

# AirTrafficController

## NATCA's take on FAA staffing report: A "Wal-Mart solution in a Tiffany box"

**A**s NATCA Executive Vice President Ruth Marlin thumbed through the Federal Aviation Administration's air traffic controller staffing report to Congress in December and saw the agency predict the loss of more than 6,500 controllers between now and 2011, she felt a nagging sense of déjà vu, mixed with frustration.

For good reason.

More than five years earlier, Marlin, then a Miami Center controller, spent several months compiling a retirement survey for NATCA and discovered ... approximately 6,500 controllers would leave between 2005 and 2011.

Marlin's report was sent to the agency, which only now, finally, agrees with what NATCA has long known - the staffing crisis is real and, if not offset by massive hiring, will result in the loss of more than half the workforce by 2012.

"It's frustrating because we didn't want another report; we wanted air traffic controllers hired and trained," Marlin stated. "Reports are lovely but they don't fix the problem."

The report says the agency will lose 11,000 controllers by 2014 and in response, must hire 12,500 because, it states, "the agency's recent hiring policy for controllers - one retirement, one hire - will not be adequate to meet the challenge because of the time to train a new recruit and the fact

that the system can only handle so many on-the-job trainees at any one time."

The FAA also proposed in the report to overhaul its system for training replacements and increase the use of simulators, improve its management to get by with fewer people and allow some controllers to work beyond the mandatory retirement age of 56.

NATCA publicly expressed its skepticism that the report was too little, too late. President John Carr told reporters the plan was a "Wal-Mart solution in a Tiffany box."

Carr noted that the agency's plan predicted that 686 controllers would retire or quit in the current fiscal year but that only 435 would be hired. "While drafting this long-awaited plan, the FAA lost over 500 controllers, but hired only 13," Carr said. "Time stands still for no plan. The FAA is already behind and the clock is ticking."

Interestingly, the report specifically states that, "inadequate staffing levels will result in air traffic control system delays." To which Carr replied, "Tell the flying public to bring a good book to the airport because they're going to be there for a while."

Carr also repeated NATCA's long-held belief that increasing the mandatory retirement age, coupled with the agency's focus on reducing sick leave usage, are unwise ideas fraught with dangerous consequences. "The age 56

### QUICK FIX: A LOOK AT THE REPORT

- ◆ Essentially confirming what NATCA has argued for years, the report stated more than 6,500 controllers will retire between now and 2011.
- ◆ In the time it spent drafting the report, the FAA lost over 500 controllers but hired only 13.
- ◆ The report calls for allowing some controllers to work beyond age 56.

requirement was placed on this profession for very good reasons. Making controllers work older and sicker is really not the way you're going to bridge to the 21st century."

Largely because of NATCA's 2004 efforts to publicize the staffing issue in the media, the FAA report's release drew significant nationwide coverage, featuring interviews with local NATCA representatives. The consensus was the report does nothing to solve the problem anytime soon.

"We (had) a guy retire on Jan. 29 and his replacement won't be hired until next October," Western Pacific Region Alternate Vice President Mark Sherry said of a situation at San Francisco Tower. "What are we supposed to do until then?"

"We're already behind the curve on this," Kansas City

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# Presidential Perspective

I have often said that if you want me there for the landing, you are going to need to have me there for the takeoff. This axiom is true of collaborative efforts, modernization plans, and air traffic control in general. It applies in dealing with the Federal Aviation Administration when the bright lights of the media, the public and Congress shine down to reveal how the agency plans to improve our beloved National Airspace System.

This is also true with the much anticipated but very tardy staffing plan put forth by the agency in a hastily-arranged delivery to Congress and subsequent press conference on the morning of last Dec. 21. I was first informed of the FAA's plans not by the agency but by a couple of alert reporters on Dec. 20. Then, at 8:30 a.m. on Dec. 21 - just two hours before the FAA's press conference - I received a call from three senior representatives from the Air Traffic Organization who wanted to give me a heads-up and see if I wanted a pre-briefing. They confided, quite conspiratorially, that they wished "it didn't have to be this way," and that they thought we could use the opportunity to meet to "strategize."

So this is what our relationship with the agency has come to; a call two hours before a major report is made public is a "heads up," and an offer to meet sometime soon is a "pre-briefing."

The shame of it all is that this staffing report, with some notable exceptions, is worthy of NATCA's polite applause and cautious optimism in its long-range findings and conclusions on the

need to hire the next generation of our workforce. The numbers on the expected retirements between now and the middle of the next decade more closely reflect NATCA's projections than ever before and the agency has even proposed hiring an average of - are you sitting down? - more than 1,300 controllers a year between fiscal years 2006 and 2014.

That's beyond our oft-repeated call for 1,000 controllers to be hired each of the next several years to replace the nearly 11,000 the agency expects will leave in the next decade. Of course when we made our projections we didn't factor into the calculation the cost to the controller workforce of an ever-burgeoning supervisory contingent. The agency's strategy of hiring more supervisors to watch fewer controllers work ever more airplanes continues to mystify.

It all sounds like a nice holiday gift the agency gave us, except when you take a closer look. As with anything else, the devil is truly in the details. Consider:

- Nowhere in the staffing report does the agency say how much the plan will cost, an omission also pointed out in a press release by Rep. Peter DeFazio, D-Ore. We will find out in the coming months how committed the agency is in hiring the 1,249 controllers the report says it plans to hire in fiscal year 2006. If the agency falls short, it will have shamefully allowed this much-ballyhooed report to sit on a bookshelf in Washington, D.C., and collect dust like so many other great works of government prose before it.

- The date on this report should have been "Dec. 21,

***"The numbers on the expected retirements between now and the middle of the next decade more closely reflect NATCA's projections than ever before."***

***-John Carr***

1999," not, "Dec. 21, 2004." It's simply too little, too late. While drafting its report, the agency lost more than 500 controllers and hired just 13. During this fiscal year, the FAA expects to lose 686 more controllers but plans to hire only 435 -- and much of that is the result of NATCA's legislative efforts last year, not the agency's. As Rep. DeFazio accurately pointed out, waiting until now to take action has "already caused great delay and compounded the problem."

- In its report, the FAA says, "we're also reducing the hours of operation at our facilities where there is low or no activity, especially during the midnight to 5 a.m. shift. NATCA has learned the agency seeks to close the towers at 48 such facilities during those hours, towers such as Atlantic City, N.J., Burbank, Calif., Des Moines, Iowa, Manchester, N.H., and Reno, Nev. This is distressing, to say the least. Curtailing service is never an acceptable solution to any of the agency's problems, especially at a time when the Secretary of Transportation has set a goal of tripling capacity to meet rising demand over the next 15 to 20 years.

- The FAA also says in the report, "newer approaches to staffing - such as split shifts and part time employment - also show promise." These ideas cut to the very core of service provision in a delicately balanced

safety environment. These ideas aren't new, they aren't smart and they aren't anything we can see implementing in the world's busiest airspace. Additionally, training someone full time only to work them part time seems to be a waste of precious resources better spent replacing full time workers.

The training process appears to be square in the agency's crosshairs as well. We remained concerned the FAA is making promises about training and staffing it can't keep. For example, the agency has said it wants to provide more tower simulators, but didn't fight for funding in Congress to make this happen.

As we all are aware, traffic counts are rising. We're back to pre-9/11 volume at nearly half our busiest airports. We now know what the agency would like to do to make sure staffing meets the customers' demand. What we don't know is if it can do it, or if we as the stewards of the system can hold it together until fresh troops arrive. Time stands still for no plan. The clock is ticking.

