



# **Alternate Work Schedule (AWS) Update**

## **Michael Putzier, NATCA Central Region Vice President**

### **AWS, The Contract, The Law, The Regs, The Works.....**

The rumors concerning your schedule, and how it is being handled by the FAA and NATCA, are running rampant. Unfortunately, when we are faced with an issue as personal as when we work, human nature sometimes lends itself to believing the worst. The purpose of this newsletter is to give all NATCA members the FACTS concerning what is going on with AWS.

When the concept of AWS was first created, it was geared more toward employees who work Monday through Friday, 9:00 to 5:00. When AWS is applied to schedules outside those realms, initially many of the rules simply do not make sense.

The laws, rules, and regulations, coupled with an antiquated accounting system, make AWS a tough nut to crack. The list of "Do's" and "Don'ts" is long and confusing and, if not fully understood, can cause problems for facilities that want to use AWS.

But the benefits that an AWS can provide for controllers and the FAA are very clear. Making AWS work for us only makes sense. NATCA spent a great deal of time looking at the Contract (Articles 32 and 34), the law (5 USC Chapter 61) and applicable court cases and appeals decisions to make AWS available to controllers.

### **The Central Region MOU**

To educate facilities on what could or could not be done in an AWS (in accordance with all the laws, rules, and regulations) NATCA and the FAA negotiated a regional Memorandum of Understanding (MOU). This agreement Facility Reps and Facility Managers in the best possible

position to negotiate an acceptable AWS for your facility. It is also the only regional agreement in the country and gives Central Region FacReps an advantage that other FacReps do not have.

### **FAA Headquarters Guidance**

The FAA at the headquarters level recently completed a review of every AWS agreement in the country. From that review, they sent guidance to facility managers on February 4<sup>th</sup>. (Your FacRep has a copy of this guidance if you would like to review it.)

This FAA guidance covers a lot of AWS issues, but primarily is outlines 14 practices that the FAA considers to be either, (1) "illegal" (contrary to AWS law) or (2) "we don't like it when you do this." The guidance also emphasized that corrections to any current AWS agreement should be accomplished in a cooperative manner if at all possible, and no later than March 31<sup>st</sup>. If an agreement could not be reached, the guidance recommended quick termination of the 5 items identified as "illegal", even if negotiations had not been completed with NATCA.

### **FAA Regional Guidance: Part One**

When Central Region FAA received the guidance, immediate action was taken to terminate the 5 "illegal" practices in all facilities no later than Monday, February 10th. Additionally, the FAA added two other practices that we not even declared illegal in the national guidance!!!

Those two practices were, (1) blanket earning and approval of credit time without specific, case-by-case analysis by management, and (2) allowing  
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controllers to earn credit time to allow other controllers to take time off.

When we learned of the Agency's intentions, the NATCA Central Region office took swift and decisive action to stop what the FAA was illegally trying to accomplish.

When conversations at the regional level did not lead to the FAA's conformance to their own guidelines, we contacted NATCA National and attacked the issue at the FAA headquarters level. NATCA used every possible resource to protect the rights of air traffic controllers in Central Region.

On the morning of Friday, February 7<sup>th</sup>, during the weekly Hub Managers teleconference, the FAA put their plan into action. The Hub Managers were told that the illegal actions (now 7 of them) were to be terminated and that they were to spread the word.

And the FAA Central Region's plan might have worked had they not received a phone call from FAA headquarters later that same day. At 1301 local time, the NATCA Regional office received a copy of the fax that went to all Central Region managers. The fax told all managers to disregard the earlier command to cancel blanket approval of credit time, and the earning of credit time to allow someone else to take time off.

### **FAA Regional Guidance: Part Two**

During this entire process, conversations between NATCA and FAA continued almost non-stop. Although we could not agree on the two additional "illegal" items, we did agree that management and NATCA at the local level should have more time to reach an agreement. The alternative was an immediate cancellation of current schedules, tons of paperwork flying, and most importantly, controllers getting the shaft.

NATCA and FAA agreed that the deadline for termination of "illegal" practices would be extended until Friday, February 14<sup>th</sup>. Unfortunately this extension did not do STL or T75 much good when the manager left for the Regional Office on Tuesday, February 11<sup>th</sup>.

Despite this lack of time, the manager did receive a legitimate, legal (even by the FAA's standards) and appropriate proposal for a new schedule from NATCA. The Agency's plan seemed to be backfiring!

But management quickly refused to consider the proposal. The reason for the refusal you ask? The proposal included blanket approval of credit time and the ability to work credit time to allow others to take leave!!! (Makes you wonder if this roller coaster is ever going to stop doesn't it?)

The FAA Central Region told managers what they could, or could not agree to during local negotiations. Additionally, this guidance is in direct conflict with the Regional MOU. Of course, the FAA does not agree, so the Unfair Labor Practice has been filed and we will let the FLRA decide. By the way, NATCA at the regional level was able to get STL and T75 until February 28<sup>th</sup> to put together a new schedule.

So, the paperwork is flying, management is trying to trick FacReps into changing schedules, and a lot of hard working folks are suffering through the battle. Of course it could be worse. If the FAA had its' way, controllers would all be working straight 8-hour shifts. Too bad for the FAA that NATCA is around!

### **AWS and the Future**

In the Central Region, the FAA has given NATCA a proposal to reopen the regional MOU. There is no need to bore you with the details of the proposal here. But suffice it to say that if there is something about AWS that you like, the FAA has proposed to eliminate it.

NATCA has asked all FacReps for a list of members who are willing and able to help with the AWS negotiations. Based on the results of the upcoming ground rules negotiations, the best volunteers will be selected to be a part of the AWS negotiating team. The team will be headed by Mike Putzier, Mark Kutch, and Richard Gordon (NATCA National Director of Labor Relations).

It is possible that an agreement could be reached. But common sense seems to point in the direction of an impasse. If that happens, the entire issue goes up to the next level of the food chain and negotiations continue.

In the meantime however, you should be able to continue to go to a facility where the schedule is no longer a target. **The Agency will take action to terminate the items it considers to be illegal. But not without first trying to reach an agreement with NATCA.** If your manager is trying to mess with your schedule, please make sure we know about it immediately. You can call our offices at 913-764-9330, or send email to [central@natca.org](mailto:central@natca.org).

Keep Fighting the Good Fight,

Michael Putzier  
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