

**Report**  
**TO**  
**THE PRESIDENT**  
**BY THE**  
**EMERGENCY BOARD**  
**No. 95-504 (#189)**

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**APPOINTED BY EXECUTIVE ORDER NO. 12095 DATED  
NOVEMBER 2, 1978**

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**To investigate and report its findings, as mandated by Congress  
(PL 95-504), to the President of unadjusted disputes between  
Wien Air Alaska, Inc., and certain individuals represented by  
the Air Line Pilots Association.**

**(National Mediation Board Case No. A-10046)**

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**WASHINGTON, D.C.  
FEBRUARY 9, 1979**

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## LETTER OF TRANSMITTAL

WASHINGTON, D.C., *February 9, 1979.*

President JIMMY CARTER,  
*The White House,*  
*Washington, D.C.*

DEAR MR. PRESIDENT: By Section 44 of the Airline Deregulation Act, approved October 1978, the Congress called upon the President to create an Emergency Board pursuant to Section 10 of the Railway Labor Act (as amended in 1936 to apply also to air transportation) to investigate and report on the dispute between Wien Air Alaska and the Air Line Pilots Association.

This dispute has resulted in a strike by the Air Line Pilots Association against Wien Air Alaska in May 1977 which was still in being when the President created this Emergency Board No. 95-504 by Executive Order on November 29, 1978.

The Board, comprised of the undersigned, was appointed by you pursuant to your Executive Order. In fulfillment of its obligations, the Board held numerous hearings of the evidence and arguments of the parties, held numerous conferences with them, and has the honor of advising you that it has been able to aid in bringing about a settlement by the parties of their long and acrimonious dispute and strike. The Board submits herewith a brief report of the history of the dispute, the settlement, and the activities of your Emergency Board.

Respectfully submitted,

PAUL N. GUTHRIE, *Chairman.*  
RALPH W. YARBOROUGH, *Member.*  
LAURENCE E. SEIBEL, *Member.*

(iii)



## **NATIONAL MEDIATION BOARD**

### **PRESIDENTIAL EMERGENCY BOARD NO. 95-504**

**CREATED TO INVESTIGATE AND REPORT ON THE DISPUTE BETWEEN WIEN  
AIR ALASKA, INC. AND AIR LINE PILOTS ASSOCIATION**

#### **1. HISTORY OF THE EMERGENCY BOARD**

In the spring of 1977 a long, simmering dispute on numerous issues erupted into a strike called by the Wien's pilots, members of the Air Line Pilots Association, against Wien Air Alaska in May 1977. Efforts of the parties to settle their disputes by their own negotiations had simmered down to failure when the 95th Congress, Second Session, mandated the President of the United States to appoint a Presidential Emergency Board by Section 44 of the Airline Deregulation Act of October 1978 (Public Law 95-504). Section 44 reads as follows:

SEC. 44. Within ten days after the date of this section the President, pursuant to section 10 of the Railway Labor Act, shall create a board to investigate and report on the dispute between Wien Air Alaska, Incorporated, and the Air Line Pilots Association. Such board shall report its findings to the President within thirty days from the date of its creation.

Pursuant to this Congressional Mandate, on November 2, 1978, President Jimmy Carter entered his Executive Order creating this Emergency Board to investigate the dispute between Wien Air Alaska and the Air Line Pilots Association of the United States representing the striking pilots. The Presidential Order reads as follows:

[Nov. 2, 1978, 43 F.R. 51595]

#### **CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN WIEN AIR ALASKA, INC. AND CERTAIN INDIVIDUALS**

A dispute exists between Wien Air Alaska, Inc., and certain individuals represented by the Air Line Pilots Association, a labor organization.

Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) directed that the provisions of Section 10 of the Railway Labor Act, as amended, be invoked despite the fact that the National Mediation Board has failed to find that the dispute in its judgment

substantially threatens to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me by Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) it is hereby ordered as follows:

1-101. *Establishment of Board.* There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

1-102. *Report.* The board shall report its findings to the President with respect to the dispute within 30 days from the date of this Order.

JIMMY CARTER.

THE WHITE HOUSE,  
November 2, 1978.