*"It's frustrating because we didn't want another report: We wanted air traffic controllers hired and trained. Reports are lovely but they don't fix the problem."  
-Ruth Marlin*

Center Facility Representative Howard Blankenship remarked. "We've been trying to highlight this problem for quite some time."

Added Chicago O'Hare Tower Facility Representative Craig Burzych: "Bottom line is they're gambling. They're rolling the dice ... hoping that only a handful of controllers retire. They'd better hope that's true, because if a whole lot of controllers retire at once, the sys-

tem will fall apart."

Now that the FAA has finally acknowledged the scope of the staffing issue and more closely aligned with NATCA's retirement projections, the big question on the table is, "What Now?"

"Funding," NATCA Legislative Counsel Christine Corcoran replied. "The key to the FAA's mindset is going to be the president's budget request to Congress."

Those answers should come in

February, followed up with Congressional testimony from the FAA administrator. "Every dollar on Capitol Hill is difficult to get," Corcoran said. "In the great scheme of things," Corcoran added, the \$9.5 million NATCA got for hiring new controllers in the current fiscal year budget "is not much. It's a drop in the bucket. But we have an incredibly compelling issue. The seriousness of it and the necessity to hire air traffic controllers has been recognized by the Government Accountability Office (GAO), the Department of Transportation inspector general and the FAA."

Key members of Congress have also made their views known. Rep. Peter A. DeFazio, D-Ore., the ranking Democrat on

the House Aviation Subcommittee, said the FAA plan failed to explain how much it would cost.

Marlin isn't convinced the FAA will hire all the controllers its own report says the agency needs. After all, she's seen this all before.

"I have given up trying to predict what the agency will do," she remarked. "If the FAA wants to do what was best for the aviation system, it would fight for these positions. I am not convinced that is the administration's mindset. It's a choice, whether we have enough people to meet the needs of the system or not. Too many people are telling NATCA their hands are tied. No - the agency is making a choice."

## *Union challenges agency on commercial designation for members*

Recently, the union challenged the Federal Aviation Administration's designation of NATCA members' job functions as commercial rather than inherently governmental.

"NATCA challenged the designation of air traffic control as commercial, as well as the designation of certain non-controller employees as commercial," NATCA President John Carr remarked.

NATCA is appealing under the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998, which requires governmental departments and agencies to classify employees' job functions as either inherently governmental or commercial in nature.

Controllers have been classified as commercial since 2002.

The non-controller NATCA members the union sought to have classified as inherently governmental include those whose jobs consist of engineering and technical services, general engineering and analysis, aeronautical support equipment operators, system design testing certification and finance and accounting, as well as several other functions.

Further adding insult to injury, a number of the classifications are inconsistent; some

are possibly the result of clerical mistakes.

"In one instance, one region's group of bargaining unit employees' (BUEs) function was classified as commercial - when in every other region that function was deemed inherently governmental. This results from either a misapplication of the standards or a mistake," Carr noted.

"The agency should make decisions about how to designate employees based on their job functions, but when such inconsistency exists, it isn't clear what standard the FAA is using," he added.

While the union is doing all it can to return its members to their inherently governmental status, the FAIR Act provides few options in the appeals process. "We're challenging the agency's decision, but the administrative process under the FAIR Act is very limited," Carr remarked.

If the agency rejects the union's petition, its only recourse is to appeal that decision to the Department of Transportation. Once the DOT acts, the appeals process is exhausted.

Within the commercial designation, employees are classified by a series of codes labeled A-F. Currently, controllers are classified under code A, which is commercial work which the agency cannot contract out.

### THE FAIR ACT IN BRIEF

- ♦ Passed by Congress in 1998, the Federal Activities Inventory Reform (FAIR) Act requires governmental departments and agencies to classify employees' job functions as inherently governmental or commercial.
- ♦ The act allows NATCA a limited appeals process in challenging an agency's designation. First, the union appeals to the agency; if the agency upholds its initial decision, the union can appeal to the Department of Transportation. Once the DOT rules, the appeals process is exhausted.
- ♦ The FAIR Act classifies commercially-designated employees under codes labeled A-F. Controllers are code A, which represents commercial activity the agency cannot contract out.

"NATCA continues to work to ensure that its members' jobs remain in the safe harbor of the federal government. We continue to challenge our designation on the FAIR Act, educate members of Congress and pursue litigation in the courts," Carr stated.

## Recent report criticizes agency for slowing down STARS timetable

The Department of Transportation inspector general's office recently released a report spotlighting the Federal Aviation Administration's troubled record on terminal modernization and implementing Standard Terminal Automation Replacement System (STARS).

"Faced with additional cost growth in the STARS program, FAA is rethinking its terminal modernization approach - a long overdue step that should have been taken several years ago," the report stated. And a number of large TRACONS - Chicago, Denver, Minneapolis and St. Louis - are still functioning on 1970s-era displays.

While the FAA initially planned to completely upgrade to STARS by this year, it has extended its timeframe to 2008 at key facilities where the need for updated software is most urgent.

At Denver TRACON, the out-

moded displays lock up sometimes as often as once a week; Chicago controllers also experience similar problems. Ray Gibbons, the facility representative at Chicago TRACON, remarked in the *Chicago Tribune* "the antiquated system we are working with today is pushed to the limit every day. The radar scopes frequently lock up, and the locations of aircraft do not update on the screen. Sooner or later, the dam is going to burst."

Doug Fralick, NATCA's director of safety and technology, agreed with the report and noted that its findings echo the union's position on the FAA's slow implementation of STARS. "We agree with the findings of the report. These facilities simply cannot afford to wait until 2008 for updated displays," he remarked.

NATCA President John Carr and Fralick met with the inspec-



COURTESY FAA STARS PROGRAM OFFICE

*A recent report criticized the FAA for its slow implementation of Standard Terminal Automation Replacement System (STARS) at various facilities.*

tor general's office several months before the report came out and voiced NATCA's concerns about the agency's timetable for deploying STARS.

According to the report, the FAA's budget estimate was \$2.1 billion in 2004, which was over \$300 million more than the previous year. The report noted:

"FAA is now operating in a constrained budget environment and has very little ability to absorb further cost growth in any of its acquisition programs."

Yet, the need for upgrade at some of the nation's largest terminal facilities will remain dire for the foreseeable future.

## Humanitarian puts himself in harm's way to help tsunami victims

For Kansas City International Contoller Mark Stempel, his church activities stirred a passion to help those in the greatest need.

"That's how I first became involved in humanitarian missions," he reflected. Stempel first traveled to Egypt to help provide food to people living in the slums of Cairo, Egypt's capital.

"What I saw was horrible. It brought tears to my eyes," he recalled. Now, Stempel is part of a disaster relief team working on the island of Sumatra in Indonesia - one of the hardest-hit areas which Dec. 26, 2004, tsunami impacted - with the charity Strategic World Impact (SWI).

"I expect a difficult trip," Stempel remarked before departing on Jan. 11. Prior to his

departure, he received word from an advance team that the situation remained dire. "Many dead bodies were still floating in, and the roads remained impassable," he remarked.

While the fallout from the tsunami poses an unprecedented challenge for relief workers, Stempel's previous experience gives him a unique perspective on disaster relief work. "I expect hard, tough conditions and I'm willing to do anything the survivors need."

"When I was in Egypt, I worked in what was essentially a garbage dump neighborhood. Seeing anyone - especially children - live in such conditions really gets to you," Stempel commented.

Stempel also helped with relief efforts for victims of the Sept. 11, 2001, terrorist attacks

*"I expect hard, tough conditions and I'm willing to do anything the survivors need."  
-Mark Stempel*

in New York City, and traveled to Afghanistan to participate in a humanitarian mission.

