

The Air Traffic CONTROLLER

September/October 2000, Vol. 14, Issue 6

Elections produce a mixture of familiar and new faces for union

John Carr considers himself quite a relaxed person. But during the night of the election for NATCA president, Carr discovered he was feeling every possible emotion he could think of, both pleasant and not-so-pleasant.

"I was excited and very anxious," Carr recalled. "I almost got sick as it became clear what I had wrought. To go to bed and wake up president...amazing."

But energized by the victory — he received 62 percent of the vote in the three-person race — Carr has hit the ground running from his new Washington, D.C., office. While matching the demands of an ambitious and overstuffed schedule, Carr has developed a humble perspective on the enormity of the task in front of him.

"My exuberance is matched by my sense of responsibility," Carr said.

"Fifteen thousand families have put their future in my hands and I take this seriously. I can't think of anything I want to do more."

Carr will soon be joined on the executive office floor by Ruth Marlin, who won a runoff election for executive vice president with incumbent Randy Schwitz. The margin — 16 votes in a ballot count of 6,858 — was a valuable reminder that every vote counts, though it was a bit too close for Marlin's comfort.

Still, Marlin was excited to be joining Carr in forging a new, energetic leadership team.

"It's a powerhouse," she exclaimed. "He has the labor relations skills and mine are

more legislative, so it meshes perfectly."

The victory culminated a satisfying, eight-month campaign for Marlin which included visits to over 100 facilities and one seven-day stretch that took her to 10 cities.

"The best part of campaigning is talking to controllers," she said. "Any opportunity I have to talk with NATCA members is a good day."

Marlin's win, along with the victory by Carol Branaman for Northwest Mountain regional vice president, gives NATCA its first two women in executive elected positions.

"I take some pride in that," Branaman said. "I think it's an evolution whose time

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NATCA PAC tops one million dollars at NATCA in Washington '00

Prominent speakers in the labor and aviation fields, including AFL-CIO President John Sweeney, Department of Transportation Secretary Rodney Slater and Federal Aviation Administration Administrator Jane Garvey, addressed approximately 260 NATCA members during the union's annual legislative conference, *NATCA in Washington '00: We Guide You Home*, Sept. 17-19.

"I thought the training we received taught me how we can impact legislation, and how the NATCA political action committee plays a powerful role," remarked Southwest Region Engineer Jacq Duncan. And many other lobby week attendees recognized its importance by raising their contributions, bringing NATCA's PAC to over a million dollars. "Thanks to the commitment of all the legislative activists and

fac reps throughout the country personally approaching their members and stressing the PAC's value, the union's PAC has doubled in the last three years," offered National Legislative Committee Chair Alan Clendenin.

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(right) Sen. Max Cleland, D-Ga., gathers with NATCA members from the Southern Region.



FAA Admin. J. Garvey and NATCA Pres. J. Carr.



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In his own words...

NATCA President
John Carr

Dear NATCA friends and members,

There's an old saying that goes, "Be careful what you wish for, because you just might get it." Well, I never heeded that advice, and look what happened to me: I'm your new NATCA president!

Our election season, like so many others, always brings out the best and worst in us. We campaign vigorously, debate heatedly, and challenge each and every contention along the way. Friends argue with friends, and relationships strain under the weight of the decisions at hand.

And then the electorate – in this case, the membership – speaks. Loudly, clearly and with one voice, you have spoken. A new president. A runoff for executive vice president. Five returning regional vice presidents, three new regional vice presidents, and two runoff elections in the Southwest and Western Pacific Regions. The times, they are a-changin', indeed.

As Mike told you in his newsletter column last month, he returns to New York to his loving wife Maria and daughters, Shannon and Erin. What he did not tell you is that he has earned the respect and gratitude of a membership which is bigger, better and richer for having had his leadership. Michael McNally has earned the title president emeritus through his hard work, dedication and leadership. I am proud to call Michael my friend.

NATCA's membership also owes a debt of gratitude to Bill Otto, Gus Guerra, Jim Poole and James Ferguson. Each of these gentlemen acquitted themselves rather admirably while serving as regional vice presidents. The preamble to the contract discusses trust, honor and integrity, and I cannot think of three individuals who more closely mirror those high ideals.

To Bill, Gus, Jim and James, I would like to say, "Thank you, from your friends and fellow controllers for a job very, very well done."

And speaking of debts of gratitude, I cannot possibly express to each of you how much your support has meant to me these

New NATCA President Carr shares outlook

past four weeks, not only during the triumph of election night, but also during the tragedy which was the loss of my mother. Your votes have honored me beyond measure, but your cards, letters, thoughts and prayers have soothed this union brother when he needed it most. For that, you have earned my lifelong gratitude and appreciation.

Our organization faces many challenges in the coming three years. Contracting, privatization and the wholesale sell-off of our nation's air traffic control system continue to command our attention.

The incorporation of our new bargaining units will demand our concentration. *NATCA In Washington* is upon us. Facility Representative Training, Accident Investigator Training, OWCP Representative Training and other educational initiatives beckon. In short, our plate is full and we're only halfway through the buffet line. That's OK, though. We're nothing, if not hungry.

Internally, we face a host of challenges as well. As members of this great union, you are both owner and customer, and I am committed to ensuring both of those roles are respected and appreciated.

As an organization, we must communicate more often. When we do, we've got to have something to say. We must improve member benefits. We must ensure that the regional and national offices serve

your needs, not only in labor relations but in other areas as well. We must practice the politics of inclusion, and we must take deliberate, proactive steps to hear every voice on every issue. If no one has taken the time to tell you, then let me be the first: There are seats for everyone at NATCA's table.

Many hands make light work, my brothers and sisters. If you would like to volunteer for duty in the most overworked, underpaid army in the world —the army of NATCAvists – please call or email me at the national office.

I won't promise you anything, except maybe for the chance to change the world. And, as we used to say in the Navy, "That's pretty good duty."

In solidarity,



John S. Carr
President

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Southwest Airlines president gives best wishes to NATCA members

The following letter was sent to Former NATCA President Mike McNally in response to a letter he disseminated to the airlines to educate them about the union's public relations campaign to promote controllers in a positive manner.

Dear Mike:

I am most appreciative of your letter concerning rumored NATCA public relations campaign. I had heard rumors but paid not attention to them. Ignoring rumors has kept me basically sane (weird but not demented).

As you probably know, I have the greatest admiration for our air traffic controllers and preach the "gospel" of their excellence on every suitable occasion. It is not the controllers, but the system that must be fixed and (another one of my preachments) that will "fix" will only occur if all parties interested in aviation cooperate and collaborate to define the priorities for system improvement and work together to achieve them.

Now, I'll clamber down off my soapbox and ask you to give my best wishes to your board and membership. We greatly value and tremendously respect NATCA.

Best personal regards,

*Herbert D. Kelleher
Chairman of the Board
President and Chief Executive Officer
Southwest Airlines Co.*

USA Today, Aug. 14

"Mexican Air Traffic Controllers Demand More Radar"

Mexico's air traffic controllers say the country's airports lack sufficient radar systems and personnel to deal with an ever-increasing number of flights. The controllers' union is planning a strike for sometime this month, the *Reforma* daily newspaper said.

SINATCA letter to NATCA, Aug. 15

As you might know, we still have not settled any positive agreement with the authorities and for that reason our union took the drastic decision to start the strike process next Monday. This procedure will take approximately 45 days from when we start, up to the time we actually strike, during which we will try to reach an agreement with the authorities. We honestly think our employers do not take us seriously and are not willing to come

to the negotiating table. In fact, they have taken a hard line attitude toward us and so we are being left with no alternative.

We are asking for your support by making this public and also notifying the airlines. We have already done this in Mexico and we are expecting for our employers to react accordingly. Please let us know that you have received this letter, I would appreciate it very much.

