



**ASSOCIATION OF FLIGHT ATTENDANTS – CWA, AFL - CIO  
HAWAIIAN AIRLINES MASTER EXECUTIVE COUNCIL**

WEBSITE: HAWAIIANAFA.ORG \* FACEBOOK: HAWAIIANAFA

September 16, 2021

Dear Flight Attendants,

As the Covid-19 virus continues to spread via the Delta variant, airlines are moving toward requiring vaccinations for all their employees. The courts and the Equal Employment Opportunity Commission (EEOC) have clearly stated that employers can require vaccination as a condition of employment without the union's approval. The pandemic has been challenging to everyone in different ways and making the decision to vaccinate has been a personal and difficult decision. Though we believe the way through the pandemic is with the COVID-19 vaccine, we want to emphasize the AFA leadership continues to advocate for those who do not meet the medical or religious requirements, and we have been working closely with our AFA Staff Attorney and Legal Department.

**Duty of Fair Representation**

We know there are very strongly held and polar opposite convictions regarding mandatory vaccination. We have heard from many of you regarding your expectation that we advocate for your personal position on the issue. AFA has a duty to fairly represent ALL Flight Attendants. Consequently, the MEC continues to represent the entire group by reporting to management the following:

- This is a complex issue.
- Some FAs are passionately opposed to the vaccination mandate, disclosing vaccination status and disparate treatment of those who decline to disclose their vaccination status.
- Some FAs are supportive of the vaccination mandate and all efforts to move in that direction.
- The entire group is experiencing a range of emotions regarding the announced policy changes.
- Almost everyone seems to be disappointed with at least some aspect of the company's policy.
- We relay members' questions and concerns that need to be addressed by the company about how the vaccination mandate and issues surrounding the policy will be administered.

**Religious or Medical Exemptions**

Under Title VII of the Civil Rights Act of 1964, "once an employer receives notice that an employee's sincerely held religious belief, practice or observance prevents him from taking the ... vaccine, the employer must provide a reasonable accommodation unless it would pose an undue hardship." Similarly, under the Americans with Disability Act ("ADA"), "... an employee may be entitled to an exemption based on ADA disability that prevents him/her from taking the vaccine." The EEOC does not provide strict guidelines on how an employer should conduct these exemption reviews. However, the medical exemption process under the ADA is an interactive process between the employer and employee that must remain confidential.

Unless the CBA has a contractual provision, or an established past practice, for the resolution of religious/medical exemption requests, it will be difficult to compel the airline to use the grievance system to appeal an adverse decision on an exemption request. The EEOC has exclusive jurisdiction to review exemption request denials under Title VII.

AFA leadership has continued to inquire into the processes here at Hawaiian for both religious and medical accommodations including the legality and/or validity of the provided forms. We have been told that since LOA is the area that is facilitating this process, any questions are best answered by LOA. For that reason, if you have any questions about the religious or medical reasonable accommodation processes, we are directing you to call LOA *directly* to seek information and assistance at the following phone number: 808.564.7444.

## **Unprofessional and/or Unsupportive Behavior**

We have received concerns about unprofessional and/or unsupportive behavior in the workplace. We understand that being at work has been more uncomfortable due to the divided opinions about vaccination status and the recent vaccination mandate. We need to find a way to peacefully co-exist with each other, or there could be disciplinary consequences due to perceived threats, harassment, or discrimination against one another.

If you or your peers are struggling with experiences of unprofessional and/or unsupportive behavior we recommend contacting AFA EAP/Professional Standards for peer-to-peer handling. There is also the company EAP program Life Matters.

[Respectfully Disagreeing](#)

[Hawaiianafa.org/eap](#)

[Life Matters](#)

## **Remaining Questions and Concerns**

The MEC recognizes that while we wait for more information from the company, many details about the vaccination mandate policy remain unclear. Once we get additional information, we will be able to determine if there is any basis to filing grievances. Please stay tuned for subsequent information and developments. We also encourage you to read the company's updates to stay informed.

As always please send any questions to the Questions Form link: [TinyUrl.com/AFAQuestionForm](#)

In Unity,

Joni, Scott and Chasity

[AFA-CWA Mutual Respect Policy](#)