

Appeals Court to take CWA case against American Air

As three other unions deal with the airlines in bankruptcy court

WASHINGTON, D.C. (PAI) — A federal appeals court will take the Communications Workers of America (CWA) case against American Airlines' blockage of the union representation election for passenger service agents, CWA President Larry Cohen announced.

The case is important because a federal judge in Fort Worth, Texas, where American Airlines is headquartered, ruled — for the first time in history — that the scheduling of a union certification election could cause "irreparable harm" to a company.

American, the nation's third largest airline, filed for bankruptcy protection in November 2011 — with \$4 billion in the bank. In bankruptcy court the company has tried to void its union contracts with the Allied Pilots Association, the Association of Professional Flight Attendants, and the Transport Workers Union, which represent 55,000 pilots, flight attendants, and mechanics.

If successful, the carrier will dump its pension plans onto the federal government (taxpayers) and fire thousands of workers.

The New York Times reported that American's management team stands to make between \$300 million and \$600 million in bonuses if American Airlines emerges from bankruptcy as a stand-alone company.

CWA's election among 10,500 passenger service agents had been scheduled for this summer, until the judge called it off in July. He also accepted the airline's argument that CWA did not file enough cards petitioning for the union recognition vote.

After a long organizing drive, CWA filed cards from more than 30 percent of the workers last December. But American Airlines filed lawsuits and caused other delays, which prevented the National Mediation Board from ruling on the union's petition for an election until May. The National Mediation Board is the government agency that oversees labor-management relations in the airline and railroad industries. By May, Congress had changed the election rules. Now, rail and air unions must obtain authorization cards from an absolute majority of workers in a bargaining unit before the National Mediation Board will schedule a vote.

U.S. District Judge Terry Means said CWA failed to meet that standard.

"Even in bankruptcy, American was able to stop an election by finding a judge who sided with them because it (the election) would 'hurt morale,'" Cohen sarcastically said during a conference call late last month.

"The U.S. Court of Appeals" in New Orleans "will hear that lawsuit and the Department of Justice is carrying that lawsuit, too," Cohen said.

Last month, 121 members of Con-

gress wrote American's CEO Thomas Horton, urging him to drop the legal maneuvers and let the election go forward.

Among those signing the letter were U.S. Representatives Suzanne Bonamici, Earl Blumenauer, Peter DeFazio, and Kurt Schrader of Oregon and Adam Smith and Jim McDermott of Washington. All are Democrats.

"We are disappointed that you sought the injunction instead of proceeding with the union representation

election once the statutory requirements for holding that election were met by the passenger service agents," they wrote.

The congresspeople pointed out that when debating the bill that contained the higher threshold standard for triggering a union election, it was confirmed that it would not impact applications that had already been filed.

"We are confident that congressional intent on this issue is clear, despite the recent (court) ruling," the letter states.

Caregivers picket St. Charles Hospital

BEND — Hospital workers and members of the community held an informational picket July 25 at St. Charles Medical Center, where 600 caregivers are trying to secure a first contract. They are members of Service Employees International Union (SEIU) Local 49.

"Caregivers have had over 40 bargaining sessions to date and have yet to see management address their main concerns around having a voice in patient care, having good jobs with living wages, and affordable health care," said union spokesperson Felisa

Hagins in a press release.

The union won a narrow organizing victory in January 2011. Oftentimes employers in close elections will use stall tactics to avoid reaching agreement because federal labor law allows a minority of workers (30 percent) to file for a decertification election if a contract isn't in place after 12 months.

A decert was filed in February.

The National Labor Relations Board has not set an election date, however, as it is investigating several unfair labor practice charges SEIU

filed contending that the hospital and its team of hired consultants had engaged in illegal and coercive tactics to intimidate employees into voting against the union.

Since voting for Local 49, several union activists have been disciplined, and some terminated.

St. Charles is the largest employer in Central Oregon. At the same time that caregivers were picketing, hospital CEO Jim Deigal was announcing St. Charles' intentions of acquiring Mountain View Community Hospital in Madras.

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