



SEHAM, SEHAM, MELTZ & PETERSEN, LLP

ATTORNEYS AT LAW
199 Main Street, Seventh Floor
WHITE PLAINS, NEW YORK 10601
TEL: (914) 997-1346
FAX: (914) 997-7125
Sender's E-mail: ngranath@ssmplaw.com

February 22, 2019 via email and US First Class

Mark R. Shaw
Mark.Shaw@wnco.com
Executive Vice President, Chief Legal and Regulatory Office
Southwest Airlines, Co.
2702 Love Field Dr.
Dallas, TX 75235

Mr. Shaw:

I represent the Aircraft Mechanics Fraternal Association (“AMFA”). This letter is in response to your letter emailed at the end of the day, today, to: AMFA Airline Representatives, Dan Burgess, Craig Hamlet, Wayne Lampley, and Fred Bishop; and copied to my colleague, Lucas Middlebrook – and inexplicably publicly released before AMFA could respond.

The Company and its senior leadership should be ashamed. On December 6, 2017, Vice President of Maintenance Operations, Landon Nitschke, characterized the state of Southwest’s maintenance safety culture, by confessing: “sometimes we hide our compliance issues under the Warrior Spirit.” Mr. Nitschke vowed at that time:

“So big effort this year. We definitely need to repair some things with the FAA not only as a Company, but, I think, as people ... so again, *compliance, compliance, compliance is going to be our theme song for 2018.*”

However, despite Mr. Nitschke’s calls for compliance, the Company appears to continue to attempt to hide a degraded maintenance safety culture behind contract negotiations with AMFA. This is deplorable and represents a real danger to your employees and your passengers. As you are aware, Southwest Airlines declared a self-styled “Operational Emergency” just eleven (11) days after a nationally-televised CBS News report, which detailed the efforts of Southwest aircraft maintenance technicians to resist coercive pressure to ignore aircraft damage. The CBS report exposed a problem so severe that two United States Senators have called for a congressional investigation. Moreover, The FAA has condemned the carrier’s “capitulation of airworthiness.” Yet, it appears that, once again, management has chosen to increase its coercive efforts against its own Aircraft Maintenance Technicians – whose job it is to ensure safe flights – this time with increased threats of litigation and job termination.

Let us be clear. AMFA members at Southwest Airlines are doing their jobs in accordance with the requirements of their FAA-issued A&P licenses. Southwest Airlines should be thanking these men and women for their dedication to safety; instead, it hurls unfounded accusations. AMFA rejects any assertions that it or its members have acted in violation of law or collectively to disrupt Company operations or undertake any job actions. Southwest Airlines has provided no evidence to AMFA in support of its baseless job action allegations.

Nevertheless, AMFA takes the accusations raised by you very seriously. Therefore, be advised that the attached correspondence (Attachment A) will be published for immediate distribution to AMFA-represented employees this evening. I call your attention to the fact that this letter is in addition to AMFA's earlier February 15, 2019 Memorandum issued to our members (Attachment B). Your letter failed to reference this piece of correspondence.

AMFA needs further information to conduct its investigation into the unfounded allegations Southwest Airlines has made. Therefore, without agreeing with any allegation of fact in your letter, in order to assist my client in continuing to uphold its statutory duties, I request that you provide the following information:

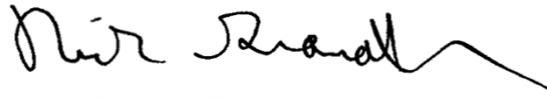
- 1) The "specific shifts" alleged to be responsible or any other means of identifying any concentrations of illegal concerted action, as alleged;
- 2) The physical locations alleged to be involved in a job action;
- 3) Any union officers alleged to be involved in the action;
- 4) The "historical norms" the UAD is measured against;
- 5) Evidence of any operational disruptions, including any flights canceled or delayed, as a result of any disruption your client attributes to my client.
- 6) For each identified UAD event, specific evidence that the aircraft in question was not in need of legitimate aircraft maintenance in accordance with FAA regulations and the applicable maintenance manuals.

AMFA reserves the right to supplement this request. Please provide responses to the above requests by close of business on Monday, February 25, 2019.

The so-called "Operational Emergency" declared on February 15 has rung hollow. Southwest called for "all hands-on deck," but the overtime callout statistics since inception of the "emergency" tell a different story. The self-serving "emergency" was nothing more than a pretext for coercion of Aircraft Mechanics undermining safety, extra-contractual demands on union members, and punitive measures directed at AMFA, such as denial of union business leave to meet with management in resolution of workplace disputes. Need we remind you of Southwest Airlines' obligations, under the Railway Labor Act, to preserve the status quo? AMFA is willing to be a partner in support of safe and productive operations, but making it a target only undermines reaching those goals.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Granath". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

Nick Granath, Esq.