"Visiting Afghan cities and towns was eye-opening. Virtually every building we saw in Kabul, the capital, was filled with hundreds of bullet holes. Also, many children were orphaned from the years of civil war," he recalled.

While participating in these various humanitarian missions, Stempel has helped work a pharmacy and distributed aid. Given the overwhelming demands on aid workers in Southeast Asia,



COURTESY MARK STEMPEL

*Kansas City International Contoller Mark Stempel (far left) provided humanitarian aid in Afghanistan.*

he likely will have to perform a variety of tasks.

"I'm grateful for the chance to help these people," Stempel noted.

NATCA members can donate to SWI by calling 866/TEAM-SWI or sending a check to:

SWI  
P.O. Box 3037  
Bartlesville, OK 74006-9934

# On the front lines, NATCA members bravely serve their country

**M**aj. Robert Parker knew the day would come. When the Memphis Tower controller received notice about reporting for duty in Iraq last April, he calmly kept his mission in perspective.

"The war is always a possibility. You always keep a bag packed," he remarked. And this wasn't Parker's first tour of duty - he also served in Bosnia in the 1990s with his unit, the 248th Air Traffic Control Squadron in the Mississippi Air National Guard. So he knew the drill; he'd been in dangerous parts of the world before. But Iraq was different.

"The base was attacked in some way almost every day," he reflected. "The Iraqis were most disappointed; every time a shot rang out or mortars hit, it pushed their progress back that much further. But none I dealt with had any hard feelings toward us," Parker, who returned to the United States in September 2004, recalled.

## Rebuilding an Airport

Parker and other members of his unit - including his close friend, Master Sgt. Ben Bryant, a controller at Atlanta Center - were stationed in Mosul, Iraq, the northernmost point in the so-called "Sunni Triangle," the dangerous Sunni Muslim corridor where some of the deadliest attacks against U.S. soldiers have taken place.

Parker was in charge of reconstructing Mosul's airport, which had fallen into disrepair after years of war and neglect under former Iraqi Dictator Saddam Hussein. As airfield operations flight commander, Parker noted "my job was to make the airport safe for U.S. military and coalition forces - so first we had to bring it up to U.S. Air Force standards, then eventually

return it to the Iraqis as a civilian airport in line with International Civil Aviation Organization (ICAO) standards."

Parker, who commanded 50 U.S. troops and was the senior U.S. Air Force officer on the base, coordinated with contractors working to rebuild the airport and bring in navigational aids (NAVAIDs), working out of a small office in the airport's run-down control tower.

In a typical day, Parker would get up around 5:30 a.m., perform runway sweeps, and then begin a series of meetings - from intelligence briefings on insurgent activities to meetings with his Iraqi civilian counterparts - which usually wrapped up around 6 p.m. "Then we'd go back to the shelters - we called them 'hooches' - and sit outside. The area had a serious bug problem, so we'd smoke cigars to keep them away."

Bryant, who worked a rotating shift under Parker's command, most looked forward to mail call. "It was always nice when we got packages," he remarked.

"We'd sit around and tell war stories - which, for us, meant thinking back to where we were during the last mortar attack. Generally, everything was fine - until, of course, we got attacked."

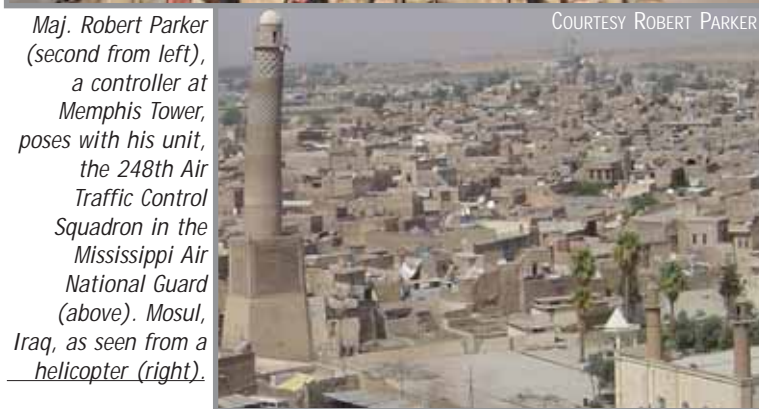
## "A Muffled Noise..."

Parker and his men always knew how volatile the situation was and that they could face danger any minute. "My first night in Iraq, a muffled noise woke me up. Then, one of my troops came into my hooch and yelled, 'Major, we're under attack. Get in a bunker now!' You can prepare for things like that, but you can never condition yourself to deal with it."

Mortar rounds frequently touched down around the airport. "They'd usually come in threes. It's the sort of thing you



COURTESY ROBERT PARKER



COURTESY ROBERT PARKER

*Maj. Robert Parker (second from left), a controller at Memphis Tower, poses with his unit, the 248th Air Traffic Control Squadron in the Mississippi Air National Guard (above). Mosul, Iraq, as seen from a helicopter (right).*

just can't dwell on; it would drive you crazy," Parker reflected.

Bryant recalled other close calls. "Once, someone detonated a car right outside the base. Not more than three-tenths of a mile from us was a huge explosion."

## Adjusting to Iraq

Coping with the hostile environment - and living in a strange country over 2,000 miles away from home - was one of the greatest challenges to serving in Iraq.

For Bryant, the men he served with - and Parker in particular - made all the difference.

"Without my buddies and my crew, it would've been a miserable deployment. Having Robert [Parker] there made all the difference. Years ago, when I was in college, he'd drive me to



COURTESY ROBERT PARKER

*Parker and Ekrem, the six-year-old daughter of an Iraqi base worker, mug for the camera during lighter moments.*

National Guard drills and we'd hang out. My friendship with him - and the other men I served with - helped ease the tension," he reflected.

For Bryant, a true emotional test came when his daughter, Kearin, was born. "Parker had a phone in his office, and I talked to my wife all night as she gave birth to my daughter. But not

*please see soldiers on page 6*

## Union members at Pago Pago wait in limbo for FAA to decide fate

While waiting for the Federal Aviation Administration to decide the fate of its air traffic operation on the South Pacific island of Pago Pago (American Samoa), one of the smallest and most remote NATCA locals has seen its working conditions deteriorate from a crumbling observation deck atop a decaying fire station to a nine-by-13-foot windowless room in the flight service office with asbestos-laden walls.

The five controllers at the facility, who handled only 8,500 operations in 2004, are all new hires sent by the FAA to the island to work for seven years. American Samoa's delegate to the U.S. House of Representatives, Democrat Eni F.H. Faleomavaega, secured \$2 million in the government's fiscal year 2005 budget for construction of a temporary tower at Tafuna Airport, but Pago Pago controllers would prefer a transfer to a U.S. mainland facility instead of watching their ability to provide air traffic control services return to a

most primitive state.

"This latest move is just short of lighting hay bales on fire on the runway for lights," said Pago Pago Facility Representative David Lombard.

"We'd like to be over in the flight service office (home to the controllers before the old tower) where the windows face the airport. It makes more sense to work out of there where you can actually see the weather."

Faleomavaega, in a press release announcing the funding for a temporary tower, said it was necessary because the old tower was condemned for safety reasons after repeated damages from hurricanes in the past three decades.

As if that weren't bad enough, the tower no longer had an unobstructed view of the runway from its modest, 30-foot perch, courtesy of a new, five-story fire station. But Faleomavaega wants to secure funding for a permanent tower, despite what he says is the FAA's desire to close the tower.



