

DID YOU KNOW???

➤Rail employees, under the same Railway Labor Act, do not fall under Section 1113 of the bankruptcy code. The courts and rail companies are **prohibited** from unilaterally changing rail employee contracts. Only by mutual agreement can a rail collective bargaining agreement be changed. They are **protected** under 11 USC §1167.

➤Non-RLA employee collective bargaining agreements are allowed unilateral amendment via 11 USC §1113, but unlike airline labor, those unions are allowed self-help in response.

➤Airline labor contracts are the only private sector collective bargaining agreements that can be unilaterally amended while the employees must still continue the “status quo.” That’s why we keep getting targeted by this “bankruptcy gambit.” We are held hostage by the law.

➤Labor unions are allowed to conduct “Suspension of Service” actions to protest various **government policies**, under protection of the FIRST AMENDMENT. The Longshoremen had their “SOS” (protesting US grain exports to the USSR) upheld by the US Supreme Court. (*Jacksonville Bulk Terminals, 1982*)

➤ALPA had designed a “SOS” to deal with skyjackings in 1972. It was aborted due to ALPA leadership not preparing the membership for such an action, not due to problems with its legalities.

➤The new fatigue rules slated for implementation in late 2013 have removed the “30 in 7” limitation on total flight time and have substituted a regulation that will allow 54 hours of “hard time” in a 7 day period - all in the interest of reducing fatigue. In reality, this provision removes the chief regulatory stumbling block to “preferential bidding” programs that have been forced upon pilot groups in bankruptcy.

➤OPERATION ORANGE’s legislative draft provides that no pilot contract may endure past 36 months, and at that point, the NMB MUST proffer binding arbitration to resolve any outstanding disputes. Should any party decline such a proffer, both sides are released to self-help after 30 days in accordance with §157 of the Railway Labor Act.

➤OPERATION ORANGE’s legislative draft provides that pilot contracts are protected under the same provisions that protect rail employee contracts. (11 USC §1167)

➤OPERATION ORANGE’s legislative draft provides federal whistleblower protection for any pilot reporting sick or fatigued, and provides triple damages for any harassment of any pilot reporting temporarily unfit for flight as well as a fine of \$27,500 for each instance of the airline harassing the pilot.

➤OPERATION ORANGE’s legislative draft would prohibit any court from enjoining any pilot, or group of pilots, advocating compliance with various federal, state, and local regulations or adherence to written company operation policies.

➤OPERATION ORANGE’s legislative draft provides that pilots working as strike breakers during a lawful labor dispute can be moved to the bottom of the applicable seniority list.

➤The only thing preventing the full restoration of your profession is the reticence of the various pilot associations acting in concert to restore it through the legislative process.

➤Without a substantive change in the law, there is NOTHING preventing airline management from further reducing pilot pay and working conditions by abuse of the RLA and the bankruptcy process.

This is an outline of what is needed for sympathetic pilots to do during the educational phase of OPERATION ORANGE. If you wish to participate, please follow a few simple instructions to complete all the antecedents necessary for the actual SOS. The “Phase IV” SOS naturally flows from an intense lobbying effort (“Phase III”).

1. **Read the documents** listed in the menu below the orange SOS masthead on OPERATIONORANGE.org.

- Our Fellow Pilots
- Imagine Reading This
- Who Wants To Play To Win?
- UPS Pilot Speaks Out
- First Amendment vs RLA
- What is illegal about OPERATION ORANGE?
- Talking Points
- The Fair Treatment of Experienced Pilots Act - Part 2
- Response to FAA Fatigue Mitigation Proposal
- To The Public
- Sullenberger/Skiles Congressional Testimony

All these documents can be downloaded in a single .zip file called “Master Documents and Signatures” located in the masthead menu.

2. **Tell AT LEAST 10** pilots (preferably 20) about OPERATION ORANGE. It is not enough to only tell your flying partner. You must tell pilots at other airlines about OPERATION ORANGE, because it is absolutely critical this be an industry wide operation. It is a failure if only one or two carriers participate.

- Tell 4 flying partners (captains tell 4 first officers and first officers tell 4 captains).
- Tell 2 fellow captains or first officers at your airline.
- Tell 4 friends or associates at other carriers (jump seaters, crew van, hotel lobby, airport terminals, military buddies, etc).

If 200 pilots each recruit 20 pilots, and each of them recruits 5, that’s half of the pilots in the industry.

