

When Trouble Knocks

For an airline worker, trouble can come in many forms; aircraft damage, insubordination, performance, attendance, conflict with coworkers. When it does come, Northwest workers have rights that simply don't exist for Delta workers.

By belonging to a union, Northwest workers have the right to **“due process”**. That means that IAM members ultimately can only be disciplined or fired if it can be proved that they have done something wrong. There has to be **“just cause”**. Delta workers don't have a right to **“due process”** because they are **“at will”** employees. Delta's employee manual even says that the Company reserves the right to terminate an employee at any time for any reason.

Roger Poehls, an occupational injury attorney who works with many IAM members says, **“I see it over and over again in the legal system. Union members do better than other workers because they have a contract and a specific set of rights. They have greater protection in the eyes of the law.”**

The Grievance Procedure

In any meeting with management that could result in discipline, an IAM member has the right to be represented by a union steward of their choice. That steward has equal standing in that meeting, with the right to ask clarifying questions and make statements before the conclusion of the meeting.

If the employee is disciplined, they can file a grievance against the company's action. The union rep then presents the

worker's side at a Step One Hearing. If there is no resolution, a higher level of management and union meet in a Step Two Hearing. The last step in the process is a hearing before a neutral third party or arbitrator who has final say in the case.

At Delta there is a process for review of discipline, but there are several problems with that process:

- 1- Employees are not really sure what the process is and Delta can change the rules at any time. One employee who contacted the IAM said he asked for a witness during a disciplinary hearing and was told there was no such right. Later, another manager said he thought **“there might be something like that”**.
- 2- Based on discussions with dozens of terminated Delta employees, a common experience is to be kept on indefinite, unpaid suspension. Many simply quit in frustration. There are no real time lines for appeals and final action.
- 3- **There is no opportunity for an employee to have their case heard by a neutral third party.** All hearings and appeals are carried out by managers and Human Resources lawyers. Justice is not usually served with that kind of set up. No judge, no jury, just a prosecutor.

It's infrequent for most IAM members at NWA to need the grievance process, just as it is rare for most citizens to need the justice system and a defense attorney, but having it in place is a great insurance policy.