Sincerely,

*Raul Campilla Gomex
SINATCA*

The following was written in response to the previous newsletter question, "What should the agency do to address the fact that so many controllers will retire soon?"

Among other things, give waivers to the age 56 rule to controllers who are not "grandfathered" and want to work past age 56. There are some of us who enjoy the job, are still good at it and would like to continue working traffic. I have heard some controllers state opposition to this idea because they are afraid it will adversely affect their option to take advantage of "early retirement," or will adversely affect NATCA's ability to convince Congress to give us an even better early retirement.

Realistically, Congress is not going to give us any better early retirement than we already have anyway. And as for it affecting our current early retirement, when Congress passed the early retirement legislation, Public Law 92-297, it recognized there would surely be controllers who would not lose their skills. Therefore it included in the law a provision allowing the secretary of the Department of Transportation to grant waivers to controllers possessing "exceptional skills and experience." The law as originally proposed by then-Transportation Secretary John Volpe did not include this provision.

In other words, the Department of Transportation/FAA did not want the option of letting controllers work past 56, but Congress did. Considering this, it doesn't seem very realistic to think Congress would take away "early retirement" if the FAA started granting waivers. Especially if you consider the 800 or so former PATCO controllers who have recently been rehired with no age considerations, most in their 50s and not having worked traffic for nearly 20 years. Don't our current and charter NATCA members deserve to be treated as well, especially since this would also help provide relief if a lot of controllers soon retire?

Thank you.

Sincerely,

*Charles Rathburn
Charter NATCA Member
Miami ATCT*

Member	viewpoint	We want to hear from YOU!	Deadline
			
What types of issues or topics do you want this newsletter to address?			
Mail Courtney Portner at the national office Email cportner@natcadc.org Fax 202/628-5767		October 31 Respond Today! Selected answers will appear in future issues.	

“We Guide You Home”: NATCA’s CNN 30 - sec. commercial created

“My dad has a really important job...”

This opening line delivered by a professional child narrator, who handled the voice-over of Taylor Schwitz, conveys the message of NATCA’s television commercial for the CNN Airport Network: Faces and families are hidden behind the critical, but relatively anonymous jobs of air traffic controllers.

Production began on Aug. 25 at Washington-Dulles Airport, where Fac Rep Paul Rinaldi facilitated Hill and Knowlton’s requests to film inside the terminal, as well as in the tower and TRACON. The 12-person crew orchestrated scenes depicting passengers waiting in line and a diverse group of controllers working traffic, including Taylor’s dad, Executive Vice President Randy Schwitz.

The next day, filming took place at a rented home in Arlington, Va. Taylor Schwitz had flown up from Atlanta, for the day. Mom Pam Schwitz said Taylor didn’t want to participate; she was concerned about how she’d get *inside* the TV – an excellent question for a five-year-old.

But Taylor had no problems helping to close the commercial by welcoming home Randy from work with a hug, providing a warm, lasting image that’s accompanied by the “We Guide You Home” slogan, the NATCA logo and web site address.

Extras were unpaid and included familiar NATCA faces: Keith Harrison, John Shea, his son and Sam Schwitz.

While production of a CNN-quality commercial offers an exciting opportunity to participate in the creative world of television, it also underscores the seriousness of the business. Weeks of coordination,



Camera crews work to get the best possible angle.

thought and strategic thinking went into the undertaking.

The commercial will air in 28 major U.S. airports. It highlights the first phase of a proposed two-year public affairs campaign which brings controllers into public view, where they will become more “top of mind” with travelers when discussing aviation safety.

This campaign combines issue-oriented legislative initiatives with solid public relations that includes visible, energetic and very public coalitions, media and other special initiatives, such as advertising. In NATCA’s case, the long-term goal is to shore up support – nationwide and in Washington – for anti-contracting or FAA structural reform that tilts against the federal workforce and public safety.

Work has been steady on other “We Guide You Home” projects:



EVP R. Schwitz helps his daughter Taylor “fly.”

✓ 10-second billboards on CNN Airport Network – This is a static NATCA team photo displayed on the screen. It will run in prime times at three-month intervals, with a total recommended buy of 41 weeks beginning in mid-September.

✓ Roll Call and Aircraft Owners and Pilots Association ads – The team photo ad has run in both publications. The text reads, “What are the nation’s 15,000 air traffic controllers doing these days? Directing more than 70 million aircraft annually; ensuring the safety of almost two million passengers a day; helping 700 million people get where they’re going each year. Proven experience – dedication – years of training – dependability.”

✓ “Roger,” the toy beanie plane – From the Beanie Baby concept; a small, stuffed toy shaped like an airplane with the “We Guide You Home” slogan printed across the side. They debuted during lobby week.

✓ Controller profiles – Selected major media outlets are being contacted about day-in-the-life features. A model story appeared in the *Rocky Mountain News* in August and featured Controller Mike Horn from the Denver International Airport air traffic control tower.

The air traffic control system - a day in the life of working traffic

It was an enormous task – give the public a rare, comprehensive look at a day in the air traffic control system. The *Chicago Tribune* launched a large-scale investigative operation on Sept. 11 in the wake of a summer of delays that has focused increased attention on the airlines and the system.

The Federal Aviation Administration provided unprecedented access to five ATC facilities; Chicago-O’Hare Tower, O’Hare TRACON, Chicago Center, Cleveland Cen-

ter and the national command center in Herndon, Va.

From 5 a.m. to 11 p.m., reporters watched as the day’s strategic and tactical plans were executed, starting with the formulation of the first collaborative weather forecast of the day. Typical of the summer, weather ended up being a crucial factor in the plans. Thunderstorms severely impacted travel in the Chicago area for much of the day.

The *Tribune* devoted at least 40 report-

ers and photographers to the project and also shot video for use with the two television stations it owns.

Allocating such a large amount of media resources on this topic is unusual. But the FAA decided to grant unique access to demonstrate the strength of the system by putting controllers and agency staff and management on center stage.

The newspaper plans to publish its account in a multi-part series, probably in early October.

Article 88 Workgroup completes task, needs agency to sign MOU

The underlying philosophy in a “gainsharing” program is to make “work” into a “win-win” situation for both the employee and organization.

For the first time in the federal sector, NATCA members might soon partake in this plan, which would recognize and reward workers whose contributions result in cost savings or efficiency improvements for the Federal Aviation Administration. The Article 88 Workgroup has prepared a draft and is waiting for the agency to sign a memorandum of understanding with the union implementing a nationwide gainsharing program.

The research and creation of this joint NATCA/ FAA program began with Article 88 of NATCA’s collective bargaining agreement. It requires the union and agency to establish a work group to further define methods and procedures for recognizing and rewarding employees or groups of employees whose ideas result in cost savings or efficiency improvements for the agency or its customers, or “gainsharing.”

In gainsharing programs “A pre-determined percentage of the gains achieved by meeting efficiency and cost savings targets or goals would be redistributed to the employees. The remaining amount is returned to the company or agency. Employers who utilize these programs experience increases in efficiency, cost savings and employee satisfaction.

“Developing this program took a little longer than anticipated because the FAA and NATCA had no knowledge or prior experience with gainsharing. There was extensive research required examining other programs and the challenge was to develop a program that would fit within the FAA and Air Traffic Facilities. Further, the agency culture has never encouraged or pursued rewards and recognition for efficiencies or cost savings,” offered Article 88 Team Lead Jerry Whittaker. “The NATCA team members included; Ray Spickler, ZKC; Mark Hood, N90; and Jeff Wonser, IND. There was a tremendous amount of effort put forth in creating a program that is unique to FAA and beneficial to both NATCA bargaining unit members and the agency.