COURTESY ED SIMON

*Controllers at Pago Pago Tower (above) await a decision from the agency, which will either transfer them off the island or build a new control tower.*

Lombard says in spite of the fact that the facility's light traffic volume does not warrant his controllers' services, he thinks a chance a new tower may get built. "The Samoan government wants us down here," he remarked.

But Western Pacific Region Vice President Bob Marks, who

has seen the airport and FAA facilities for himself in a recent visit, is adamant that conditions improve for NATCA's most isolated members.

"If the FAA is going to provide air traffic control services to American Samoa, it has to give us the ability to do just that," he stated.

*soldiers, continued from page 5*

seeing her in person was really difficult," he recalled. The next day, his neighbors took pictures of Kearin with their digital cameras and e-mailed them to him. "At least I got to see what she looked like."

He had to wait until his tour ended in August, however, to finally meet her for the first time.

### Making a Difference

"Few jobs over in Iraq affect the long term economy as much as working on the airport," Parker noted "We feel proud."

Having a meaningful, positive impact on the lives of Iraqis provided a sense of fulfillment. "If the situation ever calms down, I want to take my daughter back and show her what we did," Bryant remarked. "Helping restore their electricity and making a difference for the Iraqis - that helped sustain me."

And the overwhelming majority of Iraqis

Parker encountered - unlike news reports would suggest - were grateful to U.S. troops. "I was amazed by how much their lives are like ours," Parker reflected. "I admire those Iraqis working with us, because they do so at great personal risk - they're targets of the insurgents too. They're a hardworking and gracious people."

Ultimately, the support of friends and family - and making a palpable impact on the lives of Iraqis - made their service worthwhile.



COURTESY ROBERT PARKER

*Parker (third from left) and fellow soldiers hoist up a reminder from home at Mosul Airport. Mosul is the northernmost point of the infamous "Sunni Triangle."*

While Bryant has not faced redeployment yet, Parker recently learned he will return to Iraq again in May, continuing the important work he began last year.

## Aircraft certification members balance competing interests

**Mike McRae**  
*Aircraft Certification Member*

The NATCA Region X membership consists of employees performing many diverse Federal Aviation Administration functions. Among them are the aircraft certification (AIR) bargaining unit employees. In short, the aviation safety role of AIR is to ensure FAA-approved aircraft type designs - including the associated instructions for production, maintenance and operation - can guarantee each aircraft of that type is operated safely throughout its life. Whether or not this happens depends to a great extent upon our NATCA brothers and sisters in other disciplines.

The key aviation safety responsibilities assigned to NATCA members within AIR are:

- ♦ establishing the safety standards a proposed new aircraft design must meet;
- ♦ make certain a proposed new aircraft design meets all applicable safety standards prior to issuance of a type certificate;
- ♦ assure each aircraft produced under a type certificate regime conforms to the approved design;
- ♦ monitor the worldwide service of FAA-approved designs and take warranted action to correct any design-related unsafe conditions;

- ♦ amend the type design standards in response to lessons learned, the introduction of new technology, changing operational paradigms and other factors.

The FAA is allowed substantial discretion in carrying out these responsibilities. Consequently, many conflicting interests vie for influence over our discretionary judgments. As public servants, we should balance these conflicting interests in such a way as to maximize the long term benefit to the public as a whole. However, knowing - much less doing - what is in the best interests of the public is often problematic.

Most NATCA AIR members view the traveling public as our primary customer; however, when an FAA manager uses the word, he or she is invariably referring to those we are chartered to regulate. We clearly must "serve" those we regulate as they are a part of the public which is very directly dependent upon our services. However, theirs also is a public interest directly and aggressively represented to the FAA on a daily basis.

The rest of the public primarily relies on the FAA and Congress to indirectly represent its interests. FAA management's increasing focus on serving the short-term needs of industry customers takes precedence over doing what is best for all in the long run. I will present several examples of this in subsequent articles in this publication.

## New safety reporting framework will eliminate blame-game culture

**Wes Stoops**  
*National Safety Committee Chairman*

The process for reporting aviation system safety concerns in the United States is both outdated and in many ways ineffective. I realize this comes as no surprise to most of our members; change is never easy to accept. It is human nature to face change with reluctance, even when the change is an improvement over the current situation.

Let me first outline the case for the need to change. The current reporting process is principally designed to accomplish one task: Assign blame. When an error is detected, the initial action outlined by FAA Order 7210.56C is to identify who is responsible rather than what transpired. The blame-game culture is built into FAA

manuals governing the investigations. Once acquired, the data is then placed into a specific category. In most cases, the error is classified as an operational error, operational deviation or a pilot deviation.

We take great pride in our role as an integral part of the best ATC system in the world. However, in terms of aviation safety reporting, we may already be a distant second place to our brothers and sisters in Europe. The International Federation of Air Traffic Controllers Associations (IFATCA) has proposed a fundamental change in the culture of reporting aviation-related safety concerns. At the core of this change is the need to establish a "just culture" - an environment free from the threat of punishment which does not focus blame on system components (operators), and ensures com-

*"The current reporting process is principally designed to accomplish one task: Assign blame."  
-Wes Stoops*

prehensive and systematic safety occurrence reporting.

IFATCA has taken the position that voluntary reporting systems are essential; however, it does not encourage incident reporting systems unless protections for the individuals providing the information exist. Our industry must rethink its methods of doing business to continue succeeding. Focusing blame is counterproductive and

*please see reporting on page 2*

# Plans for annual Communicating for Safety conference begin taking shape

Scott H. Voigt

With the ringing in of the New Year, the time to consider making the annual pilgrimage to the NATCA *Communicating for Safety* conference draws near. This year, we moved it back to May so we don't compete with the International Federation of Air Traffic Controllers Associations (IFATCA) annual meeting. Mark your calendar and get your leave squared away: The conference will take place in Milwaukee May 3 - 4.

This year's theme is "Safety and Training;" how are the two tied together? We will delve into incidents and accidents where better training on both sides of the microphone may have prevented. We also plan to examine causal factors leading us to these problems as well as what we need to do as an industry in these lean times to get the most bang for the buck in our training environment while improving safety - instead of looking where we can further cut both training and safety. So bring your learning cap as well

as your thinking cap. We'll work through the issues and help come up with solutions for those of us working the line every day.

As always, we have a great lineup of speakers and decision-makers from both government and the industry, which will share near and long term issues they foresee. The Air Traffic Organization (ATO) vice presidents will make a return engagement to discuss their jobs with the employees their decisions impact. Russ Chew, the chief operating officer of the ATO, will appear at the closing panel with NATCA President John Carr. Joining them this year to round out the panel from industry are Phil Boyer, president of the Aircraft Owners and Pilots Association (AOPA) and Capt. Mark Hetterman of American Airlines. They will share their unique views on training - where it stands today and where it needs to go tomorrow. As always, you great folks will offer them a reality check on their plans.

The main program consists of



Members gather to discuss the issues of the day during a breakout session at last year's Communicating for Safety conference, which took place in Dallas.

an action-packed two days of issues and discussions. If you want to get to the conference a bit early and learn even more, the NATCA Safety Committee will also conduct some training on the afternoon of May 2. In the past, the committee has provided training geared towards facility safety. This year we will vary the format. The Safety Committee intends to offer itself to all members and pilots which have questions for the regional safety representatives.

The conference will take place

at the Hilton - Milwaukee City Center. For all the information you need on the facility, you can go to <http://safety.natca.org> and find links to the hotel and registration for *Communicating for Safety*. This year, we have tried to streamline the process and refine how we do things. All people must register on the web site to gain reservations for the conference. If you have any problems doing this, please contact your regional safety rep for

*please see conference on page 3*

*reporting, continued from page 1*

stifles the reporting process.

