

# AirTrafficController

## Clock is ticking on FAA's illegal privatization scheme

For the third time in NATCA's eight-year legal effort to put control of privately managed air traffic control towers back in the government's hands, a court has ordered the Federal Aviation Administration to prove why its action are not legal.

On Feb. 5, the 6th U.S. Circuit Court of Appeals stated, "NATCA's evident frustration with the shifting position of the FAA regarding the privatization scheme is understandable." The 6th Circuit panel also emphasized its growing impatience, giving the agency until March 7 to submit a report to the U.S. District Court, which was then expected to - in the details of the appellate court's order - set a "reasonable" sched-

ule for what the appellate judges pointedly described as the agency's "final A-76 study."

Office of Management and Budget Circular A-76 requires administrative agencies to retain control over duties that are "inherently governmental functions." NATCA has long maintained air traffic control is inherently governmental and a Dec. 7, 2000, Executive Order upholds this position.

"The immediate consequence of this decision is the FAA is on a short leash with respect to remedying its noncompliance with OMB Circular A-76," said NATCA's outside Legal Counsel Bill Osborne.

In the original case brought by NATCA, the district court held the

FAA had in fact violated the requirements of A-76 when it privatized air traffic control operations at approximately 130 small airports across the country. A resulting FAA study ordered by the district court prompted NATCA to file a second action, alleging the agency failed to follow the district court's mandate. The same district judge ruled the study was insufficient and did not justify the privatization program and again remanded the case to the agency for further study, setting the stage for a third round of hearings.

"The bottom line is the FAA is quickly running out of ways to avoid having to surrender its foolish privatization scheme and *continued on page 3*

## Privatization in Canada: outlook not good

The following article was written by Peter Barnacle, a Canadian lawyer currently working with the National Union of Journalists in London. He represented the Canadian Air Traffic Control Association and its members in private practice from 1991 to 1995, and from 1995 as the union's in-house legal counsel until its merger with the Canadian Auto Workers in 2001. The piece originally appeared in the quarterly journal, "International Union Rights" in December 2001 and is reprinted with permission.

On Nov. 1, 1996, the Government of Canada transferred the civil air navigation

system to a private not-for-profit corporation, NAV CANADA, for the sum of \$1.5 billion (Canadian dollars). The new owner, a public trust, took over air traffic control, flight information services, including weather briefings and airport advisory services, along with air navigation and approach aids. Over 6,300 government employees, represented by eight unions, moved over with the services.

Canada was first major country to transfer air traffic control to the private sector - predecessors such as Australia and New Zealand had set up entities similar to Crown, or State, corporations. The model chosen contin-

ues to find some favor. For example, it has been seen as a possible approach for the proposed spin-off of ATC from the Federal Aviation Administration in the United States.

In the United Kingdom, however, the NAV CANADA framework was rejected in the recent transfer of the National Air Traffic Service - ironically for the wrong reasons. The not-for-profit approach was seen as not going far enough in incorporating private sector principles or in providing opportunity for private sector partnerships. The NAV CANADA employees, not just air traffic controllers, would find *continued on page 4*

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Vol. 16, Issue 2

### Inside this issue



#### 3 ILO Meeting

Discover how NATCA muscled some important language into the ILO conference summary.



#### 5 Runway Incursions Down

Read about the recent decline in incursions on the nation's runways.



#### 9 Doing more than gambling in Las Vegas

Learn more about what takes place at the Facility Representative training in Las Vegas each month.



# Presidential Perspective

**A**hhh...spring. A time for rebirth and renewal. This spring is particularly noteworthy for the rebirth of many of our issues and the renewal of the privatization debate.

Last year we fought hard to ensure capacity and infrastructure issues received the attention they deserve. If you will recall, our mantra was 50 miles of new runways would do more for the nation's aviation system than almost anything else under consideration. It's time to remind people of that.

Air traffic has slowly grown from the post-September 11 declines, and NATCA members have felt the effects of this returning demand. On March 7, total en route center operations were 101 percent of the average for all Thursdays in 2001.

Likewise, on March 7 several TRACONS ran close to or over 100 percent the average traffic volume for Thursdays in the preceding year. Anyone who doesn't believe air traffic demand will return needs to travel to Atlanta, where Atlanta Center ran an unbelievable 108 percent of last year's Thursday average traffic...a whopping 9,374 operations.

What do these numbers tell us?

The answer is simple; the future is now.

In terms of modernization, every center desperately needs replacing. For instance Cleveland Center was built 43 years ago, and now the men's room has only five working urinals for a staffing compliment of almost 600 people.

In terms of security, the Air Line Pilots Association and the Air Transport Association have

joined us in calling for new smart card technology and counterfeit proof identification for all Federal Aviation Administration employees. The only thing standing between us and a resumption of the critically important Familiarization Training Program is a friend and foe identification scheme at the cockpit door. Likewise, facility

improvements on more than a piecemeal, ad-hoc basis.