Pursuant to his order President Carter appointed this Board, which held its first meeting on November 20, 1978. As finally constituted, the Board consists of Paul N. Guthrie, arbitrator, Professor Emeritus of Economics, University of North Carolina, and past President of National Academy of Arbitrators, Chairman, and Laurence E. Seibel, arbitrator and law professor at George Washington University and American University of Washington, DC, and Ralph W. Yarborough, an Austin, Texas, attorney. Both Paul N. Guthrie and Laurence E. Seibel had served on numerous Presidential Emergency Boards in the past, while Ralph W. Yarborough is a former United States Senator from Texas.

The Congressional action of Section 44, of October 1978, was passed pursuant to Section 10 of the Railway Labor Act, as amended in 1936 to apply to the air transport industry. The 1978 provision for the appointment of this Board was unique, in that Section 10 of the Railway Labor Act provided only for such Emergency Boards *before a dispute* had degenerated into a strike, in an effort to prevent the dislocations in the economy caused by a strike in the transportation industry. This Board is the first in the airline industry to be mandated by Congress under Section 10, after a strike has already occurred. In effect, it was directed toward settling a strike rather than preventing one; it is the only such Emergency Board which ever has been established under Section 10 of the 52-year-old Railway Labor Act by direct mandate of the Congress, for one strike. This was the first Executive Emergency Board in an airline dispute since 1966.

By successive orders of the President, the time for filing the final report was extended to February 15, 1979. The requests of the contending parties for presentation of evidence, both oral and written, were granted. The hearings began in Washington, DC, December 5, 1978. Weeks of testimony and arguments were offered, all heard in Washington, DC, except for a hearing beginning January 3, 1979 in Seattle, Washington. The testimony, exhibits and arguments built a record of over 1700 pages, with over 160 exhibits of maps, reports, technical data, and a wide range of information about Alaska, its economy, climate and peoples, the place of aviation transportation in it, and the effect of the dispute upon Alaska and the parties.

Both parties were very ably represented by skilled attorneys. There was a minimum of wasted time and a maximum presentation effort by both of the contending parties. It is to their great credit that, after a long and bitter controversy, by concessions on each side, hard line positions were modified, confrontation was replaced by conciliation, and economic peace will replace economic warfare.

### **HISTORY OF THE DISPUTE**

The dispute which this Emergency Board was established to investigate arose when the parties were unable to agree upon the terms of a collective bargaining agreement to succeed the agreement which expired November 30, 1976. The parties exchanged proposals dealing with a wide range of issues. Negotiations failed to bring agreement upon the terms of a new contract. The services of the National Mediation Board were invoked to aid in the negotiations. However, such efforts at mediation did not bring about agreement between the parties. In accordance with the provisions of the Railway Labor Act, as amended, the NMB proffered arbitration of the open issues. This proffer was refused.

The impasse continued, and on or about May 7, 1977, ALPA pilots withdrew their services, and thus the strike began which has continued until the present date.

Following the beginning of the strike Wien hired replacement pilots and continued to fly most of its routes. During the some twenty-one months which followed May 7, 1977, sporadic negotiations between the parties took place, but the outstanding issues in dispute were not resolved.

As indicated above, this Presidential Emergency Board was created to investigate and report upon the dispute.

The Alaska Congressional proponents of Section 44 stated in Congress that the continuance of the strike was working a severe hardship on the Alaskan people and particularly Alaska's native population,

and that letters and petitions, one with 4,000 names, called for action to settle the dispute.

Since the creation of this Board, the President, this Board, the National Mediation Board, the Department of Labor and other governmental agencies in Washington, have received appeals from Alaska for this Board to act to settle the dispute that plagues Alaska. These appeals have come from private citizens, business organizations, labor unions, native villages, Alaskan public officials and others, from Anchorage to Fairbanks, Bethel, Dillingham, Juneau and Wasilla, from the Bristol Bay Native Corporation representing 5,400 Alaskan natives living in 29 Alaskan villages and from the Association of Villages Council Presidents representing 13,000 Alaska natives in 56 villages in the Yukon-Kuskowim Delta. The Alaska Federation of Natives in the State Convention passed resolutions calling for a final settlement. With these appeals and from such a wide and varied spectrum of Alaskan economy, with the Congressional Mandate and the Presidential Executive Order as this Board's directive, we diligently sought to carry out our duties and obligations.