The primary objective of any investigation is the prevention of accidents and/or incidents. Ensuring the judicial aspects are adequately addressed is imperative. We also must seek legislation which will protect the persons collecting and reporting safety-related information. These provisions would not offer protection for gross negligence, but rather would protect a person for filing a report.

For purposes of clarity, IFATCA has initiated the discussion within the European aviation industry. It has not actually changed any of the existing laws or reporting mechanisms. At the 2004 Communicating for Safety conference, FAA Chief Operating Officer Russ Chew announced the Air Traffic Organization's (ATO) plan to establish a safety reporting system similar to one used by a number of airlines for several years. Now is the perfect time to actively pursue a monumental change to the safety culture.

## ATPAC meeting yields fruitful discussions on how controllers clear aircraft

Scott H. Voigt

The Air Traffic Procedures Advisory Committee (ATPAC) has discussed many issues impacting both us as controllers and the people we serve: the pilots. I would like to touch on just one of them from the last ATPAC meeting.

An unresolved item on the agenda is controllers clearing aircraft to an intermediate fix or even the final approach fix via a direct clearance when going for either a non random navigation (RNAV) approach or even an RNAV approach. The handbook clearly defines how we can get an aircraft established on an approach pro-

cedure. Here is the following text we must follow.

4-8-1. APPROACH CLEARANCE

"Standard Instrument Approach Procedures shall commence at an Initial Approach Fix or an Intermediate Approach Fix if there is not an Initial Approach Fix. Where adequate radar coverage exists, radar facilities may vector aircraft to the final approach course in accordance with para 5-9-1, Vectors to Final Approach Course." To further clarify, here is the text from para 5-9-1.

*please see ATPAC on page 3*

conference, continued from page 2 help.

Due to problems in the past, please do not call the hotel for reservations if you request a room subsidy; use the *Communicating for Safety* web site. If you do not plan to ask for a subsidy, make your reservation directly with the hotel staff

and inform it you are attending *Communicating for Safety*. This should ensure we have fewer problems with rooms and cancellations. The Safety Committee will again assist members with limited subsidies for rooms for the event. The committee will pay for half a room for the two days of the event and the night

before. By signing up on the web site, you can request a room subsidy at that time by checking the appropriate box. This is the ONLY way that you can do this. To clarify further, this is the only subsidy the Safety Committee will provide for this conference. Most meals are covered under the confer-

ence fee. You will find, as usual, a continental breakfast on Tuesday and Wednesday morning and morning and afternoon breakouts with refreshments. We will also provide lunch on Tuesday and Wednesday. Monday and Tuesday evenings, hosted receptions will provide a great selection of finger foods.

*ATPAC, continued from page 2*

5-9-1. VECTORS TO FINAL APPROACH COURSE

"Except as provided in para 7-4-2, Vectors for Visual Approach, vector arriving aircraft to intercept the final approach course:

a. At least 2 miles outside the approach gate unless one of the following exists:

1. When the reported ceiling is at least 500 feet above the MVA/MIA and the visibility is at least 3 miles (report may be a PIREP if no weather is reported for the airport), aircraft may be vectored to intercept the final approach course closer than 2 miles outside the approach gate but no closer than the approach gate.

2. If specifically requested by the pilot, aircraft may be vectored to intercept the final approach course inside the approach gate but no closer than the final approach fix.

EXCEPTION. Conditions 1 and 2 above do not apply to RNAV aircraft being vectored for a GPS or RNAV approach. (Editors Highlight)

b. For a precision approach, at an altitude not above the glideslope/glidepath or below the minimum glideslope intercept altitude specified on the approach procedure chart.  
c. For a nonprecision approach, at an altitude which will allow descent in accordance with the published procedure.

NOTE-

A pilot request for an "evaluation approach," or a "coupled approach," or use of a similar term, indicates the pilot desires the application of subparas a and b.

d. EN ROUTE. The following provisions are required before an aircraft may be vectored to the final approach course:

1. The approach gate and a line (solid or broken), depicting the final approach course starting at or passing through the approach gate and extending away from the airport, be displayed on the radar scope; for a precision approach, the line length

shall extend at least the maximum range of the localizer; for a nonprecision approach, the line length shall extend at least 10NM outside the approach gate; and

4. If unable to comply with subparas 1, 2, or 3 above, issue the clearance in accordance with para 4-8-1, Approach Clearance." Further, note three states:

"3. Established on a heading or course that will intercept the initial segment at the initial approach fix, or intermediate segment at the intermediate fix when no initial approach fix is published, for a GPS or RNAV instrument approach procedure at an angle not greater than 90 degrees. Angles greater than 90 degrees may be used when a hold in lieu of procedure turn pattern is depicted at the fix for the instrument approach procedure. (See FIG 4-8-2.)

"EXAMPLE-

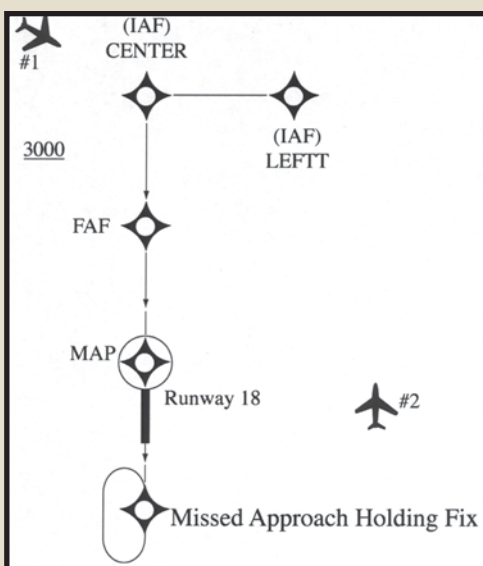


Figure 4-8-2, which is referenced in above text.

Aircraft 1 can be cleared direct to CENTR. The intercept angle at that IAF is 90 degrees or less. The minimum altitude for IFR operations (14 CFR Section 91.177) along the flight path to the IAF is 3,000

feet. "Cleared direct CENTR, maintain at or above three thousand until CENTR, cleared R-NAV Runway One Eight approach." Aircraft 2 cannot be cleared direct to CENTR. The intercept angle is greater than 90 degrees and there is no hold in lieu of procedure turn pattern depicted. Aircraft 2 can be cleared direct to LEFTT. The intercept angle at that IAF is 90 degrees or less. The minimum altitude for IFR operations (14 CFR Section 91.177) along the flight path to the IAF is 3,000 feet. "Cleared direct LEFTT, maintain at or above three thousand until LEFTT, cleared R-NAV Runway One Eight approach."

The air traffic procedures office in Washington, D.C., has determined clearing an aircraft direct to a fix (unless it is the initial approach fix (IAF)) does not satisfy the requirement of giving a heading to join the approach. Many reasons for this exist, including the limitations for the RNAV equipment in use in many aircraft and containment in the terminal instrument procedure (TERP) protected area for the approach. When we provide headings to establish an aircraft on the approach, we are giving terrain separation until the pilot is established on the approach.

Another perennial issue deals with pilots asking ATC if they must do a depicted procedure turn or holding point designed as a procedure turn to commence the approach. We as controllers have no control over the written procedure. It is there for a reason and we cannot change it unless we vector to the final approach course. Occasionally, an aircraft is cleared to an IAF which is also the FAF (final approach fix) and has a course reversal depicted at the IAF/FAF. We see many aircraft ignore it when the weather is good and many controllers have been conditioned to think it isn't necessary; this is wrong thinking on our part.

