



# The Air Traffic Controller

August 1998, Volume 12, Issue 7

## Agreement sprouts in unprecedented time

Six months. This is the short period of time it took NATCA and the Federal Aviation Administration to negotiate, develop and complete a historic five-year contract. The pact lays the groundwork for the two groups to establish a new relationship based on a shared vision of

*“As management, we are always concerned with productivity. We are impressed with the controllers who stepped up and wanted to increase productivity.”*

future staffing level needs, classification of controllers’ pay and internal efficiencies to increase productivity.

“It is a good deal for controllers,” Transportation Secretary Rodney Slater remarked. “It puts the FAA on a more businesslike footing, and for consumers it raises the bar on safety and system performance. We thank everyone for the shared sense of urgency not only to move on, but to move on together.”

One key feature is the number of controllers will increase to 15,000

over the next three years. Then the work force will increase two percent a year in the contract’s final two years. At the same time, the number of supervisors will decrease by 30 percent, altering the controller-supervisor ratio from 7-to-1 to 10-to-1. It is uncertain how many new hires will be former Professional Air Traffic Controllers Organization controllers.

Controllers will also now have more incentives to accept positions at facilities with more demanding airspace and traffic because their salary scale has changed from a 5 grade to 10 grade system. Factors such as the number and configuration of runways, the mix of aircraft types, oceanic flights and air traffic density will now be considered.

“It has taken over 25 years to more accurately clas-

sify an air traffic controller’s work. The new scale reflects a fairer methodology of what controllers do based on more than the mere volume of air traffic, but other complexities that, to date, have not been considered in their performance,” commented NATCA President Mike McNally.

The contract’s new pay distribution plan is not complete yet. No one will be forced to take a lower amount, but increasing the classification of controllers will spread the differences in salaries. The agency is expected to draw from internal savings to fund the program because its annual costs will rise by \$200 million over the first three years. Congress will have to approve the contract because it issues some of the money and deals with budget issues.

The FAA may also give merit-based incentives under the new contract to controllers for meeting agency safety and performance goals; for instance, if individuals lower the number of errors in their tower below a certain level. Alternative work processes will be developed to incorporate self managed team concepts.

Still at issue is whether individuals will be able to

take free familiarization trips on airlines. As a result of the Department of Transportation inspector general’s

*“I think we proved we wouldn’t be bound by old ideologies that would prevent us from holding hands as we move America forward, and structure a new system in the upcoming millennium.”*

report that questioned the program’s ethics, this may have to be answered in court. “For now, we will leave ‘fam trips’ as it is and we will see if we can come up with something acceptable,” offered McNally.

Controllers still must approve the contract. Negotiators agreed only on a framework for reclassification.

*continued on page 4*



*NATCA President Mike McNally, Department of Transportation Secretary Rodney Slater and Federal Aviation Administrator Jane Garvey address concerns at the press conference announcing the agreement.*

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# Union raises bar as it moves to greater heights

Dear friends and members,

I'm proud of our many significant accomplishments in a very short 11 years. I also know, if we are to be an effective organization in Washington and as an international leader, we must become as adept at controlling our impatience as we are at controlling aircraft.

For us, time is measured in hundreds of miles an hour – the speed a commercial jet travels at high altitude. When we step outside our facilities, however, the clock ticks in real time. The “right now” that works well on position does not always work in Washington where much of the work is behind the scenes. A controller’s urgency to know every piece runs counter to the comparatively slow pace of decision making at the highest levels in the administration and Congress.

When I first arrived in the nation’s capital in 1994, I wanted immediate and non-stop communications to the field. It didn’t take long to realize Washington isn’t going to change its nature. To be effective, implants quickly become proficient at maneuvering the process to their benefit, or they suffer the consequences. As others before me concluded, “Witnessing policy in Washington is like watching sausage being made. It ain’t pretty.” The truth is: Not liking the pace of politics won’t change a thing.

We’ve patiently waited throughout most of NATCA’s 11 years for a fair classification standard describing our work and determining our base pay. Sometimes, it appeared as though the process clicked along; the headway was obvious. At other times, the reclass committee’s work occurred in front of computers, crunching numbers, or in meetings with their Federal Aviation Administration counterparts – day in and day out, often more than eight hours a day.

By June, NATCA had an agreement in concept with only the final details to work out. Not surprisingly, at this crucial time, demands for completion heightened. Calls and pages urged the use of blunt instruments to drive NATCA points home with the administrator. The air traffic control classification standard is today a reality because of our patience. For most of the six-plus years of its development, “reclass” was on target. Toward the end, a few isolated blasts in the media could

have threatened the whole project. There’s a time and place for these things.

We are members of an organization experiencing growing pains. To mature, we must face both sides of the coin: Patience *and* Timing. If we wait for the right time to marshal our forces, we can help ourselves. To act prematurely, could risk all. There’s a time to go to the media... to petition Congress... to picket... to battle. If the trigger is pulled too quickly on any of these, the war can be lost.