In the course of the proceedings before the Board the parties were given full opportunity to present their respective positions on the issues outstanding. After the formal hearings before the Board, the Board held mediatory sessions with the parties in the course of which meetings the Board presented certain mediatory proposals, sometimes referred to as an Interim Report. These were presented to the parties on January 26, 1979, and the Board was advised in writing on February 8, 1979 that both parties had accepted such proposals, and thus full agreement was reached to resolve the dispute. Settlement of the controversies that divided the parties has been effectuated on the basis of the following mediatory proposals:

"This Board was established under exceptional circumstances. Special legislation as an amendment to the Airline Deregulation Act of 1978 has created a Presidential Emergency Board comparable to that contemplated by Section 10 of the Railway Labor Act.

"The adverse impact which this long-standing dispute has had upon the people and commerce in the State of Alaska, as well as the carrier and its pilot employees, doubtless was a grave concern leading to the creation of this Board. The urgency of the public as well as private interests which led to the creation of this Board places a special responsibility for action upon the Board members and the participants to this dispute. In specific terms the Board regards this as imposing an obligation upon the Company, the Air Line Pilots Association and the pilots to accommodate strongly held positions to the need for a prompt and peaceful solution.



"The parties are to be commended for their cooperation in providing the Board with data relevant to the dispute. This was a difficult task in light of the severe time constraints which were imposed.

"The Board members are of the view that their primary role is to assist the parties in settling this dispute, rather than to write a lengthy report analyzing the origin of the dispute and the rights and wrongs of the parties' positions.

"Charged with the responsibility to see this dispute settled, the Board engaged in mediatory efforts. It met on various occasions with the parties and indicated its view of appropriate directions and areas for the solution of the issues which have long separated Wien and the pilots. The Board commends the efforts of both parties to be responsive.

"There are three basic issues to which both Wien and the Air Line Pilots Association have addressed themselves.

"The terms of the contract and Pension Plan comprise the first of these issues. The difference between the parties touch a great many of the contract provisions, various aspects of the Company's operations, and terms of the pension plan. The Board has been informed that the parties have previously tentatively agreed on a number of changes. The Board has heard the arguments, proofs, and proposals of the parties and proposes what it considers to be an equitable solution of unresolved issues as set forth in Appendix A. The Board deems such proposals as within the wage-price guidelines.

"The second issue concerns the job rights of the Wien pilots who were in the Company's employ at the time the strike began and the treatment to be accorded replacement pilots.

"There is presently pending a lawsuit in which ALPA has made claims impacting upon the conduct of negotiations and the nature of the strike. The Board does not involve itself in that litigation. However, apart from such claims, the Wien pilots have a superior equity in job rights by reason of their original dates of hire in contrast to dates of hire of the replacement pilots. The conditional quality of the Company's extension of job tenure to replacements is likewise significant. Moreover, the accepted and established pattern of job and seniority rights for returning striking pilots in the industry underlies the conduct of all concerned. For these reasons the striking pilots should be accorded seniority and job rights over replacements.

"The Wien pilots on the Pilots System Seniority list as of the date the strike began should be returned to work in system seniority order as shown on Appendix B. Upon retraining, requalification and return to service of the Wien pilots, all flying shall be done in accordance with such list and in accordance with a contract as set forth herein.

"The extended period over which this strike has lasted, for more than 20 months, requires special consideration be given to the transition in-

volved in the return of the striking Wien pilots, their retraining and requalification and the consequent displacement of the replacement pilots. There are many factors involved, such as the scheduling and availability of training facilities, the orderly phasing in of the returning pilots and release of the replacements from active employment. This must be accomplished without an interruption of Wien's service and the paramount consideration of a safe and efficient operation. This means that a considerable period of time will necessarily be involved in accomplishing an orderly transition. It is noted that in the Back-to-Work Agreement resolving the dispute between Southern Airways and the Air Line Pilots Association, special transitional provisions were established within a time frame of 180 days following that date of Agreement, such as Southern's right to assign flying for a period of six months from the date of the Agreement, 180 days was the period for restoration to full pay status.