3. **Go Orange.** We need a sea of orange operating passenger transportation aircraft. This allows us to identify one another and identify those that either have not heard or do not wish to participate. **A large stripe of orange duct tape across luggage or crew bags sends the message.** Orange duct tape is available at Home Depot. Existing orange book bag stickers and “CREW” bag tags do not count, unless they are in numbers such that it is obvious what is intended.

Do not underestimate the importance of this step. Without unity, OPERATION ORANGE is going nowhere.

4. **Print up cards and stickers to give to other pilots.** We have .PDF and .jpg files for OPERATION ORANGE business cards and stickers. You can download them from the masthead menu, or get them from the Master Document and Signature .zip file, and take them to a printer like Office Depot, Staples, Kinkos/FedEx, Office Max, etc. to get them printed up. You could also use your own computer and printer for lesser amounts. There is nothing stopping you from designing your own cards or stickers. The documents are in formats needed by those printers. Office Max has a 7 day turnaround and is very reasonably priced. The Office Max sticker is template ADL 1177 and costs \$165 for the first 500. Business cards are \$40/1000.

The success or failure of OPERATION ORANGE depends on the man in the mirror. Only you can stop government-managerial abuse. Only you can restore the vitality of the profession. Only you can protect your passengers.

Will you?

OPERATION ORANGE - at a glance

➤ OPERATION ORANGE is not an illegal job action under the RLA. It is a peaceful protest and petition for redress of the current government regulations, under the protection of the FIRST AMENDMENT. Our goal is to pressure lawmakers into changing the existing regulatory paradigm, by having enough pilots who are willing to peacefully ground the air transportation system, to bring about the leverage needed to implement our proposed legislation. We don't have the money to fight the A4A; we must use our labor as leverage, while we still can.

➤ We seek to change the "perpetual contract" mechanism of the RLA to prevent managerial abuse.

➤ We seek to change the bankruptcy laws to fully protect pilot contracts during bankruptcy proceedings.

➤ We seek to institute realistic and sane fatigue abatement measures, not the codified pilot pushing and legal eyewash currently being pushed by the A4A and FAA.

➤ We seek to give authorized collective bargaining agents the authority to properly deal with scab labor subsequent to a lawful labor dispute.

➤ We seek minimum duty rig and pay paradigms to prevent the wholesale outsourcing of safety and experience to shadow flight schools. These duty rig and pay paradigms would provide strong disincentive for management and government to engage in pilot pushing.

➤ These minimum pay and scheduling regulations would also serve as liquidated damages from an era where the law was purposefully abused at all levels to loot pilot compensation and pensions.

➤ We seek meaningful labor protective provisions that were not delivered, as promised, during the airline deregulation of the 1970s. Pilots who lose their job from reputable carriers, due to liquidation, furlough, or strike replacements would be given priority hiring by other reputable carriers.

➤ We seek to outlaw pilot pushing and retribution for contractual and regulatory compliance by requiring pilots so harmed to be paid triple actual damages, plus customary legal recovery costs.

➤ We seek to protect everyone involved in OPERATION ORANGE through legislated legal immunity and the outright prevention of harassment by management.

➤ We do not need everyone to participate. We only need enough pilots to ground the system.

Management has put themselves at an enormous tactical disadvantage by staffing the airlines for perfection. They have no ability to absorb any significant staffing shortfall.

➤ Our proposed legislation will make the air transportation system more economically viable and safer. All business need some form of barrier to entry, and pilot labor will be a major barrier in the new paradigm. Gone will be the days of the \$18,000 per year pilot with 300 hours of experience, who is willing to work up to, and exceed the FARs.

➤ Traditional tactics yield traditional results.

Judging by the past 30 years, we believe it is time for something unconventional. OPERATION ORANGE is exactly that. If this isn't the way, what is?

➤ We need pilot unity across the industry, not just at a single airline. If a Delta pilot is trying to undercut a United pilot, and the United pilot is doing likewise, all that we know is both of their jobs will be destroyed as well as the industry as a whole. We have to take care of each other. Many of us were brothers in the military and that has not changed, just because we fly airplanes with different paint schemes. This will force airlines to compete on customer service, rather than to the degree pilots must subsidize the operation.

➤ A single pilot group could use these tactics to protest the double-standard in the law used by the Second Circuit Bankruptcy Courts which require a status quo be maintained during abrogation.

➤ Nothing has changed in the law to prevent airline management from taking back any gains made by pilot groups. Only legislative change can protect what you have negotiated.

Conventional tactics will bring conventional results. It is time for something unconventional. Now is the time for us to join hands to save our careers and our industry.

If we do not fight now, when will we?

For more information, please visit our website at operationorange.org

The career you save will be your own.