My motivation in all this has not changed one iota. We’ve worked many, many nights into the wee hours with top agency officials, hammering out what has turned into a much better than today’s reclassification standard that more equitably represents your work, and a progressive labor contract unequaled in a traditional federal agency environment.

Not being able to share with you every success at each step of the way was difficult. I’m sorry I could not. But had I, I would have derailed our progress at the expense of many controllers who waited patiently for what is a very satisfying outcome. Not all we ever wanted, but more than we ever had.

Remember, our work has not ended with a new air traffic control classification standard or with a five-year contract. Our work ahead will take NATCA to greater heights. We must continue to think globally, not micromanaging each other or questioning motives. Instead, we can raise the bar yet again by trusting each other and our leaders more, pulling up our sleeves to help facility representatives and locals, and redefining what it means to be a union – a group of unified members.



In solidarity,

Mike McNally  
President

**President**  
Michael McNally

**Executive Vice President**  
Randy Schwitz

**The Air Traffic Controller**

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## Rehired PATCO controller believes contract opens door

I am a rehired Professional Air Traffic Controllers Organization member at Southern California TRACON and now a NATCA member. I hear stirrings around the break room and other places about how "I" lost a step increase or I lost this or that. Well ladies and gentlemen, what PATCO was negotiating for in 1981 pales by comparison to what has been accomplished with this contract, and "we" gave up 16 years. Be warned, if you do not ratify this contract now, you will never see a worthwhile contract in your ATC career. That was proven in 1981. This contract may have warts

for some people, but it opens a door to the future. Vote it down and this door will close forever. Vote to pass this contract and deal with what you perceive as a short coming in the future and don't look back remembering what could have been. Remember this contract is a historic document in Federal Sector Employment. Don't let all the work the union has done go to waste. Just think about it.

*Ken Hawkins*  
*Southern California TRACON*

## Agency should develop valid test of spoken English

In 1996, I was the controller working a fatal situation involving an Egyptian student pilot in the Texas panhandle. My analysis is the primary cause of the accident was totally inadequate instruction by the flight school. The secondary cause was the student's incredibly poor knowledge of the English language.


I can't remember how long I talked to this student on his second leg. One of the first questions I asked him was when he departed Hobbs. The time he gave me was almost an hour later than his actual departure time. In other words, he'd already burned almost an hour's fuel before he called me for help. This also means he'd been flying for almost an hour longer than I was led to believe. As it turned out, the location of the fatal crash was close to 100 miles away from where we assumed him to be.

His inability to clearly communicate in English was critical. His altitude was below our radar coverage in the area of the crash. But again, we weren't even looking there because he couldn't have been that far north based on his reported departure time. I repeatedly asked for landmarks. At one point, he reported seeing, "da tran, I see da tran go!" After several minutes of back and forth questions and answers, I realized he was referring to a railroad track.

I speak two languages fluently, and three other with varying degrees of competence. Unfortunately, Egyptian is not one of them. Having lived overseas, I know what it's like to communicate in something other than one's native language. In most situations, one can make do, even with limited ability, but not in aviation.

Whenever I encounter pilots for who English is a second language, I slow my speech rate. I believe this to be the most important thing we can do for them. In an emergency situation, if possible, I move all other air traffic to another frequency and transmit on the emergency aircraft's frequency only when talking to that aircraft. In the case I mentioned, we had another controller to work my other traffic on another frequency, and I worked the Egyptian's plane and two other aircraft assisting in the search. But obviously, this wasn't enough. We get a lot of foreign students in this country. The agency should develop a valid test of spoken English and make the passage of it mandatory prior to allowing anyone into our National Airspace System.

*M.B. "Colonel" Ingersoll*  
*Fort Worth Center*

Member	viewpoint	We want to hear from YOU!
		
<b>How do controllers reduce or relieve anxiety and stress derived from work?</b>		
<p><b>Mail</b> Courtney Barron at the national office</p> <p><b>Email</b> cbarron@natcadc.org</p> <p><b>Fax</b> 202/659-3991</p>	<p><b>August 25</b></p> <p>Respond Today!</p> <p>Selected answers will appear in future issues.</p>	<b>Deadline</b>

### Interacting with pilots

First of all, individuals who speak English as their second language are not stupid. For example, if you are a pilot and fly to South America, controllers can't effectively communicate with you. It's not a "by the book" situation with "by the book phraseology." They are likely to speak to you like you are stupid, and that doesn't help.

Secondly, give information in small increments, speak clearly and enunciate your zeroes and points. Thirdly, don't ever say "go ahead," unless you can spare your frequency for a while. Lastly, if they're truly bad, keep everybody out of the way, try to keep your cool, and get management to call FSDO into the game afterwards.

*Anthony Turiano*  
*Miami Center*

# Labor Agreement

*continued from page 1*

Members will also need to ratify many of its details.

“As management, we are always concerned with productivity. We are impressed with the controllers who stepped up and wanted to increase productivity. I believe both sides gave a little and compromised. I am pleased with our ability to move on,” concluded FAA Administrator Jane Garvey.