“The only remaining action necessary to implement this program is for the agency to complete negotiations and to sign an implementing MOU. The agency’s

team lead did not have the authority to implement the program. FAA Team Lead Kitti Durham said the FAA team needed to complete internal agency and congressional notification processes before entering into an agreement with NATCA. NATCA President John Carr and FAA Director of Air Traffic Services Ron Morgan would sign the MOU,” added Whittaker.

Purpose

The goal of the gainsharing program is to provide incentives which would encourage and motivate teams of employees to examine facility operations. Employees would offer and develop ideas and innovations that result in cost savings or efficiencies within the agency and/or the users of the National Airspace System. It is important to note that employees earn bonuses based upon group performances rather than individual.

Responsibilities

Three teams must be established to facilitate the process of national implementation of this plan: the Gainsharing Task Force, the National Quarterly Review Team and the Facility Gainsharing Teams.

- ❖ *Gainsharing Task Force* – Consists of a national team lead from each party and representatives from the nine regions. It has an array of tasks such as ensuring a training course is developed, monitoring costs and created a standardized tracking system.

- ❖ *National Quarterly Review Team* – An agency-level team tasked with reviewing appeals and ideas that cross lines of business within the FAA.

- ❖ *Facility Gainsharing Team (FGT)* – Composed of members designated by fac reps and facility managers, it will process and track ideas that have been submitted and implemented.

Process

Employees will provide written ideas for agency/customer cost savings or efficiency improvements to the Facility Gainsharing Team. Once received, the team will assign it a national tracking number and classify it into a category (internal or external cost savings, internal or external efficiency improvements).

Once categorized, the FGT will conduct a preliminary evaluation, estimate potential cost savings and eventually decide if the idea has merit and should undergo further development. If it should, the team

will forward a recommendation on implementation to the fac rep and air traffic manager, who will decide whether to advance. For each idea that is processed by the FGT, the submitter receives four hours of time off.

Once the idea has received approval for implementation, the FGT must develop baseline measurements to determine the current condition of a specific operation, procedural change or expense. After it is baselined, the team will establish either FY, semi-annual and/or quarterly targets to reflect desired cost savings or efficiency improvements, to measure against the baseline data. The FGT will also develop a detailed implementation plan, which will be forwarded to the fac rep and air traffic manager for coordination with other agency and bargaining unit officials. If regional approval authority is required, the FGT will also provide a briefing package to the regional vice president and air traffic division manager.

Awards

When the efficiency or cost savings goals are achieved, the eligible facility employees will receive either monetary or non-monetary awards, in accordance with the program.

Internal Agency Cost Savings:

For the program’s first year, the agency will hold back 20 percent of all realized cost savings, and this amount will reduce to 10 percent at the end of the first year. This holdback is to cover for any periods in which a loss might occur and to pay for administrative costs of implementing the program. Any money remaining in the pool at the end of the year will be paid to eligible employees. Internal realized cost savings, under this program, must be certified by the appropriate agency officials prior to issuing awards. Once this occurs, each employee who participated in the idea shall receive proportionately a share in an amount equal to 50 percent share of the cost savings based on those funds not subject to the holdback provision.

Internal Agency/ User’s Efficiency Gains:

Realized efficiencies for the users or the agency will result in various time off awards for the employees who participated in achieving the efficiencies according to a table in the program documents. The more significant the efficiency, the greater the time off awarded to eligible employees.

NATCA in Washington

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New attendees received a thorough briefing on "Lobbying 101" to help prepare them for their visits to congressional members. "I thought the first timers' session was excellent. The speaker, Bob McLean, REM Legislative Services, was very enthusiastic, passionate and explained the material in a very interesting and clear way," offered Controller Diane Sevin, Gillespie Tower. Controller Bud DeBolt, Tulsa Tower, agreed, "I thought Bob McLean was extremely personable."

Along with learning the different dynamics of Capitol Hill, NATCA members were also exposed to an array of election information. Two pollsters explained and presented statistics about the predictions for the presidential election and stressed the importance of voting because it will be a close race. "I thought the pollsters provided helpful data and enlightened us by giving a 'behind the scenes' look at the intricacies of polling," stated Controller John Brown, Fairbanks Tower.

And Sweeney also emphasized the importance of voting in November. "Turnout is key. We are asking unions to become deeply involved. When we work together, we win together," Sweeney stressed.

The highlight of the first day included an appearance from Garvey. "I know we have a lot to do, and I know we have had a tough summer. But we must put this into perspective. Sometimes planes took off late, but many more took off on time, and everyone of them arrived safely," she commented. "We need to shift from criticism to figuring out what we can do to make the system better... In the past, we only turned the corner because NATCA and PASS were there. And every time we slip, I feel it's because the unions aren't there... It's a step by step approach. We need to stay focused and do it together to obtain success. It won't work if it's done in isolation," Garvey offered.

"I thought Jane Garvey's speech showed a promise of a really great relationship between NATCA and management. And our future looks very bright under her leadership," stated Greensboro Tower Controller Scott Mann. "Jane Garvey's speech was inspirational. I think she will work hard to resolve issues between management and labor," offered Controller Bill Stumbo, Honolulu Tower.

A panel discussion helped prepare attendees for addressing contracting out/privatization with members of Congress. "I thought the panel was great because it gave detailed information so we felt confident to speak with congressmen on a level we felt comfortable with," stated Washington Center Controller Beverly Cook.

And NATCA President John Carr revved up the audience with his speech about stopping privatization. "I can help you get your equipment after you help me save your profession," he expressed. "I have a new enthusiasm for grass roots lobbying knowing we have a leader like John Carr. His energy and intensity stirs up a new found desire to work toward a common goal," explained Cleveland Tower Controller John Sokolowski. St. Louis TRACON Controller Rick Schmidt agreed, "John Carr is going to take us to the next level."

And Fred Duval, from Hill and Knowlton, NATCA's public relations firm, gave attendees a first-hand glance at how his company will help take NATCA to the next level with its "We Guide You Home" campaign. He premiered the 30-second CNN commercial and introduced "Roger," NATCA's custom-made beanie airplane. Union members delivered "Roger" to Capitol Hill, leaving them behind as visible reminders of the hard work air traffic controllers do back at their facilities.

Slater praised NATCA members in his speech. "Your work isn't just work that you do in front of your screens. Your work touches every family in some way, and hopefully you know you made it possible for someone to return home and welcomed by their loved ones," he stated. An array of representatives including Rep. Mac Collins, R-Ga., Rep. Jim Oberstar, D-Minn., and Rep. Chuck Robb, D-Va., echoed the secretary's remarks. "You need managers who will work with you, lower your stress levels and will treat you as human beings. When we really have a system that operates this way, then we will be serving the public better," commented Oberstar. "I'm glad you're here. I appreciate what you do," remarked Collins. "When it comes to contracting out, the lowest bidder isn't always best. We shouldn't be looking at contracting out air traffic control. We should be looking at how to get you the resources you need." "Lobby week is an education I build on from year to year. I learn a little more and something different every time I come," offered Lubbock Tower Controller Jeff Church. "NATCA members need to become involved and see what this is all about. For those who want to sit around apathetically criticizing, they have no right to gripe when our jobs are contracted out."



(l to r) Chip Fallin, SFB; Barbara Walton, DAB; Rep. Corrine Brown, D-Fla.; Donna Fitzgerald, MCO; and Robin Walukonis, ZJX gather.



Great Lakes Region members speak with S. Snyder from Rep. Ralph Regula's, R-Ohio, office.



NATCA members group together for a photo.



(l to r) Nat'l ARC/ABA Rep. C. Newberry, FAA Admin. J. Garvey and SW Engineer J. Duncan.