"In order to facilitate an orderly transition the Board recommends that the Company commence the retraining and requalification of the Wien pilots recalled to active service under the above provisions as soon as can be accomplished following the Agreement of the parties. The Company should exert every reasonable effort to retrain and requalify the pilots promptly. Upon the completion of retraining and requalification, each of such pilots shall return to active flying status.

"The Board views the transition period as running 180 days from the first day of the month in which an aggregate of 30 Wien pilots have completed their simulator training, or April 1, 1979, whichever first occurs. The Board recommends that the Association continue benefits for the transition period for those Wien pilots retrained, requalified and returned to service.

"Upon resumption of active flying status by such returning pilots the Board further recommends that up to and for the first 120 days of the transition period, Wien pay all such pilots at rates under the new agreement proposed in this Report for all hours flown over guarantee. For the final 60 days of the transition period, the Board recommends that the Company pay the difference between the benefits provided by the Association and the total (including guarantee) of what the pilot would have earned under the new agreement proposed herein. The Board also recommends that the Company pay all fringe benefits and pension contributions for such returned pilots during the entire 180 day period. At the end of the 180 days, it is contemplated that the payment of the benefits shall cease, the transition period and the strike in all senses having been concluded with full implementation of the pay provisions of the Pilots Agreement thereafter. It is noted that the Board makes no recommendation concerning the payment of benefits

for those pilots not immediately returning to service since that is a matter between them and the Association.

"The Board also recommends, after the pattern of other Back-to-Work Agreements which followed serious disputes and long strikes, the establishment of special grievance procedures with provision for a named arbitrator. This procedure is proposed in contemplation of the substantial retraining and requalification that must occur and to give assurance to all parties in this regard. This procedure is made a part of the terms of the proposed contract detailed later in this report.

"Though the replacement pilots are thus displaced they remain on the Wien pilots seniority list. Assurance has been given by both parties that no pilots shall be subject to discrimination, fines or harrassment, either by reason of strike or other protected activities, work during the strike or service as a replacement during the strike period.

"As it is our recommendation that the replacements be displaced and as this Board was created by amendment to the Airline Deregulation Act of 1978 which contains labor protective provisions, the Board recommends to the Congress and the Secretary of Labor that at the end of the transition period the displaced replacements be provided the monetary benefits and job opportunities with airlines other than Wien afforded protected employees displaced under the Act.

"The Board has also taken into consideration that the settlement of this protracted and serious dispute will act as a stimulus to the growth and expansion of Wien's service. This will be to the benefit of the Alaskan community, the Wien Company and its employees. Additional employment opportunities are a real prospect given a cooperative relationship in which the Company can fully devote itself to its proper business concerns.

"The Board recommends that the Federal Government afford special assistance to the Company in this regard. To the extent permissible by law, the Company's need to expand, which would return all pilots to work, should be recognized by the various Federal agencies and the Congress. It is further noted that the strike has been costly to the Company in terms of lost opportunities to secure long-term low interest loans. It is, therefore, also appropriate that the Federal Government should make available a long-term, relatively low interest loan in order to assist the Company.

"The hire-fire practice, on which the Board received substantial testimony and documentary evidence, has been one of the primary differences between the parties. It has been the subject of numerous contract negotiations, grievances and a lawsuit in Federal court. While the Company has agreed to discontinue this practice and the Board is recommending the withdrawal of the lawsuit concerning this problem, there remains the question of the claims pending before the System

Board. These claims entail the impairment of seniority as to the pilots who were subjected to the hire-fire practice and loss of compensation and damages. Seniority adjustment is accomplished by the seniority list attached as Appendix B. The Board is aware that there were efforts over the years to resolve this aspect of the dispute. Nevertheless, the Board has in this report recommended that the major and paramount issue in these claims, that is, the impairment of seniority, be appropriately adjusted to reflect original dates of hire and upon that basis that the lawsuit be withdrawn, there remaining before the System Board only the compensation claim which is at best of secondary significance. In this light, the Board is strongly of the view that having had their seniority properly adjusted the individual pilots give serious consideration to the withdrawal of their money claims and that such claims be regarded as secondary in importance.