“I think we proved we wouldn’t be bound by old ideologies that would prevent us from holding hands as we move America forward, and structure a new system in the upcoming millennium,” added Slater.



*NATCA Liaisons (from left to right) Terry Shell, Wes Stoops, Melissa Ott, Jon Ramsden and Jim Gordon attend the new labor agreement press conference.*

## Controllers and engineers contrive solution together

What happens when NATCA pleads with the Federal Aviation Administration not to install the Display System Replacement equipment because changes are necessary to make it an operationally suitable system? Based on past experience, one would believe the agency would brush the union’s concern under the rug and install the equipment for usage. Not in this case.

On June 16, the fourth and final memorandum of understanding was signed. It guarantees the agency will incorporate the changes to DSR that the NATCA/FAA “Tiger Team” recommended to FAA Deputy Administrator Monte Belger. NATCA was successful in getting 24 out of the 26 deployment critical items altered. The other two will be implemented soon. Now a process to roll out all the enhancements exists for this equipment, putting the union in a position to design/build for other systems in the future.

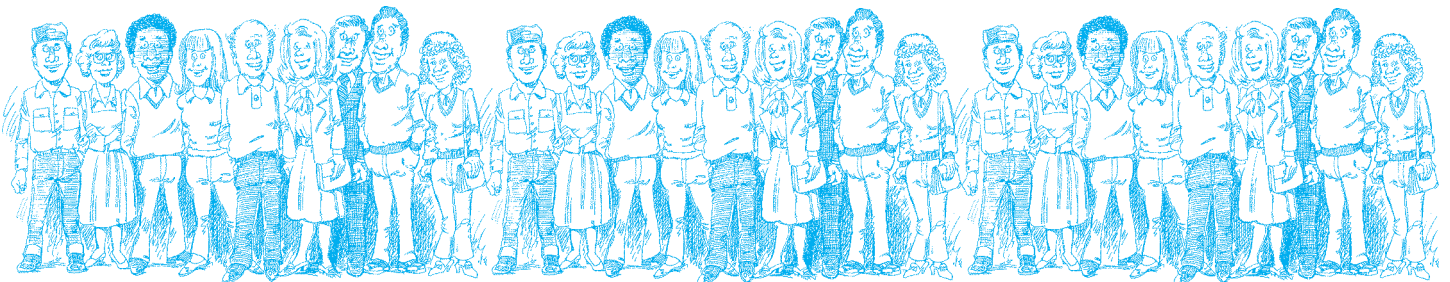
“Belger is committed to using this process as an example for resolving all equipment issues in the future,” voiced NATCA Executive Vice President Randy Schwitz. The DSR team utilized every asset available, the legislative department to lobby key members of Congress, the Communications Team utilized its media resources to garner support, the labor relations group negotiating MOUs, plus the grass roots support of the 21 facility reps. “Our success is a result of a group effort. We all came together and NATCA did what it does best, pull together as a team,” remarked DSR Team Lead Mitch Coleman.

Alterations range from improving the keyboard layout, to modifying the strip font, better use of color to improve the display of information. Along with several new features, such as the Full Data Block Dwell Emphasis, which allows controllers to highlight information when they roll the cursor over it, plus get a flight plan readout via a button on the trackball.

Future enhancements will include things such as a user preference set. This will permit controllers to obtain all the views they want ranging from the type of font to the screen’s brightness when they sign on the sector. “We have the bare bones now and we are going to continue to make enhancements,” added Coleman.

The union was also successful in convincing the FAA to delay further deployment of DSR until these changes were made. Seattle Center, the first facility to receive the equipment, cannot proceed to full operation until parts of the set of issues are complete and air traffic controllers are trained. This pushes the original schedule back a few months. But the battle isn’t over yet. Next on the agenda is determining how to integrate product improvements such as conflict probe and data link into DSR.

This agreement opens the door to more opportunities for NATCA. The union can take on the role as a leader in system development, providing the expertise in “human centered automation” by using this experience as a guide in how to negotiate substance.



# Engineers quickly learn how to work with management

Doug Hintz

*Southern Region engineer local president*

Over eight months have passed since the engineers formed a union with the NATCA controllers and I am just now beginning to understand how difficult it is to get management to work with the employees. I am even more committed to seeing this through now that I see the lengths some managers will go to avoid doing the right thing.

There are many good managers who understand their job is to see their employees have the environment and tools to perform their jobs. But, unfortunately, there are also too many other managers who are primarily focusing on their political agenda and view the sharing of responsibility for the decisions as an attack on their power.

I was naive to believe once we formed a union and gave the Federal Aviation Administration the ability to treat all employees the same, they would welcome us into the groups and committees outlining the future culture of the agency. We have always been the ones the FAA turned to to solve their problems, so why should things be any different now. I found out the hard way this would not be the case. Not only is the agency continuing to avoid involving us in the early stages of planning, but now they are using the contractors to prepare for battle with the engineers.