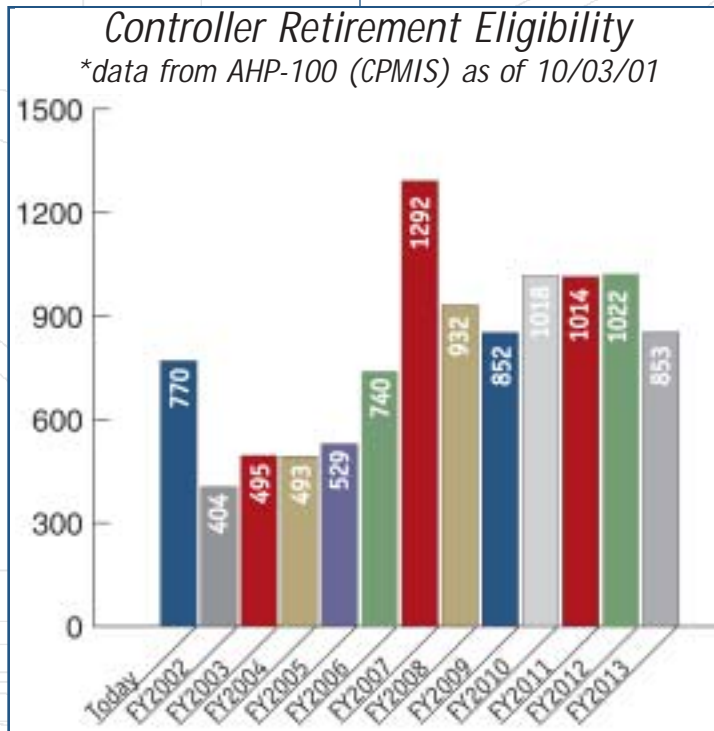
In terms of capacity the future is now, as we work diligently on the National Airspace Redesign. A review of milestones achieved in 2001 ranges from the opening of chokepoint sectors to the modification of gate hold procedures at the Honolulu facility. At one point

From FAA Appropriations to the November elections; the future is now. From inside the Beltway to inside the heartland, NATCA will be working with candidates and members friendly to our concerns and issues.

And of course, on the subject of privatization; the future is now. Whether it's a sector unmanned in Great Britain due to staffing cuts or NAV CAN-ADA's refusal to open up to RVSM routes, we will continue to expose privatized air traffic control systems for what they really are, abject failures.

Spring is a time for putting down one set of tools, and picking up another. NATCA will continue to fight hard for the rights of every single member, but more importantly we have a duty and a responsibility to fight for those who have placed their very lives in our hands, and whose safety is our sacred trust, the flying public.

And as Theodore Roosevelt said, "The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at best, knows the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."



security is vitally important during this time, and we plan to continue to work with the agency to ensure the safety of our employees and the integrity of the national airspace system.

In terms of equipment the future is now. The Standard Terminal Automation Replacement System (STARS) platform will begin deploying this fiscal year, and NATCA is moving forward with the agency on almost 70 new technological innovations. Congress must find the will and the FAA must find the way to fund technological

the agency contemplated yanking funding from all NAR projects due to budget concerns but after reviewing accomplishments they quickly reconsidered.

In terms of staffing; the future is now.

Air traffic controllers are like runways...it takes about five years to make one. As the data in the "Controller Retirement Eligibility" graph indicates, five years from now 4,723 employees will be eligible to retire. The FAA is now just coming to the conclusion trouble may be on the horizon.

## NATCA shows its muscle at International Labor Organization meeting

**A**t a recent meeting of the International Labor Organization, NATCA showed its muscle when it proved its ability to influence global aviation policy. The event focused on the theme "Social and Safety Consequences of the Crisis Subsequent to 11 September 2001" and Executive Vice President Ruth Marlin attended as a representative of the International Federation of Air Traffic Control Associations. Legislative Committee Chairman Randy Weiland and Arrival Liaison Joel Brown joined Marlin.

The ITF invited NATCA to join the tripartite meeting, the standard format for an ILO Conference, as a part of the workers delegation. The three parties are workers, governments and employers. The goal of the meeting is to achieve consensus among the parties on the ILO chairman's summary and develop a list of recommendations. The last ILO meeting held specifically on aviation issues was in 1979.

The scope of the meeting covered all of

civil aviation, so air traffic control would not normally dominate the conversation. However, this was not a large concern.

"NATCA has spent a great deal of time positioning our issues in the context of the aviation industry and the interdependence on air traffic control for capacity and security," remarked Marlin. "There



*EVP Ruth Marlin participated in deliberations at the recent ILO Conference.*

was no shortage of opportunities to raise our concerns. I am proud of the job our representatives did raising our issues."

As testament to that good job, meeting officials selected Marlin to represent North America on the drafting team, which would negotiate the final document of summaries and recommendations.

"This is no small feat for the union that represents some of the smallest numbers of employees in the industry," said Marlin. "Getting on the drafting team was key to ensuring the controller perspective is reflected in the final document." Marlin used the opportunity to draft statements to the document stating that it is in governments' interest to provide for civil aviation infrastructure. These were eventually adopted.

The Final Chairperson's Summary of the ILO meeting demonstrated NATCA's influence with such statements included as "the interests of public safety and security dictate that governments play an active role in the protection and maintenance of a civil aviation infrastructure."

"This meeting illustrated the difference between negotiations and diplomacy. In this style meeting, if any of the parties objected, the issue would fail. We had to craft our message in a way that would gain the support of the three parties; ATC as infrastructure was an essential part of that strategy," concluded Marlin.

## From the cover: Time running out for FAA's illegal privatization scheme

*continued from the cover*

we are delighted the circuit judges have the agency in hot pursuit," President John Carr said. "I'm not sure what part of 'inherently governmental' the FAA doesn't understand but we anxiously await the day when these towers will find their rightful place under the safe, secure and seamless umbrella of the government-run air traffic control system."

In their judgment, the circuit judges stated, "As did the district judge, we emphasize the pressing need for the agency to complete a full A-76 analysis, including air towers that handle limited instrument flight rating air traffic, as well as documented justification for any decision to continue with privatization." The judges gave the FAA the 30-day deadline for filing a status report "because the order to

comply with A-76 has now been pending for almost two years, without evident results."

"This decision strengthens our contention that the FAA's actions are illegal and we do not believe the agency can prove otherwise," Carr said.

Beyond the final study,

Osborne said it's "anyone's guess" what happens next, adding, "the agency has to justify its program by attempting to define some air traffic control services as 'commercial' - as opposed to 'inherently governmental' - and therefore legitimately 'privatizable.'"

To do so successfully, Osborne

stated, the FAA must navigate around the determinations NATCA has already achieved in this case:

- A definition of "inherently governmental" that is detrimental to the agency's case.

