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LETTER OF AGREEMENT 1 2 between 3 **VIRGIN AMERICA INC.,** 4 and the 5 FLIGHT ATTENDANTS 6 in the service of 7 Virgin America, INC. 8 as represented by the 9 ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO 10 11 ESTABLISHING SEPARATE DISCIPLINARY TRACKS FOR PERFORMANCE AND 12 **RELIABILITY** 13 14 15 This Letter of Agreement (LOA) is made between Virgin America, Inc. ("Company") and the Flight 16 Attendants in the service of Virgin America, Inc., as represented by the Association of Flight 17 18 Attendants-CWA, AFL-CIO ("Association"). WHEREAS, the Company and the Association (collectively "the parties") recognize that it will take 19 time to complete a negotiated agreement to combine the Flight Attendant groups at Virgin America 20 21 and Alaska Airlines; 22 WHEREAS, both parties recognize that the Virgin America (VX) Flight Attendants Reliability policy is not aligned with the Alaska Airlines Flight Attendant attendance and discipline policies; 23 WHEREAS, the parties agree an attendance policy should not be about finding fault with anyone. It 24 25 is a tracking system to show whether or not an employee is at work when he or she was scheduled to be there. Discipline for performance issues should be tracked and addressed separately. The 26 Company has an obligation to ensure that all flights are properly staffed. 27 **NOW THEREFORE**, the parties agree to the following changes in the administration of the VX 28 29 Flight Attendant Performance and Reliability policies. 30 1. Effective November 1, 2017, all performance and reliability occurrences will be considered separately. Two parallel tracks will be established for monitoring reliability 31 and performance issues independent of each other and for assessing discipline. 32 33 2. In the event a VX Flight Attendant is experiencing performance issues any corrective 34 action will not be escalated to a higher discipline level based upon reliability points 35 assessed. Conversely, any discipline for reliability points will not be exacerbated by a 36 Flight Attendant's performance issues. 37 38 3. The process of the VX Reliability Policy as outlined in the Inflight Work Rules in force at 39 40 the date of this LOA (version 5) will remain intact except for the changes outlined in this LOA and any discipline assessed will be subject to the Grievance Procedures and System 41 Board of Adjustment LOA (AFA VX LOA 2017-06-02). 42 43 44 4. In the event that a VX Flight Attendant receives either an attendance point or a

performance issue, prior to issuing any discipline, the Flight Attendant's past record will





be considered and all attendance points and performance issues separated out into the two tracks. In such situation, the supervisor will look at only the attendance points or only the performance issues when assessing the discipline for the triggering event.

Example: FA Mary is on a final warning Performance Improvement Plan 2 (PIP 2) for "customer complaints" and currently has 2 attendance points. Then Mary no-shows for a trip which is a 4 point assessment. Her supervisor will look at Mary's Reliability report and exclude Mary's PIP 2 when deciding how to treat Mary's "no-show". Mary will be at 6 points, her PIP2 for performance issues will not be considered and she will be given a verbal warning. There will be no change made to the terms of the PIP 2 and her verbal warning will run concurrently with the PIP 2.

- 5. There will be no obligation to retroactively go back and assess each Flight Attendant's discipline and Reliability report for any Flight Attendant on a PIP 1 or lesser discipline. Any Flight Attendant on a PIP 2 level discipline will have her/his Reliability Report reviewed no later than November 30, 2017, and the reliability and performance discipline re-issued separately and backdated appropriately for each. A "look-back" will happen on a go-forward basis in the event that a reliability or performance issue occurs for Flight Attendants who are not on a PIP 2 level discipline.
- 6. In conjunction with attendance discipline including counseling, written warnings, and final warnings, the Company will send a letter outlining the various protected leave options. This will include resources available to the Flight Attendant such as EAP and possible steps to take if the Flight Attendant is ineligible for a protected leave of absence. Additionally, an offer to contact the Performance Supervisor to discuss the Flight Attendant's individual situation will be extended. Investigation meetings will continue to be in person for Flight Attendants reaching 12 points unless otherwise requested by the Flight Attendant and/or AFA representative.

7. ADMINISTRATION OF DISCIPLINE

- a. In connection with discipline given under the VX Reliability Policy, the twelve (12) day disciplinary notice requirements will be applied as follows:
 - 1) The Company will give notice of the disciplinary action within twelve (12) days after the date the Company, including Crewmember Support Services (CSS), could reasonably have knowledge of the occurrence that leads a Flight Attendant's total point accumulation to trigger disciplinary action. If the Company does not give notice of the disciplinary action within twelve (12) days after the date the Company could reasonably have knowledge of the event leading to the discipline, the notice of discipline, if issued, will be removed from the Flight Attendant's personnel file. The points associated with the most recent occurrence will be deleted from the Flight Attendant's record and the Flight Attendant will be considered exonerated.
 - 2) If the Flight Attendant's total point accumulation triggers disciplinary action, the Company will give notice of disciplinary action within twelve (12) days after the first day of the sick coding on the Flight Attendant's schedule. If the Company does not give notice of the disciplinary action within twelve (12) days after the





91 92 93 94			discipline, if issued, will be The points associated with	on the Flight Attendant's schedule, the notice of removed from the Flight Attendant's personnel file. In the most recent occurrence will be deleted from the notice the Flight Attendant will be considered exonerated.
95 96		3	3) Saturdays, Sundays and retwelve (12) days.	ecognized holidays are excluded from calculation of the
97 98 99 100		4	delete points from the Flig unable to be timely sent o	limits described above, the Company is not required to ht Attendant's record when notices of discipline are r received, or counseling is unable to be given due to points by the Flight Attendant.
101 102		b.		discipline shall be those provided above. Notice will be also via email to the Flight Attendant.
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104 105 106	8. The Association is not required to file a grievance at every level in a Flight Attendant's discipline in order to go back and dispute any specific discipline within attendance or reliability that contributes to a Flight Attendant's potential termination.			
107 108 109 110 111 112	Agreed this 26 th day of October 2017.			
	FOR: ASSOCIATION OF FLIGHT FOR: VIRGIN AMERICA ATTENDANTS-CWA, AFL-CIO			
113 114	/s/ Sara Nelson			/s/ Greg Mays
115	Sara Nelson International President			Greg Mays
116	Internation	iai Pres	siderit	Vice President, Labor Relations
117 118	/s/ Jeffrey Peterson Jeffrey Peterson Alaska MEC President			/s/ Jeff Butler
119 120 121				Jeff Butler Vice President, Inflight and Call Center Services
122 123	Paula Mastrangelo El			/s/ Elizabeth Ryan_
124 125				Elizabeth Ryan Managing Director, Labor Relations