



Northwest Airlines MEC  
. Association of Flight Attendants - CWA, AFL-CIO  
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## Know Your Rights!

### 1. Your Right to a Witness

Our contract gives us a right to a [Union Representative](#), from his/her Local Executive Council, present in any discussion with a management person which may lead to disciplinary action. In fact, the Company must advise you of this right.

If there is a question about your right to have a [Union Representative](#), refer to [Section 21.F.1](#) and [27.B.4\(d\)](#) of our Contract. Also, inform your Local Council Representative at once if this representation is denied.

### 2. Fatigue

While on a trip, if you become too fatigued you must continue the trip unless your health and safety or that of the crew or passengers will be immediately jeopardized if you continue to work the flight.

### 3. Insubordination

Insubordination is defined as a refusal to follow a direct order from a supervisor. You must comply with a direct order from a supervisor unless an order would endanger your health and safety (or that of your crew or passengers). A direct order should contain several components. You should be told you are being given a direct order, you should be told what it is you are being directed to do, and you should be told failure to comply may result in your termination. If a superior requests you perform an act which you judge to be in violation of the Contract, establish whether or not such request is a direct order (if possible, in the presence of a witness). If the supervisor states such instruction is a direct order, perform the order under protest and resolve the dispute later through the Grievance procedure. [Contact an AFA Representative immediately.](#)

### 4. Polygraph Tests

The position of AFA is that you should never be asked to take a polygraph test nor should you submit to a polygraph test under any circumstances. The Company may not require a Flight Attendant to take such a test. If such a request is made, immediately contact your [Local Council Representative](#).

## **5. Suitcase Searches**

AFA has consistently opposed searches of the belongings and person of Flight Attendants for obvious reasons. It is an embarrassing and humiliating experience to have your privacy invaded by having your personal effects exposed. In addition, it is insulting to be suspected of theft or transporting drugs. In suitcase searches, the innocent have cause for outrage. Arbitrators, however, have ruled that with reasonable cause, the Company may conduct a search of an employee's belongings. These arbitration rulings have in mind a Company's right to protect its property from theft or illegal drugs. If you are ever confronted with a demand to submit to such a search, you should:

- A.** Demand the presence of a qualified witness ([preferably an AFA Representative](#)) before you submit to any search or answer any questions. If you are unable to obtain an acceptable witness, offer to lock your belongings in an airport office and give the key to an acceptable third party until an acceptable witness can be obtained.
  
- B.** In the presence of your witness, demand that the Company state the reasons why they are asking to search your belongings. Remind the Company official that any slanderous remarks about your taking of Company property may be the basis for a lawsuit which you will initiate against them. In addition, remind the Company official that an invasion of your rights of privacy may be taking place.
  
- C.** Ask if a direct order is being made to you to open your belongings. ([See the Section 3 Rights "Insubordination"](#)).
  
- D.** If the Company still insists that you must open your suitcase, state that you will do so under protest. In view of your witness, allow the Company official to open and inventory your belongings. Be sure to record the names of the Company official(s) involved and contact your AFA Local Executive Council President or any other AFA Representative.

## **6. Withholding from Service for Disciplinary Reasons**

The Company may hold you out of service with pay at any time. The Company, however, may also hold Flight Attendants out of service without pay if the Flight Attendant is being withheld from service for reasons that put either passengers, employees or Company assets at risk.

## **7. Discrimination**

[Section 1.H.](#) of the Contract states that, "The Company shall not discriminate in any way against any individual Flight Attendant with respect to his/her compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, disability, national origin, age or sexual orientation."

## **8. Blood Alcohol and Breathalyzer Tests**

Ensure that management uses only official [Department of Transportation \(DOT\) procedures](#) established for mandatory alcohol testing. DOT procedures require the use of a standardized breathalyzer. The categories of testing allowed are: random, post-accident and reasonable suspicion.

The standard required for reasonable suspicion is based on one supervisor's "specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee." If you are asked to submit to a "reasonable suspicion test", find a witness ([preferably an AFA Representative](#)). In the presence of our witness, ask the supervisor what evidence is being used to require the test. Write down exactly what the supervisor states.

If management directs you to take any alcohol tests beyond the scope of [DOT procedures](#) (such as a blood alcohol test), contact an AFA Representative immediately. You should not be required to take any test that deviates from [DOT procedures](#).

Ensure that management uses only [DOT procedures](#). To protect yourself, always ask for a SPLIT SAMPLE. Also, always contact AFA if the test results are positive.

[Section 21.E](#) outlines the Company's obligations, including potential compensation if you are required to submit to random testing.

## **9. Sick Leave Responsibilities**

Under certain circumstances the Company has the right to request medical documentation from your health care provider to explain your sick leave. This does not mean that they have a right to know all of your health care information.