*please see ATPAC on page 4*

ATPAC, continued from page 3

The FAFs require the pilot to fly these procedures as written and we as controllers giving tacit approval for failing to do so is the wrong approach.

Is the system of how we train

both pilots and controllers perfect in flying approaches? Far from it; however, we have to sit down and go back to basics to learn just what we must do to fly an approach. The rationale for this is more important than

ever with the advent with the new RNAV approaches and the changes they bring to both us as controllers and to the pilots trying to figure out how to fly them.

In future issues of the

*SafetyNet*, we will delve into some of the particulars of flying approaches and what we as controllers need to do to ensure we are both doing it correctly and that we aren't leading a pilot down the primrose path.

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## High Desert TRACON: Where the extraordinary is the norm

**O**dd." High Desert TRACON Facility Representative Alan Staabs remarked after a long pause. He ultimately settled on that word to describe controlling traffic at his facility, which regularly handles some of the most unusual aircraft in the United States.

"It's a very odd facility. We have a large Military Operations Area (MOA), which changes in size all the time, and can have multiple uses simultaneously," he remarked.

His facility - High Desert TRACON (E10) - is located on Edwards Air Force Base, situated just 60 miles north of Los Angeles. MOAs, which change in size and shape from time to time, mark only the first point of departure from what most controllers would consider normal traffic.

### "Special Use" Airspace

Of the 20,000 square miles of airspace High Desert's controllers oversee, the United States military has designated over 15,000 as "special use" - spanning over seven distinct MOAs. "And since the military's needs can change frequently, the restricted airspace can change minute by minute," Staabs noted. As a result, controllers must remain on alert for the slightest change - as well as aircraft entering and exiting the MOAs.

This, combined with providing more traditional approach control services to Southern California, demands a high level of versatility. "We go from special use, military aircraft to talking to Alaskan or Continental Airlines pilots. It requires a rapid change in mentality," Staabs remarked.

And the military uses this restricted airspace for a variety of purposes - including weapons testing.

### Military Exercises

"Essentially, the military conducts a war within our airspace," Staabs explained. Since World War II, the grounds of Edwards Air Force Base have been a testing location for new types of aircraft, weapons and military exercises - all of which are part of High Desert controllers' daily experience. "The military will frequently launch strikes in the restricted airspace," Staabs noted. "It will fire live cruise missiles from time to time, as well as anti-radiation missiles."

Unmanned objects - missiles and Predator Drones, unmanned surveillance planes - make an already unusual traffic mix even more

*"I can walk outside my facility, see an F-16 on the runway, a B-52 on final, and a B-2 on the downwind. Where else in the agency can you see something like that?"*  
**-Alan Staabs**

bizarre. "So much is going on within our airspace. It has a free-flowing and unstructured feel," Staabs commented.

As part of the war waged within High Desert TRACON's airspace, the U.S. Navy frequently flies airborne warning control system (AWAC) aircraft overhead and launches strikes into the MOAs - adding further excitement and complexity to the operation.

### Unique Traffic

"I can walk outside my facility, see an F-16 on the runway, a B-52 on final, and a B-2 on the downwind. Where else in the agency can you see something like that?," Staabs mused in discussing traffic he encounters at High Desert TRACON.

And the high-speed military aircraft controllers at his facility separate require different separation requirements than typical air carrier traffic. "We have to space some of the faster-moving planes and airborne objects as much as 30,000 feet away from one another," Roy Awana, a controller at High Desert, explained.

Spy aircraft, such as the unmanned Predator Drone and the U2, further add to the eclectic variety E10 controllers experience. Staabs recalled once instance where a U2 had a 950-foot-long steel cable hanging down from it. "These sorts of things happen



COURTESY ALAN STAABS



COURTESY ALAN STAABS

*The Predator Drone (above) is an unmanned surveillance aircraft controllers at High Desert TRACON (top) sometimes work with at their unique facility, which sees a lot of military planes. The TRACON is located on the grounds of Edwards Air Force Base.*

all the time and make sure we stay on our toes," he remarked.

To add to the remarkable mix of military traffic, NASA also conducts missions to support its space shuttle program in E10's airspace.

Learning how to work traffic under these conditions takes considerable training. "We must observe 30 agreements between users and operators," Staabs noted.

### Commuter Workforce

The remoteness of Edwards Air Force Base means controllers must live considerable distances from the TRACON. "Some of our commuters live over 90 miles away, and the closest town is about 30 miles away," Staabs explained.

In addition, since E10 is located on the base's property, controllers sometimes face long lines outside the gates, as the security check can be lengthy.

Despite the obvious challenges of working traffic at High Desert TRACON, the variety of traffic at this remarkable facility creates an exciting work environment.

## ***AFL-CIO President John Sweeney offers his take on the labor movement***



*John Sweeney, president of the AFL-CIO, discusses the direction of the labor movement with the Air Traffic Controller.*

***As you know, a debate exists within the organized labor movement about how to interpret the results of the 2004 election. What is your take on this?***

This past year, union members from all across the country came together as never before to fight for things they believe in, and in doing so they built the largest and strongest political mobilization effort in labor history. We built something very special during these past months. The unity of purpose and an enthusiasm was unmatched; NATCA made important contributions to this. We need to find ways to harness the incredible energy and solidarity we saw in the recent elections and use it to change and build strength for the future.

We must continue our efforts toward reigning in corporate power and fighting for working family issues. We must maintain and deepen our mobilization. In a world that increasingly values profit over people - in which giant corporations set our basic social agenda, often through elected officials - our role as a voice for working families is more important than ever. To improve on our role, we are currently engaged in an open discussion on how to reshape and position our movement to better take on corporate America and win power for working families.

***What do you envision the AFL-CIO will look like in the future? Do you anticipate any structural changes?***

We've made much progress the past nine years in mobilizing and expanding our outreach - yet much more work remains. The challenges we face are not just challenges for organized labor, but challenges for America. Unless we strengthen our movement, working people will continue to lose power, we will see increasing polarization between rich and poor and an unprecedented decline in middle class living standards. We have tough questions to ask ourselves and must work together to answer.

We don't know the answers yet, but we do have a solid plan for finding them. We have already begun a process of evaluating where we are as a labor movement, the challenges we face and how we need to respond for America's workers and their families. I have asked everyone in the union movement and our allies to engage in an open and vigorous debate on how to build on our solidarity and strengthen our movement as a voice for working families. Every voice counts in this discussion, and we need the best thinking from the broadest possible range of members and leaders to shape our future together.

I want to hear from all of you; so, we have created a website ([www.aflcio.org/ourfuture](http://www.aflcio.org/ourfuture)) to solicit ideas and suggestions directly from union activists and members. Analyses and proposals will be considered at the March 1 AFL-CIO Executive Council meeting and the full convention will act on the council's recommendations in July. My goal is to bring a set of recommendations for change to our convention which will receive broad and enthusiastic support. This will strengthen our movement, making a real difference for working families. I am confident we will emerge stronger as a movement and as a force that can lift the lives of working men and women.

***What particular challenges will unions face in the coming year, and how should they face them? What do you think the labor movement needs to do - both in the short and long term - to remain as vocal and relevant in the future as it is now? What role will the federation play in meeting those challenges?***

Clearly, the next four years will be ones of incredible challenge for America's working families. For a long time now, America has suffered from a jobs crisis, a health care crisis and a workers' rights crisis - and this is

mostly the result of a real leadership crisis in America. In the last four years, job safety protections, retirement security protections, workers' rights protections and overtime pay protections have all been sacrificed for corporate profit protections.