"The parties should also discontinue all other litigation arising from the strike.

"The third and remaining issue concerns the crew complement on Wien's B-737. The presentation of proof on this has been intense, but necessarily abbreviated. This has come about due to severe limitations of time imposed upon the parties. It would be inappropriate for this Board to attempt to render judgment on the merits of this question. Particularly is this so, in view of the extensive hearings and very competent analyses made by distinguished arbitrators by whom this question was several times reviewed and determined, whose conclusions and determinations we do not question or pass upon.

"Nevertheless, the carrier obviously has a determined and genuine conviction that it can operate its B-737 with two pilots. Both parties are sincere in their differing views. It is evident that ALPA's concern for safety as related to crew size is not limited to the B-737, but relates to future aircraft as well. As to Wien, only the B-737 is involved. As to future aircraft, the initial focus should be upon certification utilizing proper methods and criteria—thus attempts should be made to deal with the problem before it comes to the bargaining table.

"The Board is of the view that without reaching the merits of the crew complement issue or calling prior determinations into question the realities of certain operational practices must be confronted. We urge a practical compromise in these particular limited circumstances. Balancing the interests of the public in the Alaskan Community, Wien and the Wien pilots, this Board strongly urges acceptance of a two-pilot operation on Wien's B-737, as part of an overall settlement of all issues in this dispute on the basis outlined under this Interim Report.

"The Board requests that the Company and the Wien pilots, by the Association, separately consider and accept this report in the terms set forth and without modification. In order to accomplish this in the

fairest way the Board will receive and not itself release or publish the response of each of the parties until both have responded within a reasonable time. Until then, we will withhold our final report."

### CONCLUSION

We are pleased that the overriding public interest which dictated a final and full settlement of the issues has been effected. We trust that the settlement will be carried out without delay and with due regard to the economy and convenience of the citizens and industry of the State of Alaska.

Respectfully submitted,

PAUL N. GUTHRIE, *Chairman.*

RALPH W. YARBOROUGH, *Member.*

LAURENCE E. SEIBEL, *Member.*

## APPENDIX A

In addition to tentative agreements reached by the parties (including common proposals not signed off), which are deemed incorporated in the contract, the Board recommends the following on open issues:

### 1. *Compensation*

A. B-737 12-year Captain for 70 hour guarantee half day/half night endrate.

3-1-79 -----	\$5050
3-1-80 (+7%) -----	5404
3-1-81 (+7%) -----	5782
3-1-82 (+7%) -----	6187

Annual 7% increases to be implemented by increasing hourly pay to produce stated guarantee. Anchorage COLA to be paid for any base opened in 48 contiguous states.

B. B-737 seven-year First Officer—70 hour guarantee half day/half night endrate. 3-1-79 \$3150. Annual 7% increases per above. Anchorage COLA to be paid for any base opened in 48 contiguous states.

C. F-27/227—New agreement to include increased pay effective 3-1-79 which reflects 7% per year increase compounded annually beginning 12-1-76 to 3-1-79 (total 22.5%) and annual 7% increases 3-1-80, 3-1-81, and 3-1-82.

D. Company and ALPA to use above guarantee endrates to set hourly, gross weight, mileage, international pay, and First Officer percentages in contract as required by standard pay formula.

### 2. *Hours of Service*

A. Maximum hours monthly—as proposed by ALPA 9/19/78 (pilots not to exceed 80 hours except 85 hours for June, July, August, September).

B. Scheduled days off—same as last contract.

C. Scheduled and maximum on duty time limitations—same as last contract for flying solely in Alaska and present Canadian stations; up to 13½ hours scheduled on duty and 14½ hours maximum required on duty for flying outside Alaska and present Canadian stations.