- Undisputed evidence that the privatized services were

identical to those under FAA operation.

- Statistics showing the privatized and FAA-operated facilities are indistin-

guishable in terms of Instrument Flight Rules vs. Visual Flight Rules traffic, volume of air traffic and use of radar.

- The Executive Order mentioned earlier, which was issued

to create a performance-based organization within the FAA.

- A history of what NATCA counsel describes as "prior bogus explanations to the courts."

The overall political context is also contradictory, according to Osborne. "We are dealing with a Republican administration that is generally very enthusiastic about privatization but we are also dealing in the aftermath of the September 11 tragedies. It is saying baggage screeners must be federal employees but not air traffic controllers?"

Osborne concluded, "NATCA has enjoyed more success fighting this war against privatization than any other federal union by far, but despite the union's string of victories, the program remains in place. All we can say for sure is that nothing is certain. Stay tuned."

*continued from the cover*

this reasoning hard to believe, given the apparent scope for the pursuit of private sector practices by their employer. Even practices that are inappropriate in a safety-sensitive environment providing a fundamental public service.

The reality is that the outcome of the privatization project in Canada is far different from the expectation in the period running up to the transfer.

Within a year of transfer NAV CANADA initiated a fight with its employees, particularly the 2,200 air traffic controllers and their union, the Canadian Air Traffic Control Association that continues to this day. This running conflict led to increases in grievances, endless litigation before labor arbitrators, the labor board, courts and regulatory agencies of the Federal Government.

The goodwill that had been generated in the run-up to transfer has long gone and employee morale destroyed. Workplace conflict has become the norm as the company has combined cost cutting programs with an aggressive labor relations strategy that has almost crippled a system already under tremendous stress.

The dismal industrial relations and poisonous employment environment for air traffic controllers and the other employees is but one of the serious work-related problems that has arisen since the privatization of the system. The failure to pay adequate attention to the precautionary principle in workload issues, and in pursuing massive changes in shift patterns, schedules and hours of work, has implications for the safety of the system. So too, the increased reliance on overtime has raised dangers of controller fatigue.

In hindsight, perhaps some of these problems might have been anticipated, given the nature of the model chosen for the new entity. For it is a model that allowed a destructive management ideology to capture the system.

### **Background**

For many years under a government agency - Transport Canada - ATC had been starved for funding and employees subjected to rounds of government cuts. Controllers faced wage controls, training restrictions, equipment and facility deficiencies. In a classic example of shortsightedness, at one point Transport Canada had closed the only air traffic control training school as a cost saving measure despite already serious controller shortages. The system increasingly ran on overtime as air traffic grew in volume. Despite the impact on its members, CATCA was without any effective means of forcing the government to properly fund, train and pay the system.

While technically retaining the right to strike in collective bargaining, the government had made the right meaningless for controllers by amending the public service labor legislation. Prior to each new round of bargaining, all operational controllers were designated as essential workers who could not therefore reduce or withdraw services in any strike. Then, in the early 1990s, collective bargaining itself was suspended when the government passed a succession of legislation that unilaterally extended the term of collective agreements - in CATCA's case, ultimately six years after the originally agreed date of expiry - and imposed pay settlements.

By this time, controllers had had enough and CATCA joined with the airlines and

other lobby groups to convince the government to 'commercialize' the civil air navigation services, including air traffic control. The hope was that taking the system out of government would allow for investment and improvement of the ATC system and permit proper recognition of the contribution of controllers. The lobby group had a friendly reception from the liberal government and within two years, a task force and advisory committee was set up to review the options in moving ATC from the public service. This process ultimately led to privatization in 1996.

### **The Model Chosen**

Along the way, the options for structure of the new entity were narrowed. The private for profit, or shareholder, framework was rejected as incompatible with aviation safety. CATCA favored the not-for-profit approach in the belief that such a structure would remove government meddling in operations, although not in safety regulation, while ensuring that revenue generated in ATC operations would be used to improve wages, working conditions, equipment and facilities. The airlines agreed, but probably for different reasons. Their interest may have been in not having a profit-motivated company charging fees for service, but rather one that would not require a financial return other than to pay operation and infrastructure costs. Any excess in revenues would then flow through to the airlines in reduced service fees, given that the new system would run on a fee-for-service basis.

Ultimately the not-for-profit corporation was incorporated with a 15-person Board of Directors. The 'stakeholders' appoint 10 directors: five by the airline industry, three by

the federal government and two by the unions. These 10 then appoint four other directors to represent the Canadian community who, along with the President of NAV CANADA, make up the remainder of the Board. After a two-year subsidy period, the company would be self-funding through service fees and required to return any excess revenue to the 'users'; defined as the airlines, not their passengers.

Following incorporation, the new NAV CANADA management negotiated the price, which was later found by the Auditor General to be at least \$1 billion less than what it should have been, and other terms of sale.

Meanwhile, CATCA and the other unions participated in a cooperative process to make the necessary amendments to collective agreements to transfer from the public service framework to that under the Federal private sector jurisdiction of the Canada Labour Code. This also returned the right to strike. By the summer of 1996, all was ready, the changes made and company promises of 'trust us, this will be a new and progressive work environment', duly accepted.

### **The Reality**

The NAV CANADA board, with the exception of the two union nominees, is a board composed of private sector business people such as management consultants and officers of corporations.

The union directors are not permitted to sit on committees involving labor relations, and are otherwise bound to protect the corporate interest as directors - known as fiduciary duty in company law.

Soon after transfer, the employees were perplexed to see senior management hired from organizations with histo-

ries of labor turmoil. This started a process whereby less aggressive managers were replaced and a policy put in place to promote 'management rights' over what were seen as difficult employees, such as the air traffic controllers. Controllers were disciplined for incidents that often reflected deficiencies in air traffic procedures and lack of back-up systems.