***In the coming years, our nation's middle class will continue to face uphill battles under an administration that has consistently placed the special interests of corporations and the wealthy over those of regular workers and their families.***

For our labor movement, having an anti-worker, anti-union president and congressional leadership makes it significantly harder to pass pro-working family initiatives to expand health coverage and remove obstacles workers face when trying to form unions to improve their lives. We will have to confront attacks large and small, and we will work on many fronts and many issues. In order to successfully face these challenges we must clearly define our defensive position by staking out and reinforcing the areas where we cannot allow the administration to meddle. We have to launch proactive fights driven by principle, showing what we stand for.

Overall, the core of a mobilization for the entire labor movement in 2005 will lie in three big fights: 1) The looming fight against the privatization of Social Security, our nation's most important family protection program - against the loss of defined benefit pensions and for retirement security; 2) the fight for good jobs for ourselves and for our children; 3) the all-important fight to protect the freedom of every worker to join a union and gain a voice at work.

Succeeding in these fights depends, in large part, on our ability to grow. Growth is an imperative and will remain a top priority as we continue our structural examination in the next couple of months.

***What initiatives/plans do you intend to propose in the coming year?***

It is no secret that our nation's current federal labor laws are riddled with loopholes and feebly enforced. They provide workers with little recourse against unscrupulous employers that intimidate and harass them when they try to form unions. In response to these major flaws, we drafted landmark

*please see Sweeney on page 9*

## Recent meeting promotes NATCA's leadership in world aviation

In November, the Air Traffic Services Committee of the International Transport Workers' Federation convened in Las Vegas to share information on collective bargaining strategies, maintain solidarity and combat privatization threats around the world.

"We worked on developing cohesive strategies to meet the challenges facing air traffic services employees around the world," Executive Vice President Ruth Marlin, the chair of the committee, explained. "Because employers have joined together through the Civil Air Navigation Services Organization (CANSO) to benefit from their collective experiences, it became necessary for the unions to do the same."

As an essential part of the conference, the attendees provided country reports regarding collective bargaining difficulties, privatization efforts and working conditions throughout the world.

While the International Federation of Air Traffic Controllers' Associations (IFATCA)

is an international organization comprised wholly of controllers, it is comprised of professional associations - not necessarily labor unions - and avoids addressing labor issues. The ITF, as an international federation of labor unions, focuses on labor issues facing transportation workers. Privatization, contracting and commercialization are key points on the ITF Air Traffic Services Committee's agenda. Further, the committee covers all air traffic services employees - it is not limited to controllers.

"We want to ensure no one ends up the unintended consequence of policy changes," Marlin noted. "Management takes a similar, superficial organizational view all over the world. We must educate ourselves about management initiatives in other countries so we don't fall into the same trap. However, it isn't all defense: We have used this communications channel to advocate positions as well. I was thrilled to find out last year that the United

Kingdom controllers' union was successful in obtaining a pay system built on the NATCA reclass model."

"This committee represents not only controllers, but the interests of all air traffic services employees," Marlin said. NATCA and the Professional Airways Systems Specialists (PASS) co-hosted the conference. Region X Vice President Jim D'Agati, who also attended the meeting, lauded how it brings unions around the world together. "It's great to communicate with other unions and see we all have common interests," he noted.

The ATS Committee also enhances NATCA's role in ITF, as well as the aviation community as a whole. "NATCA has taken a dominant role in the ITF. The international community looks to us for leadership on air traffic control issues, and we have the capacity and experience to provide it," Marlin reflected.

Marlin, with a delegation of NATCA members, was instrumen-

tal in forming the committee in 2002, which has subsequently become a valuable way for air traffic professionals worldwide to keep tabs on the global aviation community. "Knowing how important the battles were for the air traffic community as a whole, we needed an international committee to address those concerns," Marlin explained.

And what controllers and other aviation professionals are learning about one another is an invaluable experience for committee members and participants.

Kelly Richardson, NATCA's staff researcher, also attended the meeting and was impressed by the collegiality attendees expressed toward one another. "The international controllers all wanted to help their brothers and sisters in the United States fight the privatization threat," he remarked.

"The passion and energy impacted me and made the conference a worthwhile and fulfilling one," Richardson added.

*Sweeney, continued from page 8*

legislation to strengthen protections for workers trying to form a union - the Employee Free Choice Act - in November 2003. This year, the legislative campaign for passage of the Employee Free Choice Act will mark the centerpiece of ongoing efforts to help workers win a voice at work. The campaign will become a crucial tool in helping elected officials understand the obstacles workers endure when they try to organize.

As the new Congress convenes, the union movement is once again stepping up its long-term campaign for fair labor laws, ensuring the bill is re-introduced and a bipartisan group of elected officials again co-sponsors the legislation. By eliminating debilitating obstacles employers now use to block workers' free choice to organize together to improve their lives, the Employee Free Choice Act will restore democracy to America's workplaces.

***As you are aware, NATCA will celebrate its 18th anniversary this year. What would you like to say to its 20,000 members as they face this important milestone?***

This is a union born out of difficulty and change. Air traffic controllers occupy a significant place in labor's history. I'm not just speaking about the Professional Air Traffic Controllers Organization (PATCO) strike but also all you have accomplished over the years. You have grown from a small group of controllers dedicated to improving aviation safety to a national labor powerhouse whose air traffic expertise is recognized worldwide.

Eighteen years ago, you joined together with common purpose and high hopes for your profession, for yourselves and your families. Today, I am proud to see that same enthusiasm, determination and sense of unity continue to thrive among your membership.

Brothers and sisters, as leaders on aviation and labor issues, you can provide guidance that other workers need. You know what it means to struggle against anti-worker and anti-union forces.

These are tough times for all working people, but nowhere more so than in the struggling airline sector. Despite the difficult and hostile environment in which we find ourselves, I urge you to continue fighting for what you believe in and for what you know is right. I urge you to encourage and motivate others to do the same.

Working together, we really can reshape our country into a nation that lives up to the values we cherish and the aspirations we share. These are not Republican or Democratic values; they are American values. It will not be easy, but we have shown what we can do when we work together. Unity is what makes us a movement. Let's use it to fight for our beliefs and concerns and for a better future for all working families.

## **Airports (ARP) Update**

The airports bargaining unit (ARP) - along with several other NATCA bargaining units - continues to await a decision by a district court to determine whether pay and contract issues are legitimately before congress as a result of an impasse between the parties on whether the Federal Labor Relations Authority (FLRA) is the appropriate authority to settle the impasse.

A slight but steady drop in ARP membership (beginning about two years ago) leveled off during 2004. Reasons given for leaving were mostly associated with the delay or lack of a contract.

ARP is one of the few NATCA bargaining units which follows a memorandum of understanding (MOU) concerning the use of Labor Distribution Reporting (LDR) codes. Recently, the national office asked the agency to cease and desist implementation of new LDR labor relations codes for reporting the use of union "official time" since the agency violated the language within the MOU requiring appropriate coordination with the union. The agency has until Jan. 12 to either cease the subject action or to respond to the letter.

## **Advanced Oceanic and Technological Procedures (ATOP), Build 2**

On Dec. 17, 2004, the agency sent NATCA a letter stating it is withdrawing its proposal.

On Dec. 20, it notified the union it is implementing its last best offer (LBO) on Jan. 3 and it attached its LBO to the letter. The agency's LBO was everything the union had tentatively agreed upon at that point in negotiations, with one exception - it was missing NATCA's immunity and training delay sections. The letter further stated the FAA finds immunity non-negotiable, as it interferes with the agency's management rights under Federal Labor Relations Management Statute 7106 and considered training delays covered under NATCA's collective bargaining agreement (CIA) in Article 67, Section 3.