I now understand the difficult task that faced the

original organizers of NATCA and can appreciate it will take the same dedication and commitment for us to be as successful. I only hope the engineers who are not yet members will join those of us who have battled this so far to show their appreciation for the hard work we have put in on their behalf.

I want to congratulate the controllers on their new contract. I know it was the result of a lot of work by a few dedicated individuals. We hope to take advantage of the work you have already accomplished when we begin our contract talks this summer. I want to thank the controllers for supporting the engineers in our effort to have a contribution to the future of the FAA and hope we will be an asset to the union. I continue to see examples where the combining of the resources and knowledge of both groups creates a formidable advocate for the improvement of the National Airspace System procedures.

Although many of the engineer leaders are new to the labor arena, we are learning fast. A great deal of my education has been as a result of the difficult working relationship that exists in the Southern Region. I believe the agency will create the type of engineering union they want. I only hope they decide to change course to the type of relationship we had envisioned before we go too far down the adversarial path.

## NATCA's 7th Biennial Convention



NATCA is perched on the brink of its 7<sup>th</sup> biennial convention, Sept. 5-8 in Seattle, Wash. This is an excellent opportunity to catch up on the latest information and events taking place within the union and the aviation industry.

Be sure to give input to your facility's delegates for issues addressed in the package, such as seniority. We look forward to seeing you there.

September 5-8 \* Seattle, Washington

For reservations please call:  
Westin Hotel Seattle  
1900 Fifth Avenue  
Seattle, Wash. 98101  
206/728-1000

Free bus transportation will be available from the Seattle Airport to the Westin Hotel.

Tickets for the closing banquet must be bought in advance due to the Westin Hotel's rules. They can be purchased for \$25 each.

# Dependence on technology creates new vulnerabilities

Society is moving increasingly online, relying on computers and the Internet to do just about anything inventive minds can contrive. But while new technology increases efficiency and productivity, dependence on them creates vulnerabilities.

## Opportunity to Create National Waves

These advances provide criminals not only with the means to commit traditional crimes like theft or fraud, but also makes it easier for malicious actors to cause new types of harm. The phenomenal growth and reliance on global information networks nurtures computer hackers' ability to exploit the power of cyber tools.

Now they have an opportunity to hurt the national economy and security because both depend on the delivery of critical services which rely on advanced telecommunications. At a hearing on Capitol Hill, lawmakers heard from a self-described computer hacker think tank on the vulnerability of the nation's computers. It warned software and plans to build a decoder for air traffic control system transmissions are easily available to download off the Internet.

## Impact on Air Traffic Control System

Many have probably read about the March plea bargain in Massachusetts of a teenage hacker who broke into the former NYNEX, now Bell Atlantic system; disabled a regional airport's telecommunications, cut off services to the airport's control tower and prevented incoming flights from turning on the runway lights. This might have served as a wake up call for the aviation industry, but it happened again.

Another man in Roanoke, Va., penetrated the Fed-

eral Aviation Administration's system by pretending to be an air traffic controller. The imposter directed pilots to change altitude by as much as 5,000 feet. It took the agency six months to catch him.

## Appearance of "Phantom Controllers"

The FAA's lack of security leaves the air traffic control system open to "phantom controllers" reported a recent General Accounting Office investigation. The agency's safety measures were characterized as "weak and ineffective." Investigators did not bother conducting tests at the agency because they already identified serious deficiencies in all areas. They also found evidence of air traffic control systems that had been penetrated previously with data compromised and the FAA announced it planned to conduct its own tests.

Agency officials argue the possibilities for unauthorized use are limited because the current equipment is so old. But GAO Assistant Comptroller General Gene Dodaro responded in the *Federal Times*, "While these configurations may not be commonly understood by external hackers, one cannot assume old or obscure systems are...secure. Archaic and proprietary features of the system provide no protection from attack by disgruntled current and former employees who understand them."

## Strategy Devised for Agency

GAO investigators recommended the FAA create and execute a strategy to inspect the 187 facilities not examined in four years or more, fix physical security and make sure new systems follow security requirements.

# Computer Hacking

Computer Security Institute's study in 1998 indicated 64 percent of the 241 companies polled reported information system security breaches - an increase of 16 percent over last year.

The total financial losses from all of these companies that could put a dollar figure on them adds up to \$136,822,000 - an increase of 36 percent over 1997.

In 1996, the Defense Information Systems Agency estimated as many as 250,000 attacks on the Department of Defense systems may have occurred in 1995.

The FBI has seen a significant increase in the number of pending computer intrusion investigations as well as successful prosecutions. Pending cases increased 133 percent from the beginning of the 1997 fiscal year, up from 206 to 480.

Also in 1997, there was a 950 percent increase in arrests (from four to 42), and an 88 percent increase in convictions (from 16 to 30).

# Training boils down to a waste of resources and time

What benefits will 10,000 controllers receive from two hours of proficiency training recently mandated by the Federal Aviation Administration? Not much, according to NATCA Executive Vice President Randy Schwitz. He refers to the classes as “a waste of the agency’s resources.”

