

Report
TO
THE PRESIDENT
BY THE
EMERGENCY BOARD

**APPOINTED BY EXECUTIVE ORDER 10971 DATED
NOVEMBER 15, 1961, PURSUANT TO SECTION 10 OF
THE RAILWAY LABOR ACT, AS AMENDED**

**To Investigate a Dispute Between the Trans World Airlines, Inc.
and Certain of Their Employees Represented by
the Air Line Pilots Association, International**

(NMB CASE A-6407)

**WASHINGTON, D.C.
DECEMBER 15, 1961**

(Emergency Board No. 142)

LETTER OF TRANSMITTAL

WASHINGTON, D.C.,
December 15, 1961.

THE PRESIDENT
The White House

Mr. PRESIDENT: The Emergency Board established by you on November 1, 1961, by Executive Order 10971 has the honor to submit herewith its report concerning a dispute between Trans World Airlines, Inc., and certain of its employees represented by the Air Line Pilots Association.

Respectfully submitted.

DONALD B. STRAUS, *Member.*
MORRISON HANDSAKER, *Member.*
PATRICK J. FISHER, *Chairman.*

PJF :rhg:bp.

REPORT TO THE PRESIDENT

I. HISTORY AND NATURE OF THE DISPUTE

The Air Lines Pilots Association, International (hereinafter referred to as ALPA or the Association), is the collective bargaining representative for approximately 1,300 pilots who operate the Company's airplanes. Trans World Airlines, Inc. (hereinafter referred to as TWA or the Company), is an air carrier engaged in domestic and international air transport operations. It has approximately 50,000 route miles and serves 53 major cities in the United States and 18 cities throughout Europe and Asia. The parties have had a continuous bargaining relationship since 1939. From that time until now numerous collective bargaining agreements have been negotiated. The current contract which became effective on May 22, 1959, provided that it "shall remain in full force and effect until November 22, 1960, and shall renew itself, without change, for yearly periods thereafter, unless written notice of intended change is served in accordance with section 6, title I of the Railway Labor Act, as amended, by either party hereto at least sixty (60) days prior to the anniversary date in any year."

On August 30, 1960, the Association notified the Company that it wished to make certain changes in the existing contract and submitted a proposed new agreement. This 80-page document added two new sections and modified twenty of the twenty-six existing sections, as well as the Pilots Trust Annuity Plan. On September 19, 1960, the Company forwarded its proposals to ALPA and, at the same time, served notice that it considered the entire contract open for negotiation. On December 20, 1960, the Association requested the services of the National Mediation Board to assist in resolving the dispute. Numerous meetings were held under the auspices of that agency but they were unsuccessful in bringing about a settlement. Thereupon, on June 28, 1961, the National Mediation Board requested and urged the parties to submit the controversy to arbitration as provided in section 5, title I of the Railway Labor Act. This proffer was rejected by ALPA and accepted by TWA. Thereupon, in accordance with the Act, the National Mediation Board notified the parties that its

services were terminated. However, on August 25, 1961, the National Mediation Board notified the parties that it was of the opinion that further conferences might prove beneficial. Delays ensued, and the Association gave notice that it had established October 18 as a strike date. Three days later an agreement was made to postpone this date and to resume negotiations under the auspices of the National Mediation Board. Subsequent conferences were unproductive, and ALPA established November 2 at midnight as the time for a strike. Thereupon, in accordance with the provisions of the Railway Labor Act, the National Mediation Board certified to the President that the dispute "threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service."

On November 1, 1961, the President issued Executive Order 10971 creating Emergency Board No. 142 to investigate the dispute between Trans World Airlines, Inc., and certain of its employees represented by the Air Line Pilots Association, International. The members of the Board were designated on November 22 and the Board convened in Kansas City, Mo., on November 27, 1961. On that date the parties agreed that the time within which the Board should make its report could be extended 2 weeks. The President consented to this extension and directed the Board to make its report on or before December 15, 1961. Hearings were held every day, except Sunday, through December 6, 1961.

During the hearings ALPA was represented by Clarence N. Sayen, its president, Henry Weiss, Esq., and Benjamin M. Shieber, Esq., counsel, Russell G. Derickson, chairman of the TWA Master Executive Council, and B. W. Rawlings, chairman of the TWA Negotiating Committee. TWA was represented by David Crombie, vice president, Harold L. Warner, Jr., Esq. and Edmund E. Harvey, Esq. of Chadbourne, Parke, Whiteside & Wolff, counsel, Harry Feehan, director of labor relations, and David S. Spain, regional director of flight operations.

Despite the extension of time for submission of our report, the time available to the Board for hearings and preparation of the report has been short indeed, considering the number and the complexity of the issues submitted. It would be presumptuous on our part to assume that, in the limited time available, we had acquired an intimate knowledge of all of the factors and subtleties underlying this dispute. Therefore, we are not attempting to make detailed recommendations on every issue.

II. THE SIGNIFICANT ISSUES

When our hearings ended on Wednesday, December 6, the following issues were still in dispute: definitions, crew complement, no-strike clause, compensation (including minimum pay, international override, operational duty pay, guarantees, and miscellaneous pay rules), training and route qualification, deadhead time, hours of service, trip and training expense, vacations, furloughs, physical examinations, retirement benefits and insurance. The parties had agreed to withdraw from the consideration of the Board the following issues which had been placed before us during the hearings: scheduling of pilots, sick leave, seniority, leave of absence and vacancies and displacements.