ATC SafetyNet

TECHNICAL AND SAFETY ISSUES FACING U.S. AIR TRAFFIC CONTROL

September/October 2000

NATCA helping to plan for the future of air traffic controllers

Sterling Swan

As many of you already know Display System Replacement is in operation in all 20 en route centers. Washington Center - the final waterfall site - dedicated its system in July. Now that HOST Oceanic Computer System Replacement (HOCSR), the new IBM mainframe, and DSR are installed, can we kick back and relax for a while? Unfortunately not! The IBM mainframe computer goes end-of-life in 2008. DSR has components requiring technical refreshment in the next few years too.

Apart from these hardware issues, our en route system, which makes up the

backbone of the National Airspace System, is facing an even larger challenge, *software!* So what's the problem with the software? The HOST computer has served us well over the years, but the software and architecture are based on 30-year-old requirements. The ATC and information technology worlds today are quite different, driving us towards a modern type of software language and architecture. Picture a traffic circle designed 30 years ago to handle a low to moderate traffic demand. Now picture virtually that same circle during a major urban rush hour!

In the late 80s, the FAA attempted to modernize the en route environment. It was called the Advanced Automation System.

For a lot of reasons, AAS crashed and burned. Partly as a result of NATCA's support and encouragement, FAA senior management has recently decided to embark on a multiyear, en route automation modernization program called En Route Automation Modernization. Learning from past mistakes, this is a three pronged, parallel strategy. First, sustain the current system. Second, exploit as much capacity as can be squeezed out of the HOST so that workload and delays don't get completely out of hand. Third, start peeling ATC functions off the HOST and place them on outboard processors. This step will start with non-safety critical

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Air traffic controllers must work together to maintain flow control

Scott Voigt

Operational errors and deviations have increased. What is happening to the air traffic control system? Let's look at some of the facts that are different from the days gone by. Traffic is up, staffing remains pretty much stagnant and this year at least, weather has been a huge impact compared to previous years. Add to this the congressional oversight and media fascination with air traffic delays to keep the system packed. With all of this, something is going to give.

As service providers, we all strive to move as many aircraft through the system as we can. We take pride and pleasure from working busy periods of traffic and doing it well with the least disruption to the flow of traffic. There come times when due to

flow restrictions, weather, pilots not complying with instructions or just too many aircraft, we have to slow things down. This is a critical point between being busy and losing control of the sector. Knowing when to ask for help and when to reroute or deny requests are very important. There is the difference between keeping the system working at maximum and having an operational error or worse.

Through our training and peer pressure we have constantly pushed for moving the maximum number of aircraft with the least amount of restrictions. Give the pilots what they want is a mantra at most of our facilities. We have done this to our detriment at times. Not only for the sectors involved, but also for those down stream. As an example of this, every day we

see aircraft that have been delayed on the ground with an Expect Departure Clearance Time given direct to fixes hundreds of miles away.

This helps erase the delay they incurred on the ground. At face value this doesn't seem like a big deal, but what happens to that last arrival sector who is metering to the airport in question when everyone is

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Controller Training

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Is air traffic control training challenging, helpful or effective?

Scott Voigt

When we talk about training we normally let out a groan. Why? Is there nothing more for us to learn? Is it beneath us to go through refresher training? Or is it that the training is so poor that it doesn't hold our attention or teach us anything we either need or haven't seen hundreds of times before? Does the training even challenge us or bring our aviation knowledge level up another notch? I suspect at most facilities it is the later. What can we do as a union to fix this?

The first step is to get involved in the initial training on new systems. NATCA has done this well with Display System Replacement (DSR). This is the very first Computer Based Instruction (CBI) that has trained us on a system using the real equipment and not just pictures on a screen that you mouse over too. It was the first time the FAA has worked with controllers on setting up a meaningful training program that was of use and meaningful for new systems. The FAA has also worked with NATCA on setting up ATTE (Air Traffic Team Enhancement). This was a good first step to take, but now we need to go much further. It will take commitment on the FAA and NATCA's part to sit down and put together extensive training for teamwork. ATTE should be the beginning of the program, something all new controllers obtain. From there, we should build in team building in all facets of our developmental and refresher training. If the FAA *really* wants to get to the root of some of the Operational Error and Operational Deviation issues, then it needs to look at how and what it trains.

The next step for the Certified Professional Controller is to continue one's aviation education. Everything the agency taught in those phase classes and at the academy is only a scratch on the surface of what is out there to know about aviation and how it all works together. Why don't we have continuing professional education? Reading a memo in a binder does not constitute training or a true briefing. All that does is make you aware of change, but it normally doesn't tell you *why* the change happened or how it will apply to you and others. Some may not believe it,

but there is more to air traffic control than vectoring, speed control, three or five miles or a 1,000 or 2,000-foot separation. One way to keep from committing errors, which could lead to deviations, or worse, can be taken care of by training of the controller workforce so that they understand all the underpinnings of air traffic control and aviation in general. Some day, that training will be able to help get you or a pilot out of a jam.

The first step that may prove to be beneficial is the Article 17 negotiations. If we can make those come to pass, we should be able to get people in place to come up with meaningful and beneficial training in our facilities. Involving individuals who are familiar with the day-to-day in updating training is a big step in the right direction. Also, allowing those who undergo the training help establish the course work, might convince others training is helpful.

The next issue is squarely in the FAA's court. How much does training really mean to the FAA? What is the FAA willing to spend? There is no doubt about it, to set up meaningful high fidelity refresher and team training is going to cost resources and money. But what is the price for continuing to do business the way we are? More training failures, more people who are getting checked out who are just barely getting by. A complete work force, which is not the best trained in the world, nor ready for the challenges coming in the

21st century. Is the training costly? Yes, to do anything right the first time is going to be of some cost. But to continue to do things poorly and then pay for them at a later date through litigation is not saving money either. If we continue this spiral to saving money by the lack of training, we will be no better than some of the contracting firms.

Lastly, there is something we must do ourselves. The FAA sends us to On the Job Training Instructor classes. We take that information and put it aside and then most of us train new developmental controllers the way that we were trained. In other words, we watch them and tell them when they are wrong. We fix the problems, but we are not teachers. We don't take the time off the sector to open the books up and explain in detail how the system works. The only way a developmental is going to learn these things is if you take the time to teach. Teaching is not just sitting on the sector, it is also taking the time to go through *everything* in the training syllabus, then ensuring the developmental knows and understands what you are teaching them. It is time consuming and at times boring. But it is the *right* way to do it. You owe it to yourself (you are going to have to work next to this person) and to everyone else to train people to the highest standard and to accept nothing but the best.

ATC Safety Net		An official NATCA publication.	
September/October 2000		Vol. 3 Issue 2	
How to reach ATC Safety Net	Feedback All letters must include an address and phone number. NATCA reserves the right to edit letters for clarity and space.	Editor Courtney Partner	
	Address Changes All changes of address should be addressed to NATCA Membership Dept., 1325 Massachusetts Ave., N.W., Washington, DC 20005.	Article Coordinator Scott Voigt	
	NATCA National Office 1325 Massachusetts Ave., N.W. Washington, D.C. 20005 202/628-5451 (p) 202/628-5767 (f) www.natca.org	Executive Editor Sherrod Shim, Communications Director	

Air Traffic Procedures Advisory Committee representatives busy

Scott Voigt

NATCA Air Traffic Procedures Advisory Committee representatives were busy fending off pilot groups wanting to change the 7110.65 to put more responsibilities on controllers versus the flight deck crews. Most items as usual have been deferred for either awaiting publication, or for waiting for further action from the FAA.

250 Knot Test at IAH: The FAA was under attack again by the pilot groups as to the validity to the ongoing "test" in Houston. The pilot groups continue to ask the FAA what is determined by testing and what the criteria for the test are, as well as how long the test period is.

The FAA continues to sidestep the issue and says test data continue to be gathered even though it can't say just what is being gathered. The concerns NATCA has on the test is that data are being gathered at both the terminal facilities and en route facilities to ensure we know how it is affecting the entire National Air Space system. So far, all we have is the FAA's assurances it is going to look at everything. We will make sure we see this in the test results.