An increase in operational errors and a close call at La Guardia

Airport motivated the FAA to require controllers to finish the class by

June 30. The retraining included workshops involving videos and demonstrations. The sessions reviewed arrival and departure procedures and highlighted issues important in avoiding problems during takeoff and landing. “What this really boils down to is a nine-minute video and five minutes of reading,” commented Schwitz.

*“It is another typical case of the agency saying ‘safety was never compromised.’ Instead, it should be honest and remark, ‘oops, it happened.’”*

“This is another typical case of the agency saying ‘safety was never compromised.’ Instead, it should be honest and remark, ‘oops, it happened,’” stated San Francisco Facility Representative David Caldwell.

The agency developed this training without asking the controllers what types of issues are important. “The FAA is making shots in the dark because it has no idea what we really need or what areas it should focus on. The coursework needs to reflect the identified problem for it to be beneficial,” added Schwitz.

“We need to get people together to discuss problems and what could have been done to result in a better outcome.”

*“We need to take preventative measures, rather than waiting until after the cat is out of the bag. Controllers welcome additional training as long as it is useful.”*

“We need to take preventative measures, rather than waiting until after the cat is out of the bag,” added NATCA Great Lakes Regional Vice President Jim Poole. “Controllers welcome additional training, as long as it is useful.”

## Legislative volunteers spread union’s name



Barrett Byrnes meets with Rep. Sue Kelly, R-N.Y.

In an effort to strengthen NATCA’s presence in Congress, many of its union members voluntarily work on political campaigns. Whether the task is sticking signs in surrounding neighborhood yards or attending fundraisers, controllers and engineers are there representing NATCA. Two legislative activist individuals include Houston Center’s Alec Wiseman and Barrett Byrnes, John F. Kennedy Tower.

Alec Wiseman has supported Rep. Kevin Brady, R-Tex., for the past two years. He began his efforts after attending a candidate forum where he met Brady, who was extremely interested in NATCA and the Federal Aviation Administration. Wiseman built a strong relationship with him by calling voters, handing out literature at polls and placing signs around the community. Now the representative calls him when he needs information regarding aviation issues.

“My campaign activism has been a worthwhile experience. I would definitely recommend other NATCA members become involved, but you have to want to

help out. You can’t drag others into participating,” he remarked. “You can influence a lot of people whether it’s your friends or neighbors. Most importantly, the time and effort you devote can translate into how the members of Congress vote on issues pertinent to the union.”

Over 10 years ago, Barrett Byrnes began pounding the pavement on political campaigns. His portfolio includes assisting Rep. Gary Ackerman, D-N.Y.; Rep. Sue Kelly, R-N.Y.; Rep. Peter King, R-N.Y.; and Rep. Carolyn McCarthy, D-N.Y. His activities range from driving the elderly to the polls to stuffing envelopes. Byrnes attributes his dedication to wanting to give back to Congressmen who have been supporting NATCA all along. “It is essential to take the time out to establish relationships because the union derives a lot of its benefits from Congress,” he concluded.

“The facilities in our area have successfully developed a lot of friendships with them. Whenever the representatives see controllers at an event back home, they always announce our presence and thank us. Our dedication really sinks in, and they realize we aren’t there for just a handout.”

Byrnes tries to initiate campaign activism by visiting facilities in the surrounding area. He passes out campaign volunteer T-shirts and delineates who should attend which fundraisers or handle administrative tasks. “The more you show up, the more the representatives will notice you,” he added.



# Sexual harassment in the workplace addressed

As more women enter the field of air traffic control, the agency realizes sexual harassment in the workplace can no longer be ignored. To help push legislation to the forefront of aviation leaders, Rep. Juanita Millender-McDonald, D-Calif., along with representatives from NATCA, the Department of Transportation and Congressional Caucus on Women's Issues all gathered on Capitol Hill last month in support of her position to stop sexual harassment.

Millender-McDonald's amendment to the FAA Reauthorization Bill H.R. 4057, which sailed through transportation committee mark-up, provides a one-time appropriation of \$2 million with which DOT can hire additional personnel to resolve the agency's backlog of equal employment opportunity complaints. The congresswoman started her crusade when she learned of numerous reports by female air traffic controllers who had been harassed on the job.

In a joint press conference, NATCA Executive Vice President Randy Schwitz thanked her for her efforts. "I want to commend Millender-McDonald and the others for recognizing this is a problem that needs to be addressed," Schwitz stated. As he talked to reporters, he maintained, although sexual harassment cases are



*NATCA Executive Vice President Randy Schwitz (middle) joined Rep. Juanita Millender-McDonald and Department of Transportation Spokesman Ron Strohman at a recent press conference.*

important, he would like to see money used for prevention awareness training.

DOT has already implemented and is currently overseeing training for both FAA managers and supervisors. "Since May, there has been a 20 percent increase in EEO complaints," said DOT Spokesman Ron Strohman. Brad Yamauchi, the attorney representing the hundreds of female air traffic controllers in a class action lawsuit, calls the congresswoman's proposed legislation an important step toward righting a terrible wrong in our nation's air traffic control towers.