Old lessons were ignored. New air traffic controller training was again shut down, only to be restored after a year and a half when the system appeared on the verge of collapse.

With a training timeframe of two to three years, valuable replacements were lost or delayed. Compulsory overtime increased even further as existing controllers covered staff shortages. Sickness absence escalated and controllers who were able to so left the system.

In 1999, the government had been within minutes of preempting strike action by back to work legislation that would have also stripped the newly regained right of controllers to strike before a last minute settlement was reached.

Substantial wage gains were made in this first round of bargaining, although it took nearly two years of difficult negotiation. Further, the cost was high in that the new 'efficiencies' gained by the employer in workplace practices had controllers working short shift changes with family-unfriendly shift patterns.

Now in 2001, the parties are bargaining for a new collective agreement and after a year at the table, are once again at impasse.

Presently, the employer is seeking to have all operational controllers declared essential and unable to strike pursuant to provisions of the Canada Labour Code.

### *The Legacy*

The current state of affairs is a long way from what was envisaged by many, certainly air traffic controllers, in the transfer of the air traffic system to a not-for-profit corporation.

A review of all the problems and concerns that have arisen from the privatization of air traffic services in Canada would be lengthy. But the legacy of privatization has been conflict with employees and a hair-trigger reliance on the legal system to restrain employee and union reaction.

Fundamentally, this not-for-profit employer behaves exactly as any private shareholding corporation – an option rejected as a model. Management speaks exactly the same language, has adopted the same corporate and management structure and pursues similar policies.

It is as if it has forgotten, nor never learned, the why and how of its existence. Indeed, it has been more aggressive than most corporations in taking on its unions and employees and is fast distinguishing itself as Canada's newest rogue employer.

At the very least, advocates of the not-for-profit model elsewhere should spend some time contemplating this legacy and consider what "fences" can be built into the model to ensure that any such entity does not simply behave as a profit-making corporation in this safety-sensitive environment.

CATCA members came to realize that their union lacked the resources to effectively deal with this unexpected NAV CANADA and merged their union with the powerful Canadian Auto Workers. There are indeed lessons from the privatization of air traffic services in Canada, but to date they seem to have been learned only by unions and their members.

## *Runway incursions on the decline for the first time since 1993*

**R**unway incursions, long a major concern of air traffic controllers and the Federal Aviation Administration alike, declined in 2001 for the first time since 1993. Serious near-collisions dropped 26 percent, from 68 in 2000 to 50 in 2001. Total runway incidents dropped from 431 in 2000 to 360 in 2001, a 12 percent decline.

"Enhancing runway safety and reducing the number of runway incursions and surface accidents has always been a top priority for NATCA," said President John Carr. "We are pleased to see that programs such as the



*Runways like this one are becoming safer and safer as incursions decline.*

Runway Safety Program, the Airport Movement Area Safety System (AMASS) and the Airport Surface Detection Equipment – X Band (ASDE-X) are finally paying dividends."

The Runway Safety Program, which Carr testified about to the House Aviation Subcommittee last year, encourages non-technological solutions such as heightening awareness through anti-incursion campaigns, meetings and informational resources.

AMASS is a complex system that combines ground and airspace radar with prediction software. And ASDE-X gives controllers information about the location of aircraft and vehicles in low-visibility situations such as during inclement weather and at night.

Even though this is very good news, a bright spot in a two-year effort to increase safety at the nation's airports; the work is not yet over.

"I want to be very clear that we are not declaring success here," said FAA Administrator Jane Garvey. "We cannot let our guard down in any way."

So NATCA will continue to contribute to the over 60 technological projects the FAA has in the pipeline. "Safety, whether in the air or on the ground, is of paramount importance to NATCA," remarked Carr. "We are committed to working with the FAA, pilots, airport designers and operators and other stakeholders to keep up the good work of eliminating runway incursions."

## NATCA reacts to pro-privatization elements of Bush's proposed budget

In light of heightened security concerns following the terrorist attacks of September 11, NATCA was surprised and disappointed by the presence of the very pro-privatization sections of President George W. Bush's recent FY03 budget proposal. "This is ludicrous," stated NATCA President John Carr. "Before September 11, privatization was simply a foolish idea with serious implications for the safety of our system. Now, it's downright reckless and irresponsible to even consider playing games with the security of the service we provide."

The Department of Transportation section of Bush's FY03 budget proposal contains a reference – for the second straight year – to a performance based organization that would focus on improved management of air traffic services. If the PBO is not effective after just one year of operation, the Administration says, "the Department will look to other options, including partial privatization and franchise operation of components of the air traffic system."

Following the terrorist attacks on September 11, controllers at each of the Federal Aviation Administration's 325 facilities needed just over two hours to clear the U.S. airspace of over 4,546 aircraft. Both Transportation Secretary Norman Mineta and FAA

Administrator Jane Garvey praised controllers' work as essential to national security.

"Just as we keep things running smoothly any other day, the key to shutting down the system that day was that air traffic control is a seamless system where highly skilled people work together," remarked Carr. "We proved our worth as inherently governmental employees. If there was any question as to the seamless nature of the system, consider that it took just one phone call from Mineta to shut it down."

Last year, the Administration proposed a study of the "success" of privatized systems such as NAV CANADA. But the effects of September 11 have meant big problems for the world's privatized systems, including Canada, which announced last fall it would seek to raise its fees by six percent to

help cover a projected \$145 million revenue shortfall. And the partially privatized system in Great Britain has completely failed, with the government now under increasing pressure to bail out the partnership.

"The Administration talks about franchising parts of our system. It's unbelievable," said Carr. "This is not Burger King, where you can have it your way. Privatizing air traffic control is a very bad idea."