Use of the Word Heavy in the En Route Environment: The FAA says a Document Change Proposal (DCP) was signed and should be out in the February change of the 7110.65. Both NATCA ATPAC reps were against this proposal for mandating controllers use the term "heavy" when communicating with aircraft. The pilot community felt this would help them with its situational awareness. We felt this wouldn't help at all since the pilot community, from our point of view, doesn't have the big picture nor will specifying "heavy" in a call sign change anything. As of now, I don't know if the FAA has brought the change to the 7110.65 to NATCA for bargaining.

Combining High and Low Altitude Routings: The committee was briefed on the different charting and procedural publications that demonstrate to the pilots several available resources to locate the information needed to navigate via low altitude routes while on high altitude route segments. This Area of Concern (AOC) is closed.

Need for Alternative Altimeter Setting Minima: This is an AOC brought up by a NATCA member. Howard Swancy, AFS-3, briefed the committee that there is no sanctioned effort on the part of the agency to remove this information from the Instrument Approach Procedures. There is a temporary moratorium on further removal of this information. For airports that have already had the IAP amended then information will only be re-published if the controlling airport authority makes a request for the change and then changes will be as resources are available. This will not be a priority issue for AFS (Flight Standards). If you have problems with alternate altimeter settings disappearing from your approaches let your ATPAC reps know so we can bring it back to the attention of Flight Standards.

Land and Hold Short Operations: The meeting started out with all the pilot groups talking about how well the FAA worked with everyone to get this new Land and Hold Short (LAHSO) agreement signed. However, disagreement soon surfaced about what was going to be done and how it was going to be accomplished. For now, LAHSO will not be done to any runways that require a Rejected Landing Procedure. Flight Standards (AFS) along with Air Traffic Procedures (ATP) will be conducting tests at the airports where this procedure is required. The first airport where testing will occur is Chicago O'Hare, and by the time you read this, that testing and validation should be finished and then moved on to other airports. For the committee, this is a completed action.

Visual Rejected Landing Procedures: One pilot group brought this issue to the table because it was confused about what to do in the event of a go around while on a visual approach. This pilot group was attempting to get procedures set into the 7110.65 so it could expect the same thing at every airport every time. We tried to explain the idea of remaining VFR and being handled as a VFR aircraft. Finally one of the pilots in the committee came up with what was already in an FAA publication for the pilots.

"Go Around - Instructions for a pilot to abandon his approach to landing. Additional instructions may follow. Unless oth-

erwise advised by ATC, a VFR aircraft or an aircraft conducting visual approach should overfly the runway while climbing to traffic pattern altitude and enter the traffic pattern via the crosswind leg. A pilot on an IFR flight plan making an instrument approach should execute the published missed approach procedure or proceed as instructed by ATC; e.g., "Go around" (additional instructions if required) (See Low Approach) (See Missed Approach)." No publication changes will be made to the 7100.65 and the AOC is now considered action complete.

Intersecting Runway Separation Criteria: As reported in the last issue of the *SafetyNet*, the pilot groups are saying there is a problem with the Intersecting Runway Separation Criteria; they are seeing aircraft coming closer than they would like. The agency is currently conducting an investigation of all intersecting runway operations after the NTSB raised similar concerns.

The initial data does not support the position that the problem is system wide. Some airports with unique operational requirements may be adjusted. The committee was told this concern couldn't be addressed with a single procedural change. The issue is deferred for now until the FAA finishes with its investigation.

800 Weather Brief Number for Flight Service: A problem now exists for pilots who are calling Flight Service on the ground and getting rerouted to another Flight Service when the call volume is too high for that particular Flight Service. The problem arises when a pilot calls for a clearance on the ground and if the Flight Service isn't a tie in Flight Service for that enroute facility, then they can't get in touch with the correct sector to get a clearance to issue.

The FAA announced a newly signed telephone contract will take care of this problem by issuing specific 800 numbers for each Flight Service, so pilots will be able to direct their calls to an individual Flight Service for clearances. This AOC is considered complete.

continued on page 4

Use of Anticipated Separation: Some pilot groups felt anticipated separation was not working. Their intent was to make some changes to take the ambiguity out of the use of anticipated separation. NATCA argued there was nothing wrong with anticipated separation when it was applied correctly. You always must have some sort of separation existing when the application is used. In this case, when you issue the clearance, by the time the aircraft arrives at the landing threshold, you will have the minimum clearance prescribed by the handbook (7110.65). If you don't, then you aren't using the rule correctly. After much discussion by the committee, it was determined an air traffic bulletin would be published to remind controllers about the appropriate use of anticipated separation and that a change to the 7110.65 was **NOT** appropriate. The issue is deferred until the air traffic bulletin is distributed.

Change AIM (Airman's Information Manual) and Pilot Controller Glossary Concerning High Altitude Jet Route Widths: One of the pilot groups requested this due to a mistaken belief that controllers were having separation problems with jet routes due to the Airbus aircraft issues with how they make turns compared to other aircraft. NATCA explained to the committee there is no problem with airway widths, since we only use the airway area to be protected when we are in non-radar. The issue of the Airbus turning early was another problem completely. Pilot groups still want to look into how the airways are defined and if high speed operations are taken into account. This item is deferred awaiting further information from the FAA.

functions, then move to components like Radar Data Processing and Flight Data Processing.

FAA headquarters is realizing the best way to design systems is to put controllers and engineers in a room together and let them get to work. ERAM is a big deal, and we will be putting this evolving partnership philosophy to the test over the next few years. But there is no other way to get the work done. And clearly, we must get started now! From an operational point of view, why do ERAM? 1) We must move away from our kluged architecture; 2) Controllers deserve a true, 24/7, fully-redundant, full functionality ATC system; 3) New ideas, suggestions and applications User Request and Evaluation Tool and Controller Pilot Data Link Communications fit best in a modern system that is ready to accept them; 4) It's an investment in our future.

just giving the pilot what they want? Aircraft delayed by flow control now overload this sector by arriving early and have to be fit in with the already full holding patterns. Not to mention weaving through the overflights that go through these sectors. If there are flow restrictions out for airports, help your fellow controllers out. Don't shortcut the aircraft. You don't know what you are doing to your fellow controllers down stream. In the long run, you are neither helping the system, nor the pilots when they now get to the arrival fixes early and have to go into holding or a conga line.

Something else we hear all the time is, "I am too busy to do that!" This ought to be a warning sign to you. If you feel you are too busy to apply the rules of doing business, then it is time to either get more help, or to slow down what you are doing with traffic management restrictions.

Keep your supervisor in the loop about what is going on and what YOU need. It always gets a good laugh, but traffic management and supervisors are available for only one reason, and that is to help you perform your job efficiently and safely. If you aren't getting what you need to make that happen, then you must say some-

thing.

More and more lately, we have not passed on information. It is just another breakdown in the system that needs to be addressed.

By continuously cutting back on the safeguards and professionalism of our jobs we cut away at our *SafetyNet*. We take care of the immediate issue of delays in the system, but at what cost? Do we keep chipping away until the inevitable happens?

We need to take a very close look at how we do our jobs and what we need to do to ensure we retain the professionalism of our field.

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John Carr tells Senate committee: privatization is not the answer

Sen. Richard Bryan's, D-Nev., comment, "This has been the most frustrating time in the 35 years I have been an air traveler," set the tone early during the Senate Commerce, Science and Transportation Committee's hearing on air traffic control delays on Sept. 14.

Testimony on the causes and possible solutions to the situation came from transportation officials, airline executives and NATCA President John Carr, who identified the key components of the issue, addressed the Federal Aviation Administration's modernization efforts and delivered an impassioned argument against privatization of the ATC system.

