

Federal Court Dismisses Pilots' Claims Against Union

A federal district court in Georgia recently dismissed a complaint pilots of a major airline filed against their Pilot Association alleging the Pilot Association failed to adequately represent the pilots during a merger process with another major airline. The Pilot Association represented the pilots of one of the major airlines during the merger process. Both the pilots and Pilot Association stipulated before the court that "relative ranking on a seniority list is critically important to a pilot's employment conditions and opportunities." The suit the pilots filed against the Pilot Association arose specifically out of the integration process of the two major airlines' pilot seniority lists as part of the merger.

The pilots claimed that the Pilot Association misrepresented the merger and how it would impact them with regard to the seniority list after the merger was completed. According to the pilots in the lawsuit, the Pilot Association leadership intentionally failed to disclose comments that the CEO of the other airline made during a meeting between the Pilot Association leadership indicating the merger would adversely effect the pilots with regard to the seniority list.

This information was "intentionally" withheld from the pilots, according to the pilots, and "lulled" the pilots into a sense of false security. Moreover, the pilots claimed that the Pilot Association did not circulate the terms and conditions of the first proposed integration agreement that impacted the seniority list, and as a result the Pilot Association prevented a "groundswell of support" that would have forced a ratification vote of that initial integration agreement as opposed to the subsequent integration agreement that was less favorable to the pilots with regard to the seniority list. The pilots claimed that, as a result of these misrepresentations and failures to disclose, the Pilot Association caused the pilots damages by having a less favorable position in the seniority list following the merger.

The federal judge rejected this proposed chain of causation, finding it was "too attenuated" to create an issue for trial on whether the Pilot Association leadership "caused" harm to the pilots. Among other things, the court noted the Pilot Association leadership voted 7-1 against the first proposed integration agreement, and all the leadership were present at the meeting and overheard the CEO's comments. No evidence this rejection was arbitrary or made in bad faith existed in the record, the court found.



In reaching this decision, the federal court noted the high standard pilot association or union members must meet in order to show the duly elected association leadership breached their duty to fairly represent the association members. The leadership must generally be shown to have acted in bad faith or arbitrarily in carrying out its' duties to bargain with the employer on behalf of the association members. According to the court, a union acts in bad faith when it acts with improper intent, purpose or motive. Bad faith may lie where the association intentionally withholds information or acts in a misleading manner towards its' members. A union or pilot association acts arbitrarily only when its "behavior is so far outside a 'wide range of reasonableness' as to be irrational." This is an intentionally broad range of acceptable conduct that permits unions to make discretionary decisions and choices without fear of being subject to a federal judge's oversight. There must also be proof that the conduct complained of actually caused damage to the association members.

If you have any questions concerning this article, do not hesitate to contact Chris Denison at 678-367-8672, cdenison@denisonandassociates.com.

The contents of ALN are published solely for informational purposes, and should not be construed as legal advice. Receipt of this publication does not establish an attorney-client relationship. The opinions of legal counsel should be sought concerning specific facts and circumstances. In some states, this publication may be considered ATTORNEY ADVERTISING. TENNESSEE NOTICE: **THIS IS AN ADVERTISEMENT.**