*"Before September 11, privatization was simply a foolish idea with serious implications for the safety of our system. Now it's downright reckless."*

*-NATCA President John Carr*

## Controller involvement, FAA agreements mean progress for NEXCOM

The Federal Aviation Administration made progress in February with the Next Generation Air/Ground Communications (NEXCOM) program by announcing agreements with Rockwell Collins, Honeywell Aerospace and Avidyne to develop Very High Frequency (VHF) Digital Link Mode-3 (VDL-3) services.

The VDL-3 avionics provide multiple channels on one 25 KHz frequency assignment and will accommodate digital voice and data.

The FAA developed NEXCOM, which is scheduled for implementation in 2009, because of increasing demand for space on the very crowded air traffic control radio spectrum. The program replaces the ground radio system with digital technology.

Last year, the FAA gave ITT Industries a contract to replace controllers' analog radios with digital ones. The recent agreements move the NEXCOM pro-

gram forward and, according to the FAA, will ensure the availability of VDL-3 avionics to support the NEXCOM System Demonstration Program, which is scheduled for completion by the end of 2004.

Rockwell and Honeywell will incorporate VDL-3 technology to extend existing VHF digital radio multimode capabilities for commercial air carriers. Avidyne will develop VDL-3 avionics for general aviation. The FAA said it would establish an agreement for business jets within the next few months. According to *Federal Computer Week*, the FAA will make a separate source selection for a systems integrator in the future.

"I'm encouraged to hear the FAA is listening to us on NEXCOM and taking steps to go down the correct path," said Bill Blackmer, NATCA's Safety and Technology director.

"VDL-3 expands the spectrum, which is what we want out of NEXCOM."

Mark DeBack, NATCA's NEXCOM representative, said controller involvement in the program remains very important.

"Just because NEXCOM was not initially developed to improve the controllers' jobs does not mean that it won't," DeBack said. "In fact, I contend that with NATCA's continued involvement throughout the development of this program, we can improve the controllers' jobs."

DeBack explained one of the key features of VDL-3 for controllers would bring an end to what he termed "step-ons."

"A constant irritant for me is repeating clearances over and over again because of a blocked frequency," stated DeBack, a controller at Atlanta Center. "NEXCOM will eliminate this problem since you can only access the channel one trans-

mission at a time. Additionally, the safety problem of a 'stuck mic' will be a thing of the past, since the controller will have the ability to clear a stuck channel."

DeBack added that VDL-3 also features next channel uplink, data link and increased security, which will help controllers as well.

With VDL-3, each radio frequency will have four channels to accommodate up to four voice conversations at one time. As an alternative, one or two of the channels can be dedicated to data communication for air traffic control purposes.

In a related NEXCOM development, the FAA has approved the use of VHF Data Link Mode 2 (VDL-2), permitting pilots to receive text messages in the cockpit, including routine and special weather reports, terminal area forecasts and pilot reports.

## Two incidents at Boston Logan strengthen standing of AMASS

A significant decline in runway incursions and two noteworthy performances have recently reinforced the value of the Airport Movement Area Safety System. The system, using existing radar, visually and aurally signals air traffic controllers when it senses the potential for a runway incursion. AMASS has withstood both technological hurdles and program delays and is considered a valuable tool in the runway safety improvement effort.

Two recent incidences, both occurring at Boston Logan International Airport, have

strengthened AMASS's standing. In the first episode, a business jet that landed ahead of an Airbus A300 began to taxi but mistakenly remained on the active runway. Before the local controller noticed, the AMASS kicked in, alerting with a message for the A300 to go-around. "Separation was not lost, and the alert allowed for a more timely instruction by the controller than if the equipment was not in use," said Dan Ellenberger, NATCA's national AMASS representative.

Then in December 2001, as a Boeing 767 diverted to Boston

because of the suspected terrorist incident with the so-called "shoe-bomber," AMASS issued a go-around alert for two F-15 fighters closely following the B767 as it landed.

"AMASS did exactly what it is programmed to do when aircraft are on short final and the previous arrival is still occupying the runway," said Ellenberger.

"These were clear-cut examples of the system doing its job. We stand by this equipment."

In the last eight months, the Federal Aviation Administration commissioned AMASS for use at Chicago O'Hare, Detroit, Los

Angeles, Salt Lake City, San Francisco, Seattle-Tacoma and St. Louis. Controllers at Atlanta, Boston, Cleveland, Miami and Newark are using the system pending a full commissioning next month. The agency's ongoing efforts to improve runway safety call for continued installation and operation at another 22 of the nation's busiest airports by the end of next year, including Baltimore-Washington, Dallas-Fort Worth, Denver, New York-John F. Kennedy, New York-LaGuardia, Philadelphia and Washington-National.

## NATCA pays tribute to one of its core founders and true originals, Ed Mullin

**L**ongtime union activist Ed Mullin, a key figure in the early efforts to organize NATCA, who served as the organization's first Southwest Regional Representative from 1987 to 1991 and as Southwest Regional Vice President from 1991 to 1994, worked his last day on Jan. 3. The following is a tribute to Mullin from several NATCA members.

"Many members probably don't realize the influence Ed had in the early days of NATCA, which set the ground work for the strength of this union, not only labor-wise, but financially as well. Ed is the consummate representative, probably one of the best this union will ever have the honor to call its own."

— **Pat Forrey, Great Lakes Regional Vice President**

"I've watched Ed Mullin since his days as RVP in the Southwest region. He set the bar very high for union leadership."

— **Rodney Turner, Southern Regional Vice President**

"Ed and I served on the first National Executive Board together. He was always there

providing assistance and helping the organizing effort, as well as "going operational" after NATCA's certification. I am working with Ed now on the NATCA Retired Active Member project. I am certain he will add to this important work as he has done with so many other tasks for NATCA in the past."

"I wish him well in his new status. NATCA is a better association because of Ed and I am proud to have worked with him in the early days."