D. Duty rig—same as last contract.

E. Trip rig—same as last contract for flying solely in Alaska and present Canadian stations; pilots to receive 1 hour pay and credit for each 3¾ trip hours for flying outside state of Alaska and present Canadian stations, effective 3-1-79 and 1 for 3½ trip rig effective 3-1-81 (these rigs to apply wherever 13½ hour scheduled duty period applies).

F. Minimum pay and credit per duty period—same as last contract.

### 3. *Scheduling*

In view of the long dispute, the Board recommends that the parties agree to continue the provisions of the last contract for scheduling, except where changes are necessarily required to conform to changes in hours of service.

The Board suggests that the returning pilots cooperate with the Company to avoid cancellation of scheduled flights.

#### 4. *Retirement*

Present plans to be continued in effect with the following changes:

- A. Pilots retiring at age 60 with 20 years of service during the term of this agreement shall receive a minimum pension of \$21,000 (A & P Plan), with 50% primary social security offset at age 62 of 1979 social security benefits.
- B. Pilots retiring at age 60 with less than 20 years of service during the term of this agreement shall receive a minimum pension calculated at \$87.50 per month for each year of service up to 20 years, with 50% primary social security offset at age 62 of 1979 social security benefits. (Example: 15-year pilot— $\$87.50 \times 15 \times 12 = \$15,750$ ).
- C. Early retirement—Apply above new minimum pension for early retirement as actuarially reduced below age 60.

#### 5. *Requalification and Check-out*

For the purpose of the requalification and retraining and restoration to active flying status of the Wien pilots returning to service, the Company and ALPA will jointly select as check pilots six pilots employed by the Company on May 6, 1977 who will conduct and perform these functions.

The Board suggests that during the months of March, April and May the new monthly hours maximum should be waived. After the end of the transition period, there shall be a one year equipment freeze when a pilot downbids in status or equipment.

During the transition period, prior to returning to service, all pilots shall obtain the appropriate FAA medical certificate. In some instances, the Company may also request a pilot to undergo a physical examination at Company expense by an impartial physician of the Company's choice, to insure that prior to return to service such pilot is physically qualified. In the event that the pilot disagrees with the findings of the physician chosen by the Company (which shall be furnished to the pilot upon request), the Company doctor and pilot's doctor will appoint a third disinterested physician for the purpose of making a further examination and who shall decide the case. In the event that the two doctors cannot agree upon a third disinterested physician within 30 days, such physician shall be designated by the named arbitrator.

New minimum retirement (actuarially adjusted) shall be applicable to pre-strike Wien pilots whether the pilot is physically qualified to return to service or not.

#### 6. *Grievance Procedure*

For a period of 18 months from the effective date of the new agreement, the grievance procedure set forth in the agreement and the Agreement establishing the System Board of Adjustment shall be modified to provide for an initial hearing before a Vice President designated by the Company within three days of a request for investigation and hearing and the Company shall render its decision within two days after the hearing.

Appeals from decisions of the Company shall be directed to the System Board of Adjustment in accordance with the Agreement establishing the System Board, except the Board shall function as a five-member Board with a neutral and hear cases within 20 days of submission to the Board unless the neutral is unavailable during that period. To effectuate this process, the Company and ALPA should immediately select a permanent neutral who is experienced in labor arbitration to sit with the Board during this 18 month period. The Board shall issue its decision within 10 days after the close of the hearing, except that the neutral may extend this time period.

7. *Seniority—Longevity*

Seniority shall accrue for striking pilots during the strike and transition period and thereafter in accordance with the terms of the contract. Longevity for pay, retirement, sick leave and vacation purposes should not be deemed to have accrued for striking pilots while on strike and shall commence to accrue on return to flying.

8. *Duration*

January 1, 1979–December 31, 1982. The parties are to exchange Section 6 notices prior to July 1, 1982 and to jointly apply for mediation and request prompt assignment of a mediator if no agreement is reached by September 30, 1982.