Despite the number of proposed changes, it became clear, as the hearings progressed, that the chief demands of ALPA related to various formulae, rules or "rigs" designed to reduce the hours aloft by crediting more on-duty time toward credited flight time. There are two purposes in such rules—one explicit and one implicit. The explicit purpose is to improve the working conditions of pilots by giving them longer rest periods between flights and fewer trips during the month. The implicit objective is to increase the necessary number of pilots required to man the schedules, thus softening the impact of the much dreaded furloughs. TWA stated that its chief objective was to eliminate the fourth man in the cockpit without generating a strike by ALPA or the Flight Engineers International Association (hereinafter referred to as FEIA). Assuming a recognition of the inevitability of the three-man crew complement, these two objectives appear to be the meeting place of the key issues in this dispute.

The issues of crew complement and credited hours of flight time overshadow all others. Without their solution, no effective bargaining will, in the opinion of the Board, take place over the remaining issues, and no useful recommendations concerning their disposition can be made by us. We have, therefore, limited our discussion to the main issues in the conviction that, once they are disposed, the parties can better settle their remaining differences through direct negotiation.

There is a great deal of history behind the presence of the four men in the cockpit of turbojet aircraft. The threads of this story are long and involved, and it will serve no purpose to seek to unravel them here. Suffice it to say that the present crew complement consists of a pilot, a co-pilot and two additional crewmen. One of these is a second officer who is a trained pilot and a member of ALPA and who, if also qualified in the skills of the flight engineer, could ably handle the required duties of the third man in the cockpit. The other is a

flight engineer who is trained for this position and is a member of FEIA. The Federal Aviation Agency (FAA) regulations do not require that the third crew member be a qualified pilot.

At present, both ALPA and FEIA are satisfied with the four-man crew complement so far as their official positions are recorded. However, we are convinced that ALPA and FEIA accept the fact that turbojets can operate economically and safely with three-man crews and that both organizations are fully aware of the instability in the status quo.

In February of this year, TWA and six other carriers were compelled to discontinue service for at least 6 days because of a strike by FEIA. The reason for that stoppage was an expressed fear regarding the crew composition of turbojet aircraft. On February 21st the President established a Commission¹ to inquire into this controversy. In May that Commission of which Dr. Nathan P. Feinsinger is Chairman, submitted its initial report. On October 17th it submitted a further report containing detailed recommendations for a final settlement.

The Feinsinger Commission found that a 3-man crew was adequate for the operation of the turbojet aircraft and it recommended that the third man in the cockpit should have certain qualifications. In addition, the Commission made a specific recommendation that ALPA and FEIA should merge.

If the present 4-man complement on turbojet aircraft is diminished, either the second officer or the flight engineer must go. The latter is represented by FEIA, which is not directly involved in this dispute. However, to ignore its interest in this matter would be unrealistic. As a matter of fact, this Board suggested to the pilots and the Company that a tri-partite meeting with FEIA should be attempted in an effort to resolve their differences. Unfortunately, we were unsuccessful in bringing about such a meeting.

As a nation dedicated to the dignity of the individual we have concern for persons who lose their jobs because of technological advances. In this case, the work rights of individuals, whether they be pilots or engineers, who are displaced by the transition from 4-man to 3-man crews should be protected. Where the only solution, short of duplicating jobs, is loss of employment, then those who are laid off must also be given adequate economic compensation by some form of severance benefits and protected pension rights.

Of far less public importance is the survival of an organization which may be displaced for the same reason. In these times our

¹ Report to the President by the Commission Established by Executive Order 10721, dated February 21, 1961, As Amended, to Consider Differences that Have A arisen Between Certain Air Carriers and Certain of their Employees.

nation should not be compelled to suffer while labor organizations with conflicting interests indulge in the luxury of jurisdictional dispute.

ALPA and FEIA still remain separate. The rivalry between these two organizations has presented a serious block to a solution of the dispute and to finding reasonable procedures to protect the individuals whose jobs are in jeopardy. A primary responsibility on the leadership of both organizations is to submerge their rivalries in the overall interest of achieving a solution to the mutual problem.

III. FINDINGS OF FACT

- (1) ALPA has as a key objective the reduction in flight hours aloft on turbojet aircraft, both to improve working conditions and to spread work opportunities.
- (2) TWA has as a key objective the reduction of the cockpit crew complement from four to three on the turbojets.
- (3) ALPA, TWA, FAA and (we surmise from the Feinsinger Report) FEIA are in agreement that a three-man crew is all that is needed or desirable in the cockpit of turbojet aircraft.
- (4) Labor peace and harmony in the cockpit depends on an immediate and long over-due resolution of the differences between ALPA and FEIA.

We believe that, if the bargaining be confined to these factors until the main issues are settled, the log jam can be more easily broken. It is for this reason that we make the following recommendations.

IV. RECOMMENDATIONS

1. The immediate resumption of negotiations on the key issues of crew complement and working conditions in recognition that final agreement depends upon resolution of both.
2. Negotiations must no longer be thwarted by preconditions to bargaining laid down by one party or the other.
3. The recommendations of the Feinsinger Commission should be used as a basis for further negotiations.
4. A greater sense of urgency be injected into merger discussions between ALPA and FEIA.

Dated : DECEMBER 15, 1961.

Donald B. Straus
DONALD B. STRAUS, *Member*.
Morrison Handsaker
MORRISON HANDSAKER, *Member*.
Patrick J. Fisher
PATRICK J. FISHER, *Chairman*.