— **Howie Barte, New England Alternate Regional Vice President and Providence Tower / TRACON Representative**

"Without meaning to slight any RVP, past or present, I worked as one of the early NATCA facility representatives and Ed was, and remains, the best. Ed, you were always the voice of reason."

— **Don Tedrow, Austin Tower**

"A long list of us have nothing but respect for Ed's methods, vision, intelligence, and quiet, but tenacious approach to labor-management relations. Ed gave most of us in the Southwest Region our very first exposure to NATCA, and in many

(l to r) NATCA members Gary Molen, Ed Mullin and John Thornton join former NATCA Counsel Michael Derby and former MEBA District One Liaison Walter Brown to discuss the controller representation in April 1987.



cases, union activism."

"Ed had a way of harnessing our energy and putting it to use in ways far beyond our burning desires to 'burn down the mission.' We learned Ed was as radical, possibly even more so, than any of us. He just was quiet and saw things in strategic terms. He wasn't about to jump on every single issue just because we hung a we/they banner on it."

— **Jim Ward, retired NATCA member**

"While working on detailing NATCA's history, Ed's name has come up often. Just the other day, we were trying to give NATCA History Author Paul McElroy a sense of what it was like in the early days; the lack

of money, the uncertainty and sometimes, even fear. Ed had the guts to be in front and the brains to make a dream become a reality. Thank you."

— **Don Brown, Atlanta Center**

"One of the projects Ed and I worked on was reclass and pay. Ed, our chief strategist, volunteered to help us close out the negotiations by developing and laying out our various options and charting our next moves. His cool and calm demeanor set the tone for us to make logical decisions and helped us get through some tough issues. He set us on the right course and helped us tie it all together."

— **Tim Haines, Chairman, Classification and Compensation Work Group**

## NATCA members take part in New Zealand's Eco-challenge - with hiking, biking, rafting and razor-sharp saw grass; it's hardly a walk in the park

Known as the "adventure capital," Queenstown, New Zealand hosted the eighth annual Eco-Challenge. This vigorous and intense eight-day, non-stop race spans 300 miles with mountain hiking, water rafting and mountain biking obstacles. This year's challenge was comprised of 67 four-person teams from 23 countries around the world. Of the 268 competitors, two NATCA's members participated in the most recent extreme experience. Rod Jaehn and Brett Lehigh, both controllers at Oakland Center in Fremont, along with teammates Jack McBroom and Kim Morse, decided to push their limits to see just how far they could go in this daunting competition.

On Oct. 21, 2001, at 8:02 a.m., the NATCA controllers and two other teammates were off on the adventure of their lives. Expecting to encounter frigid waters and miles of rough ter-

rain, their first obstacle was eluding saw grass, a dagger-like piercing plant. Racers slowed their pace as they walked through the saw grass in order to lessen cuts and scrapes. Most people wouldn't give "grass" a second thought, but this dagger-like piercing plant with extremely sharp leaves proved to foreshadow the hurdles ahead.

Most of the course involved intense hiking, biking and rafting. During one portion of their many treks uphill, Lehigh recalls climbing up a huge gravel hill around 1,000 feet tall. "We walked along the knife edge, one side leading to the river, the other, a quite precipitous slope that ultimately ended up in the lake." The hills were all very steep and seemingly endless. Staying alert and motivated was key throughout the entire adventure.

Although hiking was the main portion of the Eco-Challenge,

racers also faced long hours of biking up and downhill and rafting through headwinds. Once they conquered the dreaded biking, the brave racers hoped for an easy ride down the enticing turquoise waters, but of course they received just the opposite. Before they could even get into their rafts, they hiked and biked for 70 hours straight with only four hours of sleep. By the time the rafting portion of the race occurred, both men were hallucinating from lack of sleep, their muscles were sore and stiff and staying awake proved to be nearly impossible.

Still, through it all, the challenge offered beautiful scenery, horseback riding and three "easy going" zip lines across the

Lehigh and Jaehn facing the Eco-Challenge on Mount Cook in New Zealand.



rushing rivers. The key to completing the race was "team-work." "We had to keep going because if one of us quite the whole team would get disqualified," says Lehigh. "There was no giving up."

Razor sharp grass. Little to no sleep. Bruise, scrapes and cuts. Was it worth it? "I am hooked for life," says Lehigh. "My reward was completing the race. The next adventure I have planned is another event like New Zealand's Eco-Challenge in Vietnam in April and I can't wait."

## FAA First Federal Credit Union among several new member benefits

Free Online Banking. Auto loans. Fee-free checking and savings accounts. These are just a few perks now extended by the Federal Aviation Administration's First Federal Credit Union to all NATCA members employed in the Central, Eastern, New England, Southern and Southwestern regions. And the credit union is now conveniently located in the national office.

On Feb. 12, it opened its doors on the first floor of the Krasner Building. After a ribbon cutting ceremony with Executive Vice President Ruth Marlin and FAA First Federal Credit Union Representative Heather Anderson, potential customers received an introductory briefing on the benefits the credit union offers.

Members can take advantage

of loans with low interest rates for boats, motorcycles, airplanes, new and used cars and even jet skis.

Bankers can download infor-

EVP Ruth Marlin opens the first FAA First Federal Credit Union account at the opening ribbon cutting ceremony.



mation into Quicken or MS Money on their computers, pay bills on the web, invest money online, receive instant online approval on loans and receive electronic statements.

For more information about credit union benefits or to

download a membership application, check out [www.faafirst.org](http://www.faafirst.org) or call 800/421-7111.

· "Freedom of Choice" Dental

Plan - The union's benefits also include the "Freedom of Choice" Dental Plan. Developed in partnership with the American Association of Orthodontists, it was customized for NATCA's diverse membership and gives families

the freedom to choose from two plans and dental professionals. Call 800/578-2082 for more information.

