just cause?

A) Does the analysis change if the Flight Attendant is not stopped as he leaves the plane, no one reports him, and he finds a way to return the item to the passenger?

B) What if the passenger to whom the item was returned then sends a glowing review of the FA to the airline's customer service, in which she praises the Flight Attendant for his actions and states that she will recommend the airline to her friends and family for all future travel needs. Does this impact any discipline?

C) Assume that the Flight Attendant makes it home with the item, but is then called into work to discuss their conduct before the FA has an opportunity to return the item. What result?

### **4) Issues related to impairment, on the plane or during a layover.**

The Captain complains that the First Officer shows signs of impairment while flying. The First Officer is drug tested upon landing. The drug test results demonstrate that the First Officer was positive for a controlled substance, which would typically result in dismissal under the airline drug policy. The First Officer complains to the Medical Review Officer and to the Company that they were with the Captain at the bar at the layover hotel, and they believe that the Captain put

the drug Ecstasy in the First Officer's drink, explaining the positive result. The drug test results are arguably consistent with the use of Ecstasy. Discuss. Would it matter if the First Officer reported their suspicions prior to the drug test?