## APPENDIX B

### PILOTS' SENIORITY LIST

Se- niority No.	Name	Date of hire
	Wien, Sigurd.....	1937
1	Everts, Clifford R.....	Feb. 1, 1945
2	Steger, Edward J.....	Jan. 1, 1947
3	English, William D.....	July 1, 1946
4	Richards, Thomas.....	Feb. 25, 1948
5	Bohms, Gerald L.....	Apr. 26, 1949
6	Crozier, Forrest F.....	Apr. 15, 1950
7	Wien, N. Merrill.....	June 1, 1950
8	Clayton, George C.....	Sept. 1, 1950
9	Peterson, Donald L.....	May 30, 1951
10	Thiele, Reinhold M., Sr.....	Feb. 11, 1952
11	Freericks, C. J., Sr.....	June 11, 1951
12	Wien, Robert P.....	Apr. 1, 1952
13	Kimball, Robert S.....	July 15, 1952
14	Millard, Douglas C.....	Sept. 1, 1952
15	Fondy, Victor L.....	June 4, 1955
16	Johnson, Donald L.....	Nov. 2, 1955
17	Shinn, Bob L.....	Aug. 17, 1954
18	Hausler, Ralph M.....	Jan. 9, 1955
19	Ardaiz, Richard.....	Feb. 16, 1956
20	Burnette, John C.....	Feb. 18, 1956
21	Cross, Gordon C.....	June 10, 1955
22	Dodson, Warren.....	May 2, 1957
23	Richards, Fred R.....	May 3, 1957
24	Harrington, Keith A.....	Oct. 23, 1955
25	Merry, Peter E.....	Aug. 1, 1956
26	Williams, James D.....	June 24, 1957
27	Gregory, Frank B.....	May 17, 1958
28	Marsh, Clarence E., Jr.....	Nov. 16, 1960
29	Murphy, Donald J.....	May 23, 1961
30	Carswell, Ross.....	Jan. 22, 1963
31	Curtiss, Reginald Keith.....	Feb. 16, 1964
32	Hately, William.....	Apr. 6, 1964
33	Bachner, John A.....	May 10, 1964
34	Hooper, Frank R.....	Sept. 26, 1966
35	Wood, Ronald A.....	May 9, 1966
36	Norton, Jerry J.....	Mar. 13, 1967
37	Anderson, Allan S.....	Mar. 13, 1967
38	Samsa, Albert R.....	Mar. 29, 1967
39	McInroy, Alex E.....	May 10, 1967

Se- niority No.	Name	Date of hire
40	Stringer, Dean L.....	May 22, 1967
41	Bishop, John K.....	June 15, 1967
42	Hickling, Orin C.....	June 18, 1967
43	Wilhelm, Keith R.....	Apr. 3, 1967
44	Gale, Gary R.....	Apr. 17, 1967
45	Peters, Tom N.....	May 1, 1969
46	Christensen, Rodney C.....	May 2, 1969
47	Meiser, Michael N.....	May 9, 1969
48	Gant, Preston.....	May 12, 1969
49	Wallace, James.....	May 13, 1969
50	Herrmann, Herman.....	June 10, 1969
51	Heilesen, William.....	June 13, 1969
52	Gustafson, Lawrence A.....	June 16, 1969
53	Terrell, Arthur R.....	July 7, 1969
54	Kroshus, Glenn O.....	Do.
55	Maerzluft, Karl H.....	Do.
56	Chapman, Max C.....	Do.
57	Gray, Brian K.....	July 14, 1969
58	Chissus, Paul S.....	Do.
59	Forsgren, Keith C.....	May 21, 1970
60	Lousignont, Terry R.....	May 30, 1970
61	Hartley, Hugh B.....	June 2, 1970
62	Thye, Gerald L.....	June 29, 1970
63	Mercer, Gary R.....	Aug. 9, 1970
64	Hodges, Ray L.....	Nov. 2, 1970
65	Williams, Gary W.....	May 9, 1971
(1)	Pelton, Douglas H. Jr.....	
66	Edmonson, Clifford L.....	April 28, 1972
67	Thiele, Reinhold Jr.....	April 25, 1973
68	Simonds, Donald T.....	May 1, 1973
69	Austin, Ernie E.....	Do.
70	Painter, Russell Jr.....	Do.
71	Lynch, Wesley W.....	Do.
72	Boykin, Frank R.....	May 4, 1973
73	Oppegard, Nicholas D.....	May 29, 1973
74	Haddock, Jeffrey D.....	June 22, 1973
75	Clinton, James L.....	July 1, 1973
76	Walters, Larry C.....	Aug. 1, 1973
77	Foltz, Craig S.....	Do.
78	Huffman, Larry.....	Feb. 18, 1974
79	Latta, Michael D.....	Mar. 1, 1974
80	Clements, Ross.....	Mar. 2, 1974
81	Cloud, Daniel S.....	Mar. 4, 1974
82	Matthews, James P.....	Do.
83	Strong, Stanley L.....	Do.
84	Anderson, Gunther.....	Do.
85	Norton, James G.....	Do.
86	Winkelman, Ronald A.....	Do.
87	Anderson, Dennis M.....	Mar. 20, 1974
88	Hamilton, James G.....	Do.

