

JONATHAN ELIFSON

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OVERVIEW: Experienced labor and employment attorney with extensive traditional labor experience, including first-chair NLRB litigation experience and first-chair RLA arbitration experience. Well-rounded skills in employment law and general litigation. Frequent speaker on RLA/NLRA topics. I hold a Juris Doctor from SMU and a Master of Human Resources and Industrial Relations from a top program. Licensed in Texas and in the District of Columbia. Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization (2021).

EXPERIENCE

ALLIED PILOTS ASSOCIATION (APA)

Senior Labor Counsel, November 2019 to present

Senior Director of Legal Affairs, July 2017 to November 2019

SUMMARY

- Provide counsel to the Association as a labor organization, employer, and 501(c)(5) tax-exempt organization
- Oversee and/or directly participate in labor arbitrations and litigation on a variety of subjects, including coordinating with insurance coverage organizations. Examples include matters arising out of the American Airlines/APA Collective Bargaining Agreement (including matters interpreting technical aspects of pilot scheduling and pilot discipline), RLA litigation, real estate matters in the District of Columbia and employee benefits issues (ERISA/Affordable Care Act/USERRA)
- Represent the Association before the EEOC, state/local administrative agencies, the US Department of Labor, the NLRB, and the National Mediation Board (NMB)
- Draft policies pertaining to the Association's role as a labor organization, employer and 501(c)(5) tax-exempt organization. These include revisions to the Association's Constitution and Bylaws and Policy Manual, employee handbook, and the collective bargaining agreement between APA and its staff union, APSEA (a bargaining unit of 50+)
- Oversee the Association's online membership bulletin board, including reviewing reported posts for compliance with the Acceptable Use Policy and overseeing appeals to an internal, quasi-judicial board, and, if necessary, to arbitration

COUNSEL TO APA AS LABOR ORGANIZATION

- Serve as counsel to the Association on grievances and other disputes with American Airlines, including serving as a System Board member (deciding the outcome of grievances in conjunction with the neutral arbitrator who serves as chair) and representing the Association as an advocate at grievance appeals and at arbitration (including first and second-chair experience). Many of the disputes affect all 15,000 American Airlines pilots and have a value of several million dollars each
- Provide guidance to pilot membership on various contractual and legal issues related to the pilot profession (including maintaining professional licensure and first class medical certificates) and potential regulatory and/or criminal issues
- Draft position statements and other documents to regulatory or administrative agencies including DOT/FAA, DOL and National Mediation Board (NMB)

- Oversee and counsel internal decision-making committee on decisions concerning the acceptable use policy (AUP) for the Association's web site, LMRDA-governed elections, and member discipline

COUNSEL TO APA AS EMPLOYER

- Provide counseling on employee discipline and terminations to ensure compliance with various employment laws
- Represent the Association in employment discrimination matters, including overseeing outside counsel and drafting position statements to administrative agencies
- Represent the Association in proceedings before the National Labor Relations Board (NLRB)
- Provide guidance and counseling on existing/labor employment laws (e.g., FMLA, FLSA, Title VII, ADA, LMRDA) and on new and/or novel issues (e.g., Covid-19 related legislation and various state/federal labor and employment laws)
- Counsel APA leadership on grievances filed against APA (as the employer) by staff union
- Draft employment policies and other legal documents including successor collective bargaining agreement, employment and independent contractor agreements, revisions and additions the employee handbook (including non-discrimination /EEO policy, reasonable accommodation policy, FMLA policy, sexual harassment and consensual relationship agreements, drug and alcohol policy, security/camera policies, safety/workers compensation policy, confidentiality policy and arbitration/ADR agreements)
- Represent the Association before the Texas Workforce Commission (TWC) as to unemployment compensation claims

COUNSEL TO APA AS A 501(C)(5) TAX EXEMPT ORGANIZATION

- Draft a variety of governing documents, including amendments to APA's Constitution and Bylaws and Policy Manual
- Provide litigation management and support, including responding to subpoenas and overseeing litigation in a variety of matters and coordinating with insurance representatives on coverage
- Manage outside counsel, including overseeing the legal matters and reviewing invoices
- Provide counsel, including thoroughly researched memoranda, on a wide variety of practice areas, including property and tax issues (in addition to labor and employment counseling)
- Draft and/or revise vendor agreements

Senior Director of Legal Affairs, July 2017 to November 2019

- Oversee Legal, Negotiating, and Safety, Training, Security and Aeromedical (STSA) departments, with three directors reporting to me directly and 30+ employees reporting to me either directly or indirectly (including seven attorneys)
- Provide legal advice to APA's national officers and Board of Directors as highest-ranking in-house attorney; oversee officer elections (governed by LMRDA)
- Work with the Executive Director (who oversees HR function) on the daily operation of APA as an employer, including investigating allegations of employee misconduct, developing policies and addressing issues raised by the staff union (relationship governed by the NLRA)