## Controllers roll out contract in only 18 months

After devoting around a year and a half of their time, the work of the 13 members on NATCA's contract team has come to a close. Two of the individuals who volunteered their time on behalf of the union are John Carr, Cleveland Tower, and Miami Tower's Andy Cantwell.

Carr first served as Kansas City International Tower and Chicago TRACON's facility representative for several years before becoming involved on the contract team. His will to help others continued as he participated in negotiations with the agency. Carr describes this experience as the hardest thing he has ever done. "Failure wasn't an option. We didn't have the luxury to say we almost did good enough."

He does not attribute the group's success to the agency giving in. "Rather it was a function of both sides knowing it had run its course and it was time to put the contract to bed. I have never been associated with a better group of people." What will he do now with all the spare time on his hands? "I am going to marry my sweetheart, move to Cleveland and finish building our house. By the end of August, I will be ready for another challenge," he said.

Along with working on the contract,

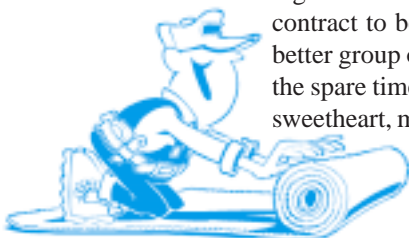
Cantwell served as his local's vice president for one year, is currently an arbitration advocate and has garnered the role of facility representative for the past six years. "I am involved with the union because I derive joy and satisfaction from it."

"This is what I was born to do. I don't participate to attain thanks from the membership, but when I receive gratitude, it makes everything worthwhile." Cantwell remarked he has enjoyed his experience in the contract group. "The knowledge I gained is extremely fulfilling. I would gladly do it all over again, but after a short rest."

The members on the contract team did not have a concept of how time consuming this project would be. "Based on the experience of previous negotiations, we suspected it would involve several months of work, but never fathomed we would require meeting two to three weeks a month during the last six months," offered Cantwell. "All of our families and facilities have been extremely understanding. We couldn't have done it without their patience."

The other dedicated NATCA members on the team include Phil Barbarello, Carol Branaman, Chris Boughn, Dan Fitas, Mark Hood, Chief Negotiator Barry Krasner, Tim Kuhl, Bruce Means, Eric Owens, Chair Bernie Reed and Bob Taylor.

**People will**  
*Why do they go that extra mile?*  
**volunteer time for**  
*Two controllers discuss why they*  
**various reasons.**  
*devote countless hours to the union.*



# Primary radar's future looks bleak and grim

To save dollars, the Federal Aviation Administration proposed eliminating primary en route radar, an important tool used by controllers to ensure safety for all pilots and passengers, on June 15, 2000. Estimated savings range from \$1.4 billion to \$100,000 to dismantle this system.

Controllers in the nation's 21 air route traffic control centers utilize the equipment associated with long range radar sites.

It provides information essential when advising pilots flying without transponders, as a backup when other radar goes out, to determine weather information, when aircraft stray into restricted military airspace, and in detection of migratory birds.

It also supports military operations, national defense and drug interdiction for the Department of Defense and other agencies.

Primary radar can indicate something is moving in the airspace, but cannot delineate whether it is a plane, blimp or goose.

The system detects an estimated 7,000 domestic general aviation aircraft along with low flying foreign planes such as those flown by drug traffickers and illegal immigration operators.

"If the deactivation happens, it will give a green light to opportunistic bandits in other countries waiting for their chance to skirt the law without the threat of detection," said NATCA Executive Vice President Randy Schwitz.

"Controllers will not be able to tell aircraft under radar surveillance where the smaller planes are located. It will put a heavy burden on pilots to 'see and avoid' because controllers cannot issue traffic alerts."



The agency downplays the equipment's importance, claiming a controller orients a lost, non-transponder-equipped aircraft in a declared emergency situation once every 6.3 years. Controllers dispute this number, and argue it does not reflect the importance of primary radar.

In fact, for the second time this year, controllers in New York recently lost Air Force One and Two on their screens. Had the radar outage endured for a longer period, the president and vice president's planes would have been traced with primary radar.

"In other words, without this system, controllers will have no backup when secondary radar systems malfunction – and you don't want to know just exactly how often that occurs," Schwitz commented.

FAA Chief Spokesman Eliot Brenner stated in the *New York Times*, "This phenomena is not particular to the New York area or to this radar. It is seen at other locations around the country, and controllers are well aware of it and trained to deal with it."

# Computer glitch delays hundreds of morning flights

A software glitch recently delayed hundreds of early morning flights at three major New York area airports as a result of problems with a computer upgrade at New York TRACON.

Trouble arose when the agency's computer specialists, working on the midnight shift, were testing new software intended to fix a problem in the computer system responsible for traffic around Newark International Airport.

After realizing they could not install the system properly, the technicians attempted to revert to the old software but were unsuccessful.