Se- niority No.	Name	Date of hire
89	England, E. T. Jr.	Do.
90	Diederichs, Anthony	Do.
91	Zundel, Thomas V.	Mar. 27, 1974
92	Flora, David L.	Do.
93	Rikansrud, Rudolf A. Jr.	Do.
94	McBride, Terrance E.	Do.
95	Cluckey, Dale M.	Do.
96	Curtiss, Thomas	Do.
97	Henson, Loyd E. II	Do.
98	Wien, Robert R.	Do.
99	Parsons, Alan G.	April 8, 1974
100	Berg, Jeffrey W.	Do.
101	Lester, Richard W.	Do.
102	Wise, Douglas	Apr. 13, 1974
103	Logan, Ronald B.	Do.
104	Lehman, Alvin C.	Do.
105	Wanless, John T.	Do.
106	Schwartz, George A.	Do.
107	Agabashian, Fred L. Jr.	Do.
108	Ball, Gerald C.	Do.
109	Anderson, Dan T.	Do.
110	Hannon, John D.	May 29, 1974
111	Bone, John E.	Do.
112	Anderson, William B.	Do.
113	Johnston, Edward R. Jr.	Do.
114	Bohms, Mark F.	Do.
115	Lysen, Raymond D.	June 10, 1974
116	Tavis, Gene M.	Dec. 23, 1974
117	Stone, Michael	Do.
118	Gates, Bernie D.	Do.
119	Dixon, Alan B.	Dec. 24, 1974
120	Stoddard, Arthur G.	Do.
121	Cheney, Royce B.	Do.
122	Tallman, Dale C.	Do.
123	Corey, Glenn M.	Do.
124	Joseph, Lynn M.	Do.
125	Anders, Jon D.	Do.
126	Mull, Floyd D.	Dec. 26, 1974
127	Lambert, Robert A.	Do.
128	Burkevich, Ronald	Do.
129	Burritt, Mark L.	Do.
130	Hightower, Ronald C.	Do.
131	Logg, James B.	Jan. 10, 1975
132	Faas, Michael	Do.
133	Wright, Myron	Jan. 11, 1975
134	Slaughter, Dennis	Aug. 31, 1975

<sup>1</sup> Deceased.

NOTE—Replacement pilots to be placed on seniority list below the above, starting with No. 135 and following.

## APPENDIX C

### LABOR DISPUTE IN THE AIRLINE INDUSTRY

*Executive Order 12095. November 2, 1978*

#### CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN WIEN AIR ALASKA, INC. AND CERTAIN INDIVIDUALS

A dispute exists between Wien Air Alaska, Inc., and certain individuals represented by the Air Line Pilots Association, a labor organization.

Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) directed that the provisions of Section 10 of the Railway Labor Act, as amended, be invoked despite the fact that the National Mediation Board has failed to find that the dispute in its judgment substantially threatens to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

Now, THEREFORE, by the authority vested in me by Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) it is hereby ordered as follows:

1-101. *Establishment of Board.* There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

1-102. *Report.* The board shall report its findings to the President with respect to the dispute within 30 days from the date of this Order.

JIMMY CARTER

The White House,  
November 2, 1978.

[Filed with the Office of the Federal Register, 10:28 a.m., November 2, 1978]

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