NATCA, according to Carr, has identified the leading causes of delays as crowded skies, unrealistic hub scheduling, weather, underutilization of airports and the increasing number of commuter flights.

In order to solve the ever-growing problem of capacity at the nation's largest airports, Carr said, "We need to start pouring some concrete. There just simply are not enough runways, taxiways, terminals or gates to accommodate the projected growth in passenger volume between now and 2010."

Transportation Secretary Rodney Slater, FAA Administrator Jane Garvey, Inspector General Ken Mead, Delta Airlines Inc. President and CEO Leo Mullin, American Airlines President and CEO Donald Carty, Capt. Duane Woerth of the Air Line Pilots Association and Robert Poole, president of the Reason Foundation and a leading proponent of separating the ATC system from the federal government, gave testimony.

Carr argued privatization won't speed up the process of building new runways and airports, nor will safe, reliable, user-accepted equipment be developed and installed any faster.

"Many are quick to point the finger at the 'outdated and antiquated' air traffic control system as a major cause of delays," Carr stated. "However, I am here to tell you that not only is this not true, but to refer to the air traffic control system as 'outdated and antiquated' is no longer an accurate characterization."

"(Privatization) is simply a business-oriented solution being offered by – surprise – the airlines and others who stand to make a profit. The safety of the flying public should never be in competition with corporate profits."

After his testimony, Carr took questions from the committee, including one from Chairman Sen. John McCain, R-Ariz., that addressed statistics from Mead that showed a rise in the number of runway incursions and operational errors, two ATC issues that Carr identified as being symptomatic of the problem of an overcrowded system.

"While we're using 1970s radar, 1980s radios and 1990s scopes, we're using 1950s separation standards," Carr said. "We have to decriminalize the process."

Carr added it's time to think about changing the separation standards as technology evolves to aid controllers and pilots. "We have separation standard minimums but we don't have published maximums," he said.

"With the FAA implementing punitive measures to deal with operational errors, after my first strike, I'm not going to be inclined to run (planes) together. I will put extra room in for myself and my family." One idea for helping the system in the short term was offered by Mead, who said the Department of Transportation will determine the maximum flight capacity at major airports, which could discourage airlines from overscheduling flights at peak hours.

NATCA elections

continued from page 1

President

John Carr 62% of votes

Executive Vice President Runoff

Ruth Marlin 50.1% of votes

Alaskan

Ricky Thompson 98% of votes

Central

John Tune 55% of votes

Eastern

Joe Fruscella 100% of votes

Great Lakes

Pat Forrey 56% of votes

New England

Mike Blake 100% of votes

Northwest Mountain

Carol Branaman 56% of votes

Southern

Rodney Turner 56% of votes

Southwest Runoff

Mark Pallone 54% of votes

Western Pacific Runoff

Kevin McGrath 56% of votes

Engineers and Architects

Jim D'Agati 100% of votes

has come. There's something to be gained by someone with a different perspective."

Marlin's reaction is evidence that NATCA members did not vote to make a historical statement.

"While it's a first for women in NATCA, I think the gender issue became much less of an issue," Marlin theorized. "Our members vote based on what they see."

As for the other regional vice presidents, incumbents Rick Thompson (Alaskan), Joe Fruscella (Eastern), Mike Blake (New England), Rodney Turner (Southern), Mark Pallone (Southwest, in a runoff) and Jim D'Agati (Engineers & Architects) all won reelection.

They were joined by newcomers John Tune (Central), Pat Forrey (Great Lakes) and Kevin McGrath (Western Pacific, in a runoff).

For Tune, a longtime controller at Kansas City Center, the election victory represents not only a notable day in his 25-plus years of service but an affirmation of his belief that all members walk together.

"To me, this is more of a leadership role in the union, but I still have to answer to the membership and represent their desires and needs," he noted.

Tune's response to the congratulations he's received is simple.

"The thing you want to let them know is I just got myself into a lot of work," he said.

"We are a union and we stand together, that's the most important thing. The potential for further growth is still there. We have blossomed real well, but we're still a growing organization."

Article 55 Human Factors Team beginning second field study

The Article 55 Human Factors Team, in conjunction with the Civil Aviation Medical Institute, is completing tasks and moving forward, to conduct a Congressional Shift-Work and Fatigue Study. It consists of a December 1999 field survey and an analysis conducted in two or three facilities.

HumRRO, the contractor, recently finished analyzing the data from the survey. The team met with a group of fatigue experts from CAMI, National Institute for Occupational Safety and Health, Dr. Ron Heselgrave from Canada and Dr. Giovannini Costa from Italy. Based on the results, these scientists, in collaboration with the Article 55 Team, plus Controller Ruth Marlin, developed some proposed fatigue countermeasures. FAA Lead, Dr. Pam Della Rocco, is compiling a report of the survey data and the fatigue countermeasures, which will be used to develop

useful, practical feedback to all controllers.

The initial site for the field analysis, Pittsburgh Tower, was conducted in May. The second, Houston Center, has been briefed, is resolving local issues and obtaining volunteers. The facility is very supportive of the study and expects it will meet or exceed the goal of 56 volunteers. The study should begin on Oct. 1 and run through around Nov. 10. If a third site is funded, it will be identified and scheduled for next spring.

In addition, the National Aviation Research Institute will conduct a study of operational errors, funded by Evaluations and Investigations, AAT-20. The intent is to develop an understanding of systemic and human factors issues associated with operational errors. NARI's two teams (each with one retired controller and one human factors scientist) will visit nine fa-

cilities to interview controllers, supervisors, staff and management.

The interviews will consist of a series of questions aimed at getting deeper into the real causes of the error. "This study will be the first step away from the current attitude of blaming and training the controller and toward an understanding that most errors are caused by a chain of events, many of which are out of the hands of controller," remarked NATCA Article 55 Team Lead Jim Beadling. The team has developed a memorandum of understanding, which resolved NATCA's concerns about anonymity, confidentiality and immunity. The study began at Southern California TRACON in August and will be completed at Atlanta Center in early October.

"Thanks to all the representatives and vice presidents at the nine study sites. Their assistance and support is invaluable," concluded Beadling.

Controllers take notice: new aircraft flying in the skies

It's a bird, it's a plane, but hey...what type of aircraft is it exactly?

Controllers may soon notice a new plane flying in their airspace, called the Global Express, identified by GLEX. What is it? What can it do? What are its limitations?

Today, there are 16 Global Express planes in service, nine of which are in the United States. But by year's end there should be close to 30 in the air on a variety of corporate and governmental missions. The Global Express is a 'clean sheet,' ultra-long range business jet built by Bombardier Aerospace in Canada, the manufacturer of the Challenger 604 and Learjet family of aircraft. It has a price tag of about \$40 million completed. Passenger seating configurations vary from 10 to 19. The normal crew complement is two pilots and a flight attendant, with a third pilot added on longer trips to manage crew fatigue.

The runway requirements for the Global Express are as little as those of a mid-sized business jet. When traffic and conditions permit, the aircraft may climb di-



rectly to an initial cruising altitude of 43,000 feet, then on to its maximum certified cruising altitude of 51,000 feet. It normally cruises in the .88 -.85 mach range. The plane's Vref of about 106 knots permits approach speeds lower than other business jets this size, so it is more flexible for approach control and the tower.

The Global Express is about 100 feet long and has a wingspan of 94 feet. It takes a little more taxiway and ramp space than most other business jets, but it's still smaller than a 737. If necessary, it's short turning radius let's the aircraft do a "180" on a 75 foot wide runway. The tail is not as tall as an airliner's, so it may fit into many hangers they can't.

For additional information about the Global Express and its performance, please contact 1-800/268-0030 in North America, elsewhere 514/855-7698.

ATC documentary to air on the Learning Channel in 2001

Editing is underway on an hour-long documentary for The Learning Channel's continuing series, "Understanding," which will explore the air traffic control system. The production is scheduled to be completed this fall and broadcast next spring. An exact date has not yet been determined.