· Interline Discount Cruises

How about taking a cruise to the Caribbean? NATCA partnered with Interline Discount Cruises for radically discounted cruise packages to locations all over the world. Check out for the latest deals or call 866/NATCA01 (866/628-2201) and have your membership identification number ready for the Interline representative.

· UNUM Long Term Disability

Since last year, NATCA offers UNUM Long Term Disability Insurance to its members without passing medical. This is a "must have" for long term financial security. For details, call 800/578-2082.



## Washington, D.C., here we come - get ready for NIW 2002

The National Legislative Committee is busy putting the finishing touches on the 2002 NATCA in Washington legislative conference, which will be held May 19-22 at the Capitol Hyatt.

This year's conference will focus on issues such as privatization, staffing, retirement and the future of the air traffic control system. The theme is "The Future is Now," which "reflects the immediacy and relevance of our issues," said President John Carr. "What we've predicted, the reasons behind our positions on so many of these issues, are looming closer and closer."

"NATCA has a tough battle this year in the legislative arena," offered Legislative Committee Chairman Randy Weiland. "We are fighting strong opponents and need every member on board and rowing in the same direction." Weiland stressed the importance of member participation in the event, citing the need for "members to come to Washington, D.C., and make these legislators aware that we know the facts and we need their support to ensure fairness on the issues."

The conference will highlight several speakers, including Shane Enright and Joe McGee, representatives of United Kingdom's International Transport Workers Federation and Laurence King, a representative of the National Air Traffic Services who will discuss the failed battle to stop privatization of Britain's air traffic control system and its consequences. Carr, Executive Vice President Ruth Marlin, Director of Political and Legislative Affairs Ken Montoya and representatives from the Department of Transportation and Congress will also speak.

For more information, check out the NATCA in Washington web site at <http://www.natca.org/LegislativeCenter/NIW2002.htm>.

## Facility representative training: learning how to lead and support union members every day

At NATCA, being a team player means much more than patting one another on the back for a job well done.

Many NATCA members go the extra mile and take on the responsibility of ensuring their union brothers' and sisters' rights on the job by volunteering to serve as facility representatives.

Many of these leaders undergo a focused, concentrated and intense facility representative training program in order to fully comprehend the 106 articles of the NATCA/Federal Aviation Administration contract. NATCA holds each session in Las Vegas, Nev., eight times a year.

The five-day course requires group participation, teamwork and the leadership of educated and quick thinking union facilitators. Representatives hail from all over the country, yet they are all there with the same purpose, protecting their union members.

The main portion of the training begins on Monday morning after a reception on Sunday. President John Carr moves the meeting into full swing by educating members about what he hopes to accomplish and providing an overview of the union's affairs.

Following Carr's remarks, several facilitators step in to lead the group including former Miami Tower Facility Representative Andy Cantwell, Air Traffic Resource Liaison Mike Hull, Training Director Greg Llafet, Labor Relations Director Bob Taylor and Finance Committee Chairman Dale Wright.

"It's truly amazing the participation we receive in training. The information we throw at them is intense and sometimes dif-

ficult to understand. Yet, they absorb it without hesitation," say Llafet. "I'm here to keep things rolling smoothly and I never have a problem."

The trainers drive home the point that

facility representatives are in their respective positions to ensure the members are not intimidated or harassed by management in any way, shape or form.

Just how dedicated are these facilitators? When asked, "How much money would it take to go to the other side (FAA), a half a million?" Taylor calmly replied, "You can take this to the bank. There's not enough money for me to jump to the dark side." His statement was followed by a loud applause.

During the sessions, instructors repeatedly tell the facility leaders the union will do whatever it takes to protect the jobs of its members. They also stress NATCA "lives up to the agreement made between [the union] and the FAA and guarantees that management does the same."

"If you are a facility representative, local officer or even an interested activist, the material covered during training will more than prepare you to build relationships with management and help you to solve problems for your brothers and sisters," says Llafet.

Trainers such as Cantwell, Hull and Taylor and so many other loyal individuals work to "protect the system which is NATCA." "And we will not let the agency bypass that system," stated Taylor.

*If you would like to attend facility representative training, please contact your regional vice president.*

Taylor and Llafet kick off facility representative training.



A training attendee listens intently and takes notes on Taylor's presentation.



Hull answers questions about the collective bargaining agreement.



Facility representatives-in-training discuss various scenarios during the workshop segment of their instruction.





## *NATCA members wish Congressman Wolf a happy birthday*

Pictured at left are Paul Rinaldi, facility representative at Washington Dulles; Paul Cook of Washington Center; Representative Frank Wolf, R-Va.; Matt McGovern, area representative at Washington Center; Beverly Cook, legislative representative at Washington Center and Ken Burton, facility representative at Washington Center.

The union members attended Wolf's birthday party and Cook's daughter was even asked to blow out the congressman's candles for him.

## *NATCA's web site continues to grow - check out the latest additions*

**N**ATCA.org continues to grow and expand. Several new additions have been added to the "members only" and "public" sections that members should check out.

One of the newest additions to the web is the Training Department's presentation developed to help all members with formal interaction with management. NATCA produced the 20 minute presentation to assist union members with limited exposure to the Contract Bargaining Agreement with the Federal Aviation Administration. Union members can view this educational tool under "Formal Discussion" in the "Training" section of the members only portion of the web site.

Quite a few locals are linking their facility homepages to NATCA.org. Check out Atlanta Center's web site for pertinent

information about the facility at <http://ZTL.NATCA.org>. Two hundred fifty locals are taking advantage of free hosting on the NATCA server for their local's web site. Houston TRACON's <http://190.NATCA.org> is one of the latest additions.

Several forms are now available to view on the web. In the Accounting Department section, reimbursement forms are available. In the Membership Department section, one will find forms for changes of address, payroll deduction, local information updates and corporate and association membership applications.