Attachment A

AIRCRAFT MECHANICS FRATERNAL ASSOCIATION

National Office: 14001 E. Iliff Avenue, Suite 217 • Aurora, CO 80014
Tel: 303.752.AMFA (2632) • Fax: 303.362.7736

For Immediate Release and Posting To AMFA Members At Southwest Airlines From AMFA National Director On February 22, 2017

Dear AMFA–SWA Members:

AMFA and the Southwest Airlines remain engaged in collective bargaining pursuant to the Railway Labor Act. The law requires that both parties refrain from “self help” until released by the National Mediation Board from mediation and a thirty-day cooling off period has expired. During collective bargaining the Company is prohibited from initiating a lockout or unilaterally changing the terms of our collective bargaining agreement – and conversely, AMFA-represented employees are prohibited from engaging in concerted “job actions” that interfere with Company operations. But by letter today, the Company alleges a job action. AMFA firmly rejects these allegations and has said so in a letter from our attorneys back to Mr. Shaw tonight – but I want to remind you of this:

First, as I said on February 15, know that it is a violation of federal law for Southwest Airlines to “intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee” who seeks to perform his work in conformance with federal aviation standards. 29 C.F.R. § 1979.102(b). **You, as a federally licensed Aircraft Maintenance Technician, have an obligation, to ensure aircraft upon which you work only carry passengers in an airworthy condition.** Apart from being federally mandated, we are the frontline employees tasked with this important responsibility. So, if you feel you are being pressured to disregard aircraft damage or shortcut the manuals, then let your Airline Representative (ALR) know of such threats and/or contact National Safety and Standards Director Scott King at (720) 744-6630 – or call the FAA Hotline at 866-TELL-FAA / 866-835-5322 to file a report. But do not get baited into acts of defiance that will be characterized as insubordination. Instead, follow the adage “work now, grieve later.”

Second, of course AMFA has not called for, does not support, and will oppose any job action, in any form. **Members are unequivocally instructed to refrain from any collective actions** to withhold their services from the Company, or to diminish their services, or to disrupt operations for illegal reasons. Doing your job as a licensed Technician is not illegal. There will be no collective action outside of a lawful call for a strike, which will only come from my office, and has not been called for, to date. There is no hidden message here about this – job actions do not help you, your co-workers, or the Union. In short: be professional, work hard, be productive, but be safe and stay disciplined in unity.

On Behalf of the NEC,

Bret Oestreich
National Director



AIRCRAFT MECHANICS FRATERNAL ASSOCIATION

National Office: 7853 E. Arapahoe Court, Suite 1100 • Centennial, CO 80112
Tel: 303.752.AMFA (2632) • Fax: 303.362.7736

Memorandum

To: AMFA–SWA Members
From: National Executive Council (NEC)
Date: February 15, 2019
Re: State of Operational Emergency

AMFA–SWA Members:

By letter dated February 15, 2019, Southwest’s Sr. Director Tech Ops Production Lonnie Warren declared a State of Operational Emergency which imposes extra-contractual demands with respect to the services of our Aircraft Maintenance Technicians and Inspectors with the explicit threat of termination if they fail to comply. This declaration of a State of Operation Emergency occurs just eleven (11) days after a CBS News report detailing the efforts of Southwest maintenance to resist coercive pressure to ignore aircraft damage and the FAA’s confirmation of the degraded safety culture at Southwest. The CBS report exposed a problem so severe that two United States Senators have called for a congressional investigation.

Unfortunately, Southwest’s response has been to increase the level of coercion and further degrade safety. Southwest operates with the lowest ratio of technicians-to-aircraft of any major carrier. As a direct result of the Southwest-created emergency: (1) sick mechanics who have not had the opportunity to see a doctor will have to work through their illness, (2) vacations, holidays, and shift trades will be disrupted, (3) bid seniority will be dishonored, and (4) technicians will be forced to work mandatory overtime irrespective of their child care obligations or state of fatigue. Southwest expressly warns that our compliance will be obtained via threat of termination.

On December 6, 2017, Vice President of Maintenance Operations Landon Nitschke characterized the state of Southwest’s safety culture by confessing: “sometimes we hide our compliance issues under the Warrior Spirit.” Nitschke vowed at that time: “So big effort this year. We definitely need to repair some things with the FAA not only as a Company, but, I think, as people ... so again, *compliance, compliance, compliance is going to be our theme song for 2018.*”

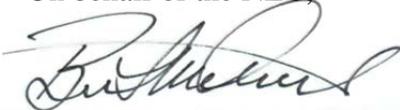
Unfortunately, the year 2019 has commenced with renewed management hostility toward maintenance compliance. The CBS report appears to have inspired a mean-spirited desire for collective punishment.

No matter how severe the provocation, AMFA asks its members not to be baited into acts of defiance that will be characterized as insubordination. We must follow the adage “work now, grieve later.”

Our contract must be respected. In addition, it is a violation of federal law to “intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee” who seeks to perform his work in conformance with federal aviation standards. 29 C.F.R. § 1979.102(b). Work hard, be productive, and let us get those broken planes back into service in an airworthy condition. This is not a call for a job action, which would be unlawful and further complicate our effort to achieve an equitable agreement. We are only asking that we be permitted to perform our job in accordance with federal law – nothing more and nothing less.

If you feel the contract is being violated, or you are being harassed or pressured to disregard aircraft damage or shortcut the manuals, please let your Airline Representative (ALR) know of such threats and/or contact National Safety and Standards Director Scott King at (214) 801-1505. You may also call the FAA Hotline at 866-TELL-FAA / 866-835-5322 to file a report.

On behalf of the NEC,

A handwritten signature in black ink, appearing to read "Bret Oestreich", written over a light blue rectangular background.

Bret Oestreich
National Director