From 5:30 to 7:30 a.m. controllers received a very limited amount of information. Some screens froze, others provided a "splate," a set of digits that alternate between showing air speed and altitude, but not identity, airplane type or destination.

Controllers were forced to decrease the number of planes in the air to an amount they could track in their heads.

"As long as the volume isn't too high, you can work airplanes like that. Assuming good weather, which it was today, you could probably do two to four planes, but four would be about the most you'd want to be fooling around with," remarked New York TRACON Vice President Dean Iacopelli.

But red-eye passengers from the West Coast along with Federal Express, United Parcel Services and DHL planes bombard the New York area during this time. Controllers told numerous flights they couldn't land.

The agency's preliminary information indicates Newark had 153 departures delayed, as well as 64 departures at La Guardia and five at Teterboro Airport. Also, 24 arriving flights already in the air were held up at La Guardia.

These numbers do not include airplanes kept on the ground, until the problem was rectified, in other locations.

This facility has installed the equipment failure free numerous other times. But the agency's complex and tightly woven system makes it prone to fail.

	Flights Delayed	Average Delay	Longest Delay
Newark	153 departures	41min.	86 minutes
La Guardia	64 departures 24 arrivals*	24 min. 15 min.	37 minutes 24 minutes
Teterboro	5 departures	36 min.	77 minutes

\* Flights already in the air

Source: Federal Aviation Administration

On June 23 the controllers of Fulton County, a privately contracted tower just outside Atlanta, Ga., voted for NATCA representation in a National Labor Relations Board election. This facility joins six others administered by Robinson Van-Vuren Associates, Inc. which are affiliated with the union. Also, controllers at Dothan ATCT in Alabama recently requested NATCA representation. Their petition has been filed and a NLRB sanctioned vote is scheduled to be held on July 27.

The Federal Aviation Administration postponed its decision to consolidate Jefferson County Airport's terminal radar approach control radar unit with one in Houston until the year 2000 because of Rep. Nick Lampson's, D-Texas, direct intervention.

He believes the combination will not happen at all because by 2000 the airport will have grown to a healthier area economy, more passengers and increases in jet traffic. "If we've grown the way I expect, we will not have a problem keeping the facility. This is wonderful news for our community and will allow us to continue the economic growth of our airport and region," he remarked in the *Port Arthur News*.

The National Legislative Committee recently held two campaign volunteer training sessions. The focus was on preparing NATCA members to become effective and efficient volunteers in the 1998 congressional campaigns.

What started as a joy ride aboard a small plane turned tense when pilot, Wesley Sickle, lost consciousness in mid air. Robert Kuperschmid, the passenger, who had never flown before, had to take over the controls. Controller John Jones, Indianapolis Tower, helped coordinate the successful outcome by alerting emergency crews on ground and other airplanes in the area of the situation. One nearby pilot quickly taught Kuperschmid how to fly and talked him down, while another individual trailed behind the plane. Eventually, he landed at a small satellite airport east of Indianapolis. Although it wasn't picture perfect, it was good enough to allow him to walk away from it all unharmed.

Success at last....NATCA got language to reinstate air traffic controllers' ability to appeal to the Merit System Protection Board in the Federal Aviation Administration's reauthorization bill (HR 4057).

The language reads as follows: "Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule or regulations as of March 31, 1996."

While it was a difficult legislative battle in the House, obtaining the identical language in the Senate could prove to be even more difficult. HR 4057 authorized \$2.3 billion for airport improvement and \$5.6 billion for agency operations in fiscal 1999.

***Are you a member in the Eastern Region? Want to receive information on a regular basis? Call Maria Broschart in the regional office at 516/436-7457 to receive email updates.***

Gentlemen, Start Your Engines... These legendary words were heard by 400,000 race fans live, and by billions of race fans world wide, at the Indianapolis Motor Speedway for the start of Indy 500 on May 24. This Memorial Day weekend was different because NATCA sponsored an Indy race car. The union's logo was proudly displayed on both sides of Sam Schmidt's vehicle. It was the sixth fastest of the 33 car field that qualified for the 82nd running of the "Greatest Spectacle in Racing." To ensure the safety of the spectators, banner tows, helicopters, fixed wings and blimps, NATCA controllers from Indianapolis Tower staffed a temporary facility at the Indianapolis Motor Speedway. Without their help, air travel over, to and from the track would not have been possible.

The National Transportation Safety Board is jumping on the bandwagon to focus on safety agendas. The new 10 issue list includes decreasing operator fatigue and runway incursions, updating aircraft icing safety criteria and certification testing, and getting rid of explosive vapor in transport aircraft fuel tanks.

The 12th Annual Houston FAA Open Golf Tournament will take place Sept. 1-2. For more information and entry forms please go to the upcoming tournament section of the web page [www.jbsgolf.com](http://www.jbsgolf.com).