In an effort to keep the web site current, please send updated information for web and e-mail changes to Communications Specialist Kendal Guinn at [kguinn@natcad.org](mailto:kguinn@natcad.org).

## *NATCA members deserve gold for their efforts during the 2002 Olympics at SLC*

Eighteen busy days of Winter Olympics traffic, a 50 percent increase in traffic at Salt Lake City International Airport the Monday after the closing ceremonies at Salt Lake International Airport and no errors. That was the final score that earned controllers at Salt Lake Tower and TRACON, Salt Lake City Center and two temporary towers staffed by NATCA members from around the Northwest Mountain Region the air traffic version of a gold medal for safety in February. On top of that, controllers successfully worked within the difficult confines of an ever-changing myriad of security policies and procedures which made this event unprecedented. However, the *Air Traffic Controller* apologizes to members at the SLC Tower and TRACON, whose extensive work in planning for the Olympics was not included in the January/February issue. We regret this oversight and salute those NATCA members for a job very well done.

## *Get an early start on the 2003 Calendar*

The Communications Department at the national office again needs your help in making the 2003 calendar even better than the last.

If you have an 8 X 10 color photo of your facility, please send it to Publications and Graphic Design Specialist Maureen Malone at the national office. For digital images, please send photos with a resolution of 300 dpi to [mmalone@natcad.org](mailto:mmalone@natcad.org).

## Negotiations Complete for Five of NATCA's Bargaining Units

NATCA is pleased to announce the completion of contract negotiations for the Aerospace Medicine (AAM), Headquarters Budget and Finance (ABA), Regional and Center Counsel (AGC), Logistics, Budget and Finance (ARC) and Airports (ARP) bargaining units.

NATCA is in the process of conducting pay negotiations. Once these are complete, the union will send the entire agreement to the membership for ratification.

## Revision to the Military Leave Policy

NATCA has received notice from the agency regarding a revision of the military leave policy.

The revision centers on allowing eligible employees to use 120 hours (15 days) of military leave for "funeral honors duty." This revision was done in compliance with the military leave memorandum of understanding dated Nov. 30, 2001.

## Model Work Environment

If the Federal Aviation Administration is initiating a

model work environment program or policy either at the facility level or at the regional level, the FAA must complete all impact and implementation bargaining prior to applying any MWE program or policy.

If you have any questions regarding this issue, please contact the national office.

## Staff Specialist Contract Team

The NATCA national office is in the process of forming a staff specialist contract negotiating team.

Once team selection is complete, it will begin discussing

contract proposals to send to the FAA.

## Cherry Point Contract Reopened

The Cherry Point bargaining unit has decided to reopen its contract for negotiations.

## Pay Negotiations Underway

Pay negotiations have begun for all bargaining units where work rules dialogue is complete.

NATCA is in the process of negotiating and once complete, work rules and pay contracts will go out to the membership for ratification.

## Strike a pose - and let us know about it!

The national office's Communications Department is looking for photographs to add to the NATCA archives.

The department needs pictures of NATCA events, including conferences, regional events, members at work, bargaining units, etc. They will be used in publications such as the *Air Traffic Controller* and the 2002 Annual Report.

Please send pictures to Publications and Graphic Design Specialist Maureen Malone at the national office. For digital images, please send photos with a resolution of 300 dpi to [mmalone@natcadc.org](mailto:mmalone@natcadc.org).

## Union numbers just keep growing

Congratulations to the 46 NATCA members at the Kansas City Tower in Kansas City Mo., for reaching the important milestone of 100 percent union membership.

## Training Heads-up

The June 23-28 Basic Arbitration Workshop scheduled to take place in Clearwater, Fla. has been changed to an Advanced Arbitration Workshop. The location of the seminar will remain the same. Please direct any questions to Training Director Greg Llafet at the national office at 800/266-0895.

## The NATCA Charitable Foundation - spreading aid and good will across the country

The term "service with a smile" must have been coined specifically with the NATCA Charitable Foundation in mind.

These volunteers, consisting of controllers, engineers, friends and families from Atlanta, Dallas/Fort Worth, Houston, Jacksonville Towers, TRACONS and Centers and the NATCA Southwest Regional office, work throughout the year fundraising and doing a great deal of community service.

With NATCA members' help, along with businesses and surrounding communities, the charity continues to grow and succeed in assisting the less fortunate.

This fall, NATCA Charitable Foundation assisted the community by adopting nine needy families in four cities totaling 66 men, women and children.

"Each year we have been fortunate enough to include more families and individuals in our desire to make the holiday season a happier time for more families and individuals in need," said NCF Officer Cathy Meachum.

Volunteers in Houston, Dallas/Fort Worth, Atlanta and Jacksonville flew into action and all nine families received

donations through the "Adopt-A-Family" Program.

With the help of merchants, the foundation purchased and donated clothing, shoes, toys, electronics and personal essentials. In addition, Atlanta and Jacksonville Centers participated in a food drive for the families.

In conjunction with this program, the Houston controllers will continue a blanket and coat drive through March. So far they collected 13 large bags donated everything to Star of Hope Shelter in Houston, Texas.

The foundation takes great pride in all it does for those less fortunate. It is all worth it to "see the smiling faces and know first hand that we make a big difference in people's lives," according to NCF Director Trish Gilbert. "It's truly fulfilling."

With this in mind, the NATCA Charitable Foundation fosters the teachings of Poet Henry Wadsworth Longfellow who encourages to "give what you can. To someone it may be better than you dare to think."

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**Inside this issue**  
 Time running out for FAA  
 Read about the latest developments in the case against the FAA contract towers.  
 ILO Conference  
 See how NATCA muscled some very important language into the ILO Conference summary.  
 Fac Rep Training  
 Learn more about what goes on each month at fac rep training.

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