The Learning Channel filmed segments for the documentary at the Federal Aviation Administration's main command center in Herndon, Va., and air traffic facilities at San Francisco International Airport, Dallas-Fort Worth International Airport and Washington-Dulles International Airport.

The project includes a history of air traffic control that also introduces viewers to the latest technological advances in the industry that are either in place or being developed.

There is also a brief segment that takes viewers on a flight from Washington-Dulles to Dallas, showing the steps in the ATC process that are used while bringing the controllers' jobs into focus.

National office's Training Department fine-tuning next year's agenda



NATCA members review handouts during class.



(standing) NLC Mbr. B. Campau at training.



LR Director Bob Taylor leads a discussion.



NATCA members diligently take notes during fac rep training this past spring.

NATCA's Training Department is brainstorming with the Executive Office to cook up an outstanding fac rep training course for next year.

"The class will be designed for building a fac rep, area rep, team rep, local union officer, activist and informed NATCA member from the 'ground-up.' So, think about attending and adding depth to your local leadership," remarked Training Director Greg Llafet.

NATCA newswire

NATCA's organizing victories continue to flourish with a 90 percent "yes" vote from the FAA Occupational Health Specialists, Nurses and Medical Program Specialists and a unanimous vote from the Mike Monroney Center AVN engineers. Other additional new bargaining units include FAA regional airport employees, which had a 62 percent "NATCA-Yes" vote, and FAA regional aircraft certification employees, which 75 percent voted "yes."

NATCA has won all of the 11 Federal Labor Relations Authority supervised elections, adding more than 2,300 FAA employees to the number of employees represented. More than 35 percent of all the new bargaining unit members who are eligible for NATCA membership have applied. Leading the way are the Traffic Management Coordinators, with 65 percent of the 606 eligible bargaining unit members joining within the first 90 days of eligibility.

"We've used your course evaluations from this past year to fine-tune the agenda and I'm negotiating the details of dates and locations for 2001 right now. I should have all that information for President John Carr and Executive Vice President Ruth Marlin sometime soon. With speakers like Carr, President Emeritus Barry Krasner, Miami Tower Fac Rep Andy Cantwell and Labor Relations Director Bob Taylor, the class will simply be outstanding and

geared to dealing with situations that arise in the facility," elaborated Llafet.

Carr will lead off at an informal get-together on Sunday evening and then start the training on Monday morning. Taylor will then lead the classes through nine vital LMR topics including Unfair Labor Practices, grievances, mid-term bargaining, etc. Then, Cantwell and Krasner will share duties in giving a hands-on explanation of the 1998 contract. There are plenty of other topics that will be covered too—some through video, some through small groups and some through NATCA's now-famous "rep roundtable" discussion.

"The whole idea is to offer effective (relevant and immediately useful) and efficient training (more people trained for less cost—for instance, through some video rather than several short in-person presentations) in an excellent learning environment," commented Llafet.

"For graduates of our current course, I'm also developing an advanced fac rep course. The concept is for a three-day gig in Washington, D.C., with work on mid-term bargaining skills, negotiating, administration, and leadership. The National Executive Board, as always, will have the final go or no-go decision so stay tuned! Finally, for those hoping to see Arbitration Advocate Training reinstated, the NEB will be discussing that later this year," concluded Llafet.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century reaffirmed creation of the FAA Management Advisory Council (MAC) with some technical changes. The MAC will consist of 10 members, plus the union representative. President Clinton has nominated 10 members to the MAC, and the Senate has confirmed the following seven.

- J. Randolph Babbitt, former president, Aircraft Owners and Pilots Association
- Robert W. Baker, executive vice president of operations, American Airlines
- Edward M. Bolen, president, General Aviation Manufacturers Association
- Geoffrey T. Crowley, chairman/president/CEO, Air Wisconsin Airlines Corp.
- Robert A. Davis, former vice president of engineering and technology, Boeing Co.
- Kendall W. Wilson, president, First Financial Management Services, Inc.

· Debbie Branson, lawyer
The Senate Committee has reported the nominations of:

- Arthenia Joyner, lawyer, steering committee for the Commissioners' Roundtable of Airports Council International – North America
 - David Plavin, president, Airports Council International – North America
- Senate floor action is expected before the end of the 106th Congress.
- Other pending nomination include:
- Phil Boyer, president, Aircraft Owners and Pilots Association

NATCA Skifest 2001

Don't forget to plan for NATCA's skifest, "Jackson Hole and Yellowstone 2," held in Jackson Hole, Wyo., Feb. 24-March 3, 2001. For registration information, contact Milt Scherotter, c/o Southwest Region office at 817/540-6661.

Issues about Executive Order 12968 resurface

It has come to the attention of the national office that issues of security clearance and background checks on employees requiring a "secret" security clearance are resurfacing. Guidance was issued on Aug. 31, 1998 regarding this issue. Since it has come to surface again, here is the national office's guidance.

BACKGROUND

On Aug. 28, 1998, NATCA received a briefing from FAA headquarters on the contents of Executive Order 12968, prepared by the president's National Security Counsel staff and signed by the president. It is applicable to all government employees in all operating federal agencies, not only the Department of Transportation and the FAA.

The requirement for this order materialized after a review of several recent espionage cases involving government employees selling classified information to foreign governments to alleviate personal financial problems. The NSC determined in most agencies, employees had not been screened for security purposes since initial hire into government employment. In many cases, 20 years or more had passed since a review of their security file had been conducted. A Security Policy Board was created to draft new security investigation standards. The new standards introduced new requirements to update information, including financial/credit status every 10 years. The new system requires National Agency Check and Inquiry and National Agency Check Law Enforcement and Credit checks for those employees requiring or holding a "secret" security clearance or higher. (This includes many air traffic controllers nationwide.)

While reviewing the security protocol, the government procedure also was affected by congressional amendments to the Fair Credit Reporting Act. This basic consumer protection law now requires individuals to be notified when their credit is being reviewed and allows them the right and opportunity to correct any misinformation that may be obtained. The form provided is designated to simply notify the employee that a credit check has been requested. (Previously no employee notification was required prior to requesting a credit check from credit reporting bureaus such as Dun and Bradstreet, etc.)

PROCEDURE

Under this new program established by the executive order, the FAA security division in each region is tasked with providing the forms to each operating division for those employees needing review, i.e. air traffic division for ATC personnel. The completed forms are then sent to the U.S. Office of Personnel Management who will do the actual security investigation work. No one at FAA will hear any further unless OPM finds a problem or discrepancy, at which time the employee will be given the opportunity to correct any misinformation or explain any difficulty. This information is being held in the strictest confidence and is protected by the privacy act. Only personnel with a "need to know" will be allowed access to this information.

ADDITIONAL INFORMATION

This policy is a nationwide regulation and is applicable to all government employees. Therefore, under 5 USC 7117(a)(1) it is non-negotiable. However, the agency will prepare and provide a "cover-letter" to employees receiving the new forms explaining the new requirement and the rationale behind the White House action. At present the government is starting the process with employees who have been holding security clearances for 15 to 20 years or more.

If any NATCA member has a question on this policy, please refer him or her to the national office for a resolution.