The Company only needs a "[g]eneral statement of the nature of the illness or injury." "No detailed description of symptoms or treatment is required." [\(15.D.3\)](#)

## **10. Progressive Discipline**

For less serious infractions such as tardiness, excessive absenteeism, etc., management follows a procedure known as Performance Development, or also known generally as Progressive Discipline in Labor Law.

The first step is known as Coaching. A Coaching "provides an opportunity for a Flight Attendant and his/her manager to develop a course of action to address the behavior(s) at issue."

"In the case of more serious or repeated infractions, the employee shall be placed on one or more of the following levels of formal discipline:

1. Level 1 reminder
2. Level 11 reminder
3. Decision-Making Leave

After any discussions which result in notations, initial discussion or discipline, inspect your Base Employment File and Corporate Employment File to review any notations or reports. [Section 27.C](#) of the Contract gives you the right to inspect your file.

Contact a Union Representative promptly for further guidance.

Remember, the Contract outlines time limits in the Grievance Procedure ([Section 27](#)).

It is advisable for all Flight Attendants to routinely inspect their files at least twice annually.

## **11. Investigations**

You may be the subject of a company investigation in two situations:

1. If management suspects you of violating a company rule; or
2. If management suspects that you have information regarding another employee suspected of violating a company rule.

A Flight Attendant has certain obligations and specific rights throughout a company investigation.

### ***Obligations***

You have obligation to answer management's questions truthfully and candidly to the best of your knowledge. Management has the right to ask questions regarding your actions provided the question is related to the company's business. It does not have the right to ask personal questions unless there is a relationship between your actions and the company's business. For example:

1. Management may ask if you wore uniform items while off duty in a specific restaurant to determine if you could be identified as a NWA employee during an incident.
2. It would NOT be appropriate for management to ask how often you attend church or what religion you follow.

In an investigatory conference, let management ask the questions. If the questions are too general, ask the investigator/supervisor to focus more specifically on what she/he needs to know. Respond with specific answers which you know to be correct. Do not guess. Do not volunteer information which is only speculative. If you did not know the answer to a question, state precisely, "I do not know." Do not draw conclusions. Protect yourself. As for paper and take notes of management's questions and your answers. You may be sure that management will be noting every word you say.

### ***Rights***

Our contract gives us a right to a [Union Representative](#), from his/her Local Executive Council, present in any investigation/discussion with a management person which may lead to disciplinary action. In fact, the Company must advise you of this right.

If there is a question about your right to have a Union Representative, refer to [Section 21.F.1](#) and [27.B.4\(d\)](#) of our Contract. Also, inform your [Local Council Representative](#) at once if this representation is denied.

### ***Contact the Union***

It is your best interest to contact a [Union Representative](#) for advice before you begin an investigatory discussion. In addition, a witness of your choice can take notes of the conversation. A witness can refute any inaccuracies stated by the company in subsequent grievance proceedings.

The company may claim that because you are not accused of wrongdoing and it is only gathering information to complete an investigation, the due process rights under the Contract do not apply to you. Even if you are not the subject of an investigation, you should always ask for a Union Representative. Remember, the Company may subsequently charge you with submitting false information if your statements are found to be inaccurate.

## **12. Family Medical Leave Act**

The Family Medical Leave Act provides eligible employees up to 12 weeks of job-protected leave for the serious illness of an employee, an immediate family member, the birth or adoption of a child.

To qualify for FMLA under [Section 18](#) (Leaves of Absence) of the Contract, you must have at least one full year of service and have received five hundred and sixty-eight credited hours (568:00) in the past twelve months. These hours include sick leave and vacation.

The Company provides a FMLA packet containing all of the information needed to process the FMLA application. This packet may be obtained at your Base.

### **13. Immediate Actions**

#### Alcohol Test / Drug Testing

- \* Ensure that DOT procedures are followed.
- \* Request a split sample.

#### Fatigue

- \* Ensure that continuation of duty would jeopardize your health/safety or that of your crew before claiming fatigue.

#### Initial Discussion, Counseling and Progressive Discipline

- \* Review your Employment File.
- \* Contact a Union Representative

#### Insubordination

- \* Obey, unless the action endangers health or safety
- \* Grieve later.

#### Investigations

- \* Review all documents that are given to you before discussing them.
- \* Ask to speak to a Union Representative before discussion.
- \* Ask for a Union Representative to be present for the discussion.
- \* Give only answers you know are accurate. Do not guess, speculate or draw conclusions.
- \* Take notes. Do not voluntarily sign any document you did not write.
- \* Take time to collect your thoughts before writing any reports.

#### Polygraph

- \* Do not submit under any circumstances.
- \* Contact a Union Representative immediately.

#### Suitcase Search

- \* Never voluntarily submit.
- \* Submit only with a direct order - under protest.
- \* Demand a witness of your choice.
- \* Contact a Union Representative immediately.