The Flight Safety International Airline Training Center at La Guardia Airport has received the Federal Aviation Administration's approval for its training under the agency's new Federal Air Regulation Part 142. This new FAR replaced previous exemptions to the regulations. It will increase the use of flight simulators and flight training devices by permitting FlightSafety to train pilots as certificate-holding entity similar to an airline.

This rule change is part of national initiative that provides a common source for standardized, quality training accessible to individuals, corporate operators and regional airlines. The use of flight simulators and flight training devices, at FAR Part 142 certified centers, in place of aircraft, results in a reduction of traffic, congestion, noise and air pollution, also training costs. Part 142 endorses the use of flight simulators to provide a safe flight training environment to pilots to practice abnormal and emergency procedures.

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**Several memoranda of understanding signed**

NATCA signed a memorandum of understanding concerning computer human interface upgrades to Display System Replacement. It contains the resolution(s) specified by the agreement regarding DSR dated April 17.

The union finalized a memorandum of understanding to resolve impact and implementation issues associated with the minimum requirements essential to providing a safe means of exit in case of fire and other emergencies as required by 29 CFR 1960.20.

An addendum memorandum of understanding was settled in response to concerns regarding the implementation of Multi-Sector Data Link (MS-ODL) pursuant to the June 28, 1995 MOU regarding the deployment of the Prototype Oceanic Data Link System at Oakland Center.

*All of the MOUs may be found on the labor relations section of NATCA's members only web page .*

**Article 7 notice posted**

NATCA requested a meeting regarding the draft FAA Order 3900.XX, Occupational Safety and Health Administration requirements for airport traffic control towers, to discuss and determine any foreseeable impact on working conditions of bargaining unit employees.

**Appeal decision given**

In a 1996 arbitration award, the arbitrator ruled a grievant's resignation was involuntary and ordered the reinstatement to the former position. The Federal Aviation Administration responded by reinstating the employee with a charge of illegal drug use and proposed removal. The agency then offered to hold the removal action in abeyance if the grievant agreed to participate in an agency-approved drug rehabilitation program. The union filed a grievance, contending the FAA's actions failed to comply with the arbitrator's ruling. He concluded the previous award was final and binding on the parties. And because the agency did not file exceptions to the decision, listening to the case again would be unsupported by the doctrine of res judicata, which states a matter already settled by judgement may not be retried.

The FAA appealed this decision, and on June 22 the FLRA concluded the agency failed to establish the arbitrator's award was deficient and denied the FAA's exceptions. NATCA is now going to pursue the recovery of backpay for the past two years.

**Arbitration rulings revealed**

Grievant received a five-day suspension for holding and refusing to accept aircraft. Previously, the individual had a warning letter and a written admonishment. He was also informed, as long as the operation remains safe and orderly, he must maintain the accepted performance standard. His failure to do so would result in more formal corrective action. The arbitrator ruled there was no evidence of the sector being extremely busy or complex, and determined there was just cause for the suspension. NATCA is filing exceptions because the award did not draw its essence from the contract and is contrary to federal law, rule and regulation.

An arbitration took place regarding asbestos contamination at Indianapolis Center. The arbitrator concluded the agency violated the collective bargaining agreement, applicable laws and regulations. He concluded the relevant violations were not excessive and were insufficient to constitute a violation of the requirements of a "safe working environment." The final outcome is ambiguous, and NATCA has requested further explanation from the arbitrator.

**Final outcome regarding Executive Order 12871**

The question of whether the Federal Labor Relations Authority should enforce President Clinton's executive order calling on agencies to negotiate over permissive bargaining subjects has been controversial since it was first issued on Oct. 6, 1993. Many unions have called for enforcement, arguing agencies are not obeying the executive order.

In a two-to-one decision issued on June 19, the FLRA held Executive Order 12871 does not constitute an election to bargain, on behalf of all federal agencies, under 5 U.S.C. § 7106(b)(1). The authority rejected the argument of several unions, including NATCA, that Executive Order 12871 would be rendered mean-

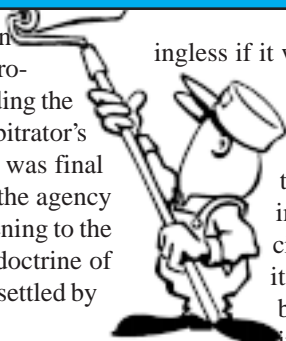
ingless if it was not interpreted as an election to bargain, applicable to all federal agencies, on § 7106(b)(1) matters. In its decision, the authority affirmed its earlier ruling, the agency has a duty to bargain over the impact and implementation of agency decisions involving § 7106(b)(1) issues. But it also argued the agency has no duty to bargain over the substance of a decision involving such issues unless it *expressly and unambiguously* elects to bargain over those issues. U.S. Department of Commerce, Patent and Trademark Office and Patent Office Professional Association, 54 FLRA No. 43 (1998).

**1998 Arbitrations**

**Below are the results of the grievances NATCA has taken to arbitration from Jan. 1 to July 13.\***

Pending	10
Denied	5
Sustained	2
Split	1

*\* Not included are the 10 grievances settled before an arbitration occurred.*



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