Unfair Labor Practice appeal denied

On July 7, the Federal Labor Relations Authority ruled to uphold a previous decision to dismiss an Unfair Labor Practice filed by a support specialist with the FAA at Washington Center. The grievant alleged NATCA was working with the FAA to change the scope of NATCA's bargaining unit to include positions which are expressly excluded in its certification. The decision reads in part as follows:

"The investigation revealed that you are employed as a support specialist with the FAA at the Washington Air Route Traffic Control Center. On April 27, 1999, you filed an unfair labor practice charge against NATCA alleging, in part, that NATCA was working with the FAA to absorb staff positions, which are specifically excluded from NATCA's bargaining unit, into the bargaining unit. The regional director dismissed your charge on July 7, 1999, finding that there was no evidence that NATCA and

FAA were acting to change the scope of NATCA's bargaining unit to include positions that were expressly excluded in the certification. That decision was upheld on appeal...The investigation further revealed that NATCA and the FAA entered into a memorandum of agreement for implementing Article 17 of their collective bargaining agreement. This agreement includes plans for FAA to take some work that has been traditionally performed by support specialists and assign it to employees in NATCA's bargaining unit."

Operational error/operational deviation study/survey reviewed

The operational error/deviation study/survey, which has been prepared by the National Aviation Research Institute and NATCA's Article 55 Workgroup has been reviewed by the national office for voluntary participation in accordance with Article 49 of the parties' collective bargaining agreement. The locations and implementation dates are forthcoming.

Employee attitude survey reviewed

NATCA has reviewed the "Employee Attitude Survey" for voluntary participation in accordance with Article 50 of the CBA.

Recently signed MOUs

- ✓ Model Work Environment - July 12
- ABA Bargaining Unit – Interim Agreement- July 10
- ✓ Logistics Bargaining Unit – Interim Agreement - July 12
- ✓ VFR Climbs and Descents - July 24
- ✓ ASDE-X Ground Rules - July 25
- ✓ EEO Mediation Program – FAA Order 1400.10 - July 24
- ✓ TMCs Inclusion to Articles 7, 9 and 11 of the '98 CBA - Aug. 1
- ✓ AOS-300 and AOS-400 Interim Agreement - Aug. 10
- ✓ OPSNET – OTTER - Aug. 11
- ✓ ARS Color Displays (ACD) Transition Issues - Aug. 11
- ✓ ESSG/ERAM Product Teams - Aug. 18
- ✓ Terminal Area Route Generation, RNAV Procedure - Aug. 23
- ✓ Operational Error/Deviation Causal Factor Study - Aug. 23
- ✓ New Headsets for ARTCC's - Aug. 23
- ✓ Weather and Radar Processing (WARP) Phase 1 - Aug. 30
- ✓ Medium Intensity Airport Weather System (MIAWS) - Aug. 30

No prior notification regarding FAA Order 3750.7 ~ Ethical Conduct and Financial Disclosure

The union received information that the agency is briefing employees on its revised Conduct and Discipline Order FAPM Letter 2635 dated Aug. 11, and 3750.7 Ethical Conduct and Financial Disclosure dated Oct. 10, 1998. NATCA has neither received prior notice nor an opportunity to review and/or negotiate the impact and implementation regarding 3750.7 Ethical Conduct and Financial Disclosure. In the event management requires employees to be briefed on 3750.7 Ethical Conduct and Financial Disclosure, advise management there is a duty to bargain, which has not taken place at NATCA national, and advise the national office as soon as possible.

NATCA believes 3750.7 is not applicable to BUEs. Page nine of this order states who must report a Financial Disclosure: FAA ES employees; other employees whose rate of basic pay is fixed at a rate equal to or greater than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule; employees in positions of confidential or policymaking character, unless excluded by OGE under 5 CFR 2634.203.

As a result of reclass, some employees may meet the greater than 120 percent of the minimum rate of basic pay for a GS-15, this still does not waive the agency's requirement to notify the union in advance and bargain, if appropriate. The agency never offered in any of its proposals during contract negotiations of the CBA, regarding Ethical Conduct and Financial Disclosure. Not to mention Article Four of the parties' CBA has unambiguous language that employees will not be disciplined for occasional debt.

In regards to the agency's Conduct and Discipline Order FAPM Letter 2635, NATCA national received notice in November 1999, that the agency was changing its conduct and discipline order. While the union reserved its bargaining rights under the statute, the union takes a firm position that discipline may only be taken for such cause as to promote the efficiency of the service, must be remedial, corrective in nature, progressive, and with due process.

The agency's Conduct and Discipline Order is a unilateral document that was never put forth by it in any of its proposals during negotiations of the new CBA. Even if the agency had, NATCA would never agree on how the employer applies discipline or to any degree of discipline. The parties agreed in Article 10 of the CBA on what the agency must review and apply before administering discipline, for example the 12 factors of the Douglas Standards. The agency made some changes in the Conduct and Discipline order FAPM Letter 2635 from its old Conduct and Discipline Order 3750.4A. The agency incorporated in place of Hostile Work Environment the Model Work Environment (MWE) which the parties have an MOU on MWE dated July 12. The agency's Conduct and Discipline Order speaks to discipline for off-the-job conduct, however, Article Four of the parties' CBA states employees off-the-job conduct will not result in disciplinary action.

The agency Conduct and Discipline Order speaks of unauthorized absence and tardiness, being charged AWOL, etc., however, the CBA has specific procedures for employees' protected right to take leave. The parties agreed to prong 1 of the covered by doctrine, (covered by), precisely, NATCA's CBA supercedes agency orders, policies and practices as in Article 102. The agency shall administer its policies and orders in a fair and equitable manner, as in Article 102. The agency has failed miserably over the years in this regard, and NATCA is not willing to show it how, now or in the future.

In closing, the union did not negotiate over the old Conduct and Discipline Order (3750.4A) and it never will. NATCA has used its own Conduct & Discipline Order against the union, as it will the revised Conduct & Discipline Order. There is no doubt, grievances and arbitrations won by the union resulted in changes to the agency's Conduct and Discipline Order. Administering discipline is a reserved management right, it just doesn't do it right! As a result of the Covered by Doctrine, (covered by, expressly contained their-in) is NATCA's CBA, and it will make the agency live up to the unambiguous contained in the parties' CBA.

Note: The agency has withdrawn briefings on Article Order 3750.7.

U.S. Court of Appeals rules in case

The U.S. Court of Appeals, Federal Circuit, in *Maria A. Gregory v. United States Postal Service* (212 F.3d 1296), recently ruled disciplinary actions currently under appeal may not be used to support further disciplinary actions against an employee. The decision reads in part: "...we hold that, as a matter of law, consideration may not be given to prior disciplinary actions that are the subject of ongoing proceedings challenging their merits. To conclude otherwise would risk harming the legitimacy of the reasonable penalty analysis, by allowing the use of unreliable evidence (ongoing prior disciplinary actions) to support the agency action."

As quoted in the FAA's labor relations July 2000 newsletter, "If the supervisor issues a reprimand and the employee grieves, the supervisor would be effectively prohibited from proceeding to more severe discipline until the grievance is resolved."

This decision has great impact on the way the agency can process further disciplinary actions against an employee who has any outstanding disciplinary action(s) still in the appeal process. The court's ruling forces the agency to determine disciplinary action against an employee without the ability to rely on any other disciplinary action currently under appeal.

TMCs covered by some articles

A memorandum of understanding (MOU) was signed on Aug. 1 allowing Traffic Management Coordinators to be covered by Articles Seven, Nine and 11 of the Sept. 1998 air traffic agreement. The MOU reads in part: "...We agree to implement articles Seven, Nine and 11 of the Sept. 1998 agreement between the FAA and NATCA in the following manner. Article Seven (mid-term bargaining), excluding Section Five, and Article 11 (dues withholding) are implemented as written. Article Nine (grievance procedure) is implemented as written for the traffic management coordinators not assigned to the David J. Hurley Air Traffic Control System Command Center. Article Nine is implemented for the traffic management specialists assigned to the ATCSCC with the following change to sections Eight and 11. The point of contact in lieu of the air traffic division manager is Jack Kies or his designee. The previous agreement on representational duties/time remains in effect. This agreement is effective Aug. 3, for a period of one year."

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NATCA in Washington

article 88 workgroup

30-second CNN commercial

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