NATCA responded with a letter advising the FAA that implementing the LBO without completion of negotiations is a violation of the law. In that letter, the union expressed

its disagreement with the agency's letter. Attached to NATCA's letter was the union's last best offer, which was the agency's proposal with an editorial change. ATO System Operations Liaison (ATO-R) Mike Hull and Labor Relations Staff Representative Naveen Parmar signed it and provided the FAA with two originals, both signed. NATCA told it all it had to do was sign the letters and return one of the originals to NATCA.

On Dec. 29, 2004, NATCA received notice that the agency rejected the union's latest offer. In its letter, the agency stated it had negotiated and agreement had been reached upon all negotiable matters. Accordingly, it intended to implement ATOP Build 2 on Jan. 3.

On Dec. 30, 2004, a request for a declaration of non-negotiability was made to the agency regarding the sections still in dispute. Also, Hull has recommended that all cooperation from NATCA, including but not limited to subject matter experts, site product teams and workgroups, should end with respect to the implementation of ATOP Build 2. NATCA is now in the process of filing a ULP.

## **Unfair Labor Practice (ULP) Charges**

NATCA filed a ULP over the agency's unilateral change in bargaining process. Two charges were filed concerning the FAA's unilateral discontinuance of and failure to abide by the terms of an MOU regarding a process of collaboratively working on Document Change Proposals (DCPs) and Traffic Management User Teams (TUT). Investigation of those charges by the FLRA is underway.

## **Questions and Answers Regarding Primetime Leave**

**Q1:** What are the union's rights under the CIA to negotiate primetime leave?

**A1:** Under Article 24, Section 3, the local at each facility has the right to negotiate the period of primetime leave each year. NATCA also can negotiate the procedures and appropriate arrangements used for selecting, scheduling, and relinquishing primetime leave. Management cannot refuse to negoti-

ate these procedures and appropriate arrangements. If management refuses, the local union should file a grievance.

**Q2:** What can I do if my manager refuses to negotiate primetime leave for the next leave year?

**A2:** If a manager refuses to negotiate primetime leave - either the time period during which that leave is taken or the procedures used to effectuate that leave - that manager has violated the CIA. If negotiations have not begun, the manager has committed a grievable offense. You should contact your regional vice president for guidance on filing a grievance.

If negotiations have begun and the manager walks away from the table, it is possible the manager's actions could either constitute a grievance or a ULP based on bad faith bargaining. Because the union cannot file both a grievance and an unfair labor practice charge regarding the same series of events, it is important to contact your regional vice president and labor relations staff representative to discuss the specifics of the claim.

**Q3:** My manager wants to reduce the number of primetime leave slots which previously were always available in the past because of "staffing reasons." What can NATCA do?

**A3:** This issue must be addressed on a case by case basis. If the manager refuses to discuss the number of slots, you should still submit a proposal maintaining the status quo primetime slot number. If the manager declares the subject nonnegotiable, you should ask the manager for a formal declaration of negotiability. You should also contact your regional vice president so that the national office's Labor Relations Department can assist with the negotiability issues. Since strict time limits on filing negotiability appeals apply, you should contact your RVP as soon as the manager raises the issue of non-negotiability.

If the manager begins negotiating with

*please see LR Report on page 11*

you over the number of primetime leave slots, you should engage in negotiations. If you reach impasse over the number of primetime leave slots, you should always elevate the impasse to the regional level in accordance with Article 7, Section 3 within 10 days of reaching impasse.

**Q4:** We have a written agreement on primetime leave, including the number of leave slots, but my manager is refusing to follow it. What should I do?

**A4:** If the manager is ignoring only one portion of the MOU, you should file a grievance. If the entire MOU is disregarded, a you should file a ULP raising a claim of repudiation. Contact your regional vice president before filing any ULP.

**Q5:** What should I do if my manager says he or she will guarantee a certain number of primetime leave slots but refuses to put it in writing?

**A5:** You should write a letter to your manager explaining that he/she is bargaining in bad faith by failing to put the agreement in writing. You should also submit a request for information under 5 United States Code

7114(b) seeking information on the policy which will not allow the manager to put the number of primetime leave slots in writing.

**Q6:** My manager recently issued an Article 7 notice on our primetime leave agreement. What should I do?

**A6:** First, you should request a briefing. At that briefing, you should find out management's plans for the existing primetime leave process. If management has the right open the existing agreement and the conditions for opening that agreement have been met, you should begin negotiations on the new agreement. If management does not have the right reopen the agreement, you should explain in writing why you will not negotiate. You should explain in writing why there is no duty to bargain at this time. In addition, you should issue management a cease and desist letter explaining a unilateral change will result in a ULP. Further, the letter should note if any change was made unilaterally. The union expects that conditions return to the status quo before the change. You should file a ULP if management follows through in changing the existing process. Contact your regional vice president.

**Q7:** My facility's primetime leave provisions

are built into a local order. Does this affect my rights when a manager decides to make changes to primetime leave?

**A7:** Your manager still has to negotiate with you over any changes made to primetime leave regardless of whether it is in an order or an agreement. The union always has the right to negotiate procedures and appropriate arrangements when management institutes a change in working conditions.

**Q8:** My manager has stated primetime leave will remain the same but spot leave is no longer available at the facility. Can a manager do this?

**A8:** In negotiating primetime leave at the local level, the parties cannot diminish an employee's right to request spot leave under Article 24, Section 6.

**Q9:** My facility negotiates RDOs and primetime leave at the same time. Is it possible to change one without changing the other?

**A9:** Your rights on RDOs under Article 32 and annual leave under Article 24 are independent of each other. Therefore, it is possible to negotiate and select RDOs and/or primetime leave without changing the other.

## New York Center controller's moonlighting delights Yankees fans

For New York Center Air Traffic Controller Paul Cartier, hearing fans cheer is music to his ears.

The veteran air traffic controller spends many weeknights playing the organ at legendary Yankee Stadium to the delight of fans in attendance. Cartier, 45, has played the organ since he was nine years old, when his aunt gave him an organ as a present. His enthusiasm for the instrument grew until he got a dream assignment: organist at New York Islanders hockey games. He has performed for the Islanders on and off for the last 25 years, a position he still holds today. But the chance to work with the Yankees came as a surprise.

"I got the opportunity after

the retirement of Eddie Layton, the first and only Yankees organist for 37 years," Cartier explained. "The person who runs the audio board for the Yankees also worked with the Islanders and, when the Yankees' organist spot opened up, he gave me the opportunity of a lifetime. It didn't hurt that I was a lifelong baseball fan so they knew I'd have no problem following the game and playing at the proper times."

While the excitement of Yankee Stadium never fades, sometimes Cartier's hectic schedule can prove exhausting. During the baseball playoffs, Cartier would arrive at the stadium after working traffic from 7 a.m.- 3 p.m. for a game starting at around 8 p.m. and often

running past midnight. But for him, the experience is truly rewarding.

"I think if you want it badly enough, you just find ways to make it work," he said. "It is absolutely thrilling and an honor to play music in the world's most famous arena for such an enthusiastic crowd."

When asked to compare his job as an organist to working traffic in some of the nation's busiest airspace, Cartier said it is not an easy thing to do.

"They really are two entirely different things," he commented. "Playing the keyboard is so relaxing, but I still love being a controller."

Cartier does not limit his musical performances to sporting events.



*New York Center Controller Paul Cartier is organist for the Yankees.*

"During Christmas, we have an event for kids at the facility with Santa Claus and everything," he remarked. "I really enjoy playing Christmas carols for the kids."

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