- Serve as Management's chief spokesperson in bargaining for a successor collective bargaining agreement for a bargaining unit of approximately 50 (consisting mostly of office/clerical and contract administrators)
- Work with Negotiating Director on negotiations with American Airlines for a new collective bargaining agreement with a value in the billions (relationship governed by the RLA)
- Respond to unfair labor practice charges on behalf of APA
- Serve as counsel in the grievance and arbitration processes (both on behalf of APA as an employer and on behalf of APA as representative of American Airlines pilots)
- Oversee issues and litigation pertaining to employee benefits, employment discrimination, wage and hour, bankruptcy (equity distribution from AA bankruptcy), NLRA and RLA
- Respond to Texas Workforce Commission unemployment compensation applications
- Responsible for \$2 million budget for outside legal services

SOUTHWEST AIRLINES PILOTS' ASSOCIATION (SWAPA)

In-House Counsel and Director of Contract Administration, April 2016 to July 2017

- Oversaw the grievance and arbitration process, including drafting class action grievances, making discovery requests and arguing cases before System Boards
- Advised and represented SWAPA in litigation and in the grievance/arbitration process, including serving as SWAPA's spokesperson at meetings with Southwest Airlines
- Advised union officials on the duty of fair representation and LMRDA, to include union election and disclosure issues
- Supported negotiation and government affairs activities on behalf of SWAPA, including advising on the duty to bargain under the RLA and on US Department of Transportation issues
- Supervised a team of eight contract administrators/analysts and provided legal advice to pilot-led contract administration committee
- Provided advice and training on the Railway Labor Act
- Coordinated with and oversaw outside counsel in a variety of matters

NATIONAL LABOR RELATIONS BOARD, Fort Worth, TX

Senior Field Attorney, 2013 to April 2016

Field Attorney, 2010 to 2013

- Served as trial counsel before administrative law judges and the National Labor Relations Board
- Nearly perfect litigation record at the trial level in seven unfair labor practice hearings; ensured success before courts of appeals (cases upheld or substantially upheld before the 5th, 11th and District of Columbia Circuit)
- Investigated unfair labor practice cases, including complex cases presenting novel legal issues.
- Served as hearing officer in representation matters
- Served as acting supervisory attorney for multiple months after my former supervisor became an ALJ

Labor-Management Relations Examiner, 2004 to 2010

- Investigated hundreds of ULP charges, including high-profile picketing cases
- Hearing officer in multi-issue representation proceedings and conducted numerous elections
- Served as acting supervisor of examiner team for extended periods

EDUCATION

Queen Mary University of London School of Law—Centre for Commercial Law Studies

Pursuing LLM degree in International Dispute Resolution at one of the world's leading programs—law school ranked as high as #26 in the world in QS Rankings

Southern Methodist University Dedman School of Law, Dallas, Texas

Juris Doctor, May 2009

Dean's Scholarship Recipient

Intern, Rutherford Institute (studied Title VII religious discrimination questions)

University of Illinois at Urbana-Champaign, Urbana, Illinois

Master of Human Resources and Industrial Relations, May 2004

Wheaton College, Wheaton, Illinois

Bachelor of Arts in Communication, December 2001

Dean's List

Teaching Assistant: Argumentation and Debate (coached, judged and critiqued debate students)

Bar Admissions: Texas; District of Columbia

Court Admissions: All U.S. district courts and bankruptcy courts in Texas, Fifth Circuit, District of Columbia Circuit

Board Certification: Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization (2021).

Publications (including main volumes and/or updates): *The Railway Labor Act* (senior editor since 2017); *Employee Benefits Law* (former government or union co-chair for collective bargaining chapter) and *The Developing Labor Law* (former contributing editor for NLRA remedies chapter for several years). Each treatise is published by Bloomberg/BNA (recently online only).

“Proposed AIRR Act Would Reform Air Traffic Services and Impact Collective Bargaining,” *Labor and Employment Law* (ABA national labor and employment newsletter), Fall 2017.

Speaking Engagements/Training Presentations:

“Collective Bargaining and Employee Benefits,” Dallas Bar Association, May 2016

“An Overview of the Railway Labor Act,” Center for American and International Law, 55th Annual Course on Labor Law and Labor Arbitration, April 2017 (90-minute overview of RLA), Plano, Texas.

“The RLA and Unfair Labor Practices: Is there Protected Activity Under the RLA?” American Law Institute, 25th Annual Advanced Course, Airline and Railroad Labor and Employment Law, April 2017 (panelist), Washington, D.C.

“The RLA and Unfair Labor Practices: Is there Protected Activity Under the RLA?” and “Recent Developments and Emerging Issues,” American Law Institute, 27th Annual Advanced Course, Airline and Railroad Labor and Employment Law, October 2018 (panelist), Washington, D.C.—invited back to present at 2020 conference (now postponed)

“An Overview of the Railway Labor Act.” National Labor Relations Board Professional Training for NLRB Regions 16 (Fort Worth), 13 (Chicago) and 7 (Detroit) (presented to NLRB Management and Professionals). January 12, 2021, via Zoom.

“Preventing Discrimination and Harassment,” all-employee training for staff of Allied Pilots Association (100+ employees trained), July 2021 and September 2021, Fort Worth, Texas.

Membership: Texas Bar College (honorary organization for attorneys completing double the required continuing legal education requirements).