

# AirTrafficController

## NATCA members gear up for exciting 10th Biennial Convention in St. Louis

**W**ith the union's 10th Biennial Convention right around the corner, 1,200 NATCA members are preparing to descend on St. Louis and begin the business of shaping union policy for the coming two years.

The convention will take place at the Millennium Hotel in St. Louis, which is in the heart of downtown and within blocks of the famous Arch. "It's a beautiful modern hotel," NATCA Chief of Staff Adell Humphreys remarked. "And it's large enough for us to hold all our events there, so we won't have to rent out a separate convention center as we've done in past years."

However, since the Millennium is rapidly filling to capacity, NATCA has contracted the nearby Drury Plaza Hotel to handle overflow from the Millennium.

A new addition members can expect to the repertoire of events this year is a series of invigorating panel discussions on the larger issues the union faces.

"The National Executive Board wants delegates to get more involved in NATCA's long term policy goals," Humphreys observed.

"We plan to move away from a three-day discussion of amendments. Our organization has matured to the point where only minor tweaking of our governing documents is necessary," Humphreys continued.

Cleaning up the union consti-



Downtown St. Louis marks the location of the union's upcoming Biennial Convention, which will take place Sept. 11 - 13 at the Millennium Hotel.

tion's bylaws also will consume the delegates' discussion time at Convention. "Some should become policy and operating statements while we should incorporate some into the constitution," Humphreys explained.

Constitution Committee Chairman Bill McGowan reminded delegates to keep the membership in mind as amendments and resolutions reach the floor for a vote. "We are delegates representing the members, and need to vote how we think they would vote," he remarked.

While he doesn't see many of this year's proposed amendments as controversial, delegates will face the challenge of reacting to the Federal Aviation Administration's Air Traffic Organization reorganization. "We have to determine what the most efficient way for us to structure

SCHEDULE OF EVENTS	
<b>Friday, Sept. 10</b>	Opening Banquet, 7 p.m. - 9 p.m.
<b>Saturday, Sept. 11</b>	Convention Opening, 9 a.m. Regional Dinners, 7 p.m.
<b>Sunday, Sept. 12</b>	Local Party, 7 p.m. - midnight
<b>Monday, Sept. 13</b>	Closing Banquet, 7 p.m.

ourselves is," he commented.

The convention will officially kick off at 9 a.m. Sept. 11, when NATCA President John Carr will give remarks.

Afterward, delegates will get down to convention business, and this year's highly anticipated

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July/August 2004

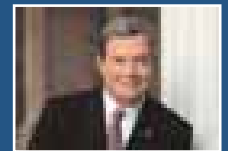
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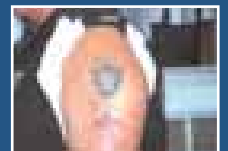
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# Presidential Perspective

**A**s summer turns to fall, our attention shifts to St. Louis, site of NATCA's 10th Biennial Convention. From humble beginnings in Chicago in 1986 with dozens of activists and would-be members, our union has grown to host an event that has outgrown many host venues.

This year we have documented a record 950 registrations and they keep coming in every day. The attendees have sold out two convention hotels and are now solidly booking into a third. The credentialed delegates in attendance will represent the interests of over 20,000 represented employees, over 15,000 of which pay dues.

While St. Louis will offer something for everyone by way of sightseeing, entertainment and other distractions, it is the convention business we are there to conduct that I would like to concentrate on.

For starters, the NATCA National Executive Board will meet in open session on Tuesday, Sept. 7 and Wednesday, Sept. 8. For members this is an excellent opportunity to see their regional vice president at work and to witness policy in the making.

On Thursday, Sept. 9, the national committees will meet. The Constitution, Finance, Legislative and Safety Committees will all be meeting to discuss and debate the organization's tactical and strategic goals and to prepare positions for the convention business which lies ahead. Thursday is also the set-up day for most of the dozens of support staff who make a convention hum, from the office to registration and sales.

Friday morning members arriving early will have a unique opportunity. Our highly acclaimed retirement specialists from IDPM will be on hand to provide a shortened retirement seminar from 8 a.m. to noon. Concurrent with this seminar, exhibitors will move into the exhibit hall and the National Standing Committee meetings have time blocked to continue its work if necessary.

At noon, the convention office will open. Convention registration will begin at 1 p.m. and end at 5 p.m., and the retirement seminar will pick up at 1 p.m. In the early evening hours, rooms will be available to the regions for the first of what will be many regional breakout sessions. At 7 p.m., the convention officially kicks off with an opening reception, sponsored by our friends from Northwest Airlines. We expect upward of 1,200 people at this top-notch event.

Saturday morning the convention business begins in general session with my "State of the Union" address, followed by committee reports, credentials reports and other necessities of parliamentary procedure. These formalities will consume the morning hours.

The afternoon hours are devoted to convention business, and the late afternoon will see the debut of the first of our issue-oriented panel discussion. As previously described in an earlier column, these panel discussions are designed to facilitate the ability of the convention body to set policy for the union in the coming two years.

Far from wordsmithing 18-year-old constitutional nuances, the convention body will be asked to carefully consider

***"For delegates, the convention is much more like their primary occupations: an awesome responsibility. Fate rests in the palms of their hands, and the duties to which they are accountable are awesome indeed."***

***-John Carr***

issues like staffing, NATCA reorganization and the political, legal, policy and labor relations challenges we will face in the post-Nov. 2 environment. The convention body will decide the relevance of these and other policy issues, determining which are best kept and where they need to go.

Saturday evening the regions will each host their own regional dinners, and in the later evening hours most revelers will descend on "The Train Wreck," which is either the name of the saloon or a prediction regarding what's going to happen there.

Another panel discussion will punctuate Sunday's general session, and Sunday evening the St. Louis locals will host their local party at Grant's Farm. Grant's Farm is a 280-acre wildlife preserve owned by Anheuser Busch and home to hundreds of exotic beasts from around the world. I cannot think of a more appropriate place to gather NATCA members, who are considered exotic in their own right and who have been known to appreciate wild life.

Survivors of the local party will gather Monday, Sept. 13 for the last day of convention business and the last of our policy panels. The general session---and official convention business---will conclude at 5 p.m.,

giving attendees enough time to change into their evening finest for the cocktail reception and closing banquet later that night.

NATCA's Biennial Convention is a first-rate opportunity for members to socialize with other members, watch their union in action and participate in the discussions and debates which naturally flow to the myriad of issues we face.

For delegates the convention is much like their primary occupations: an awesome responsibility. Fate rests in the palms of their hands, and the duties to which they are accountable are awesome indeed. The power and the responsibility of the union is theirs.

When they return to their home facilities our delegates will not appear any different, but they will be forever changed in the eyes of this union. You see, as Henry Wadsworth Longfellow once said, "We judge ourselves by what we feel capable of doing. Others judge us by what we have already done."

## From the cover: Plans for union's upcoming convention take on final shape

***"We plan to move away from a three-day discussion of amendments. Our organization has matured to the point where only minor tweaking of our governing documents is necessary."***  
***-Adell Humphreys***

local party will occur at Grant's Farm the night of Sept. 12.

"Grant's Farm, a property owned by Anheuser Busch, will

allow delegates a chance to unwind after long days of arduous debate," Humphreys reflected.

Along with a band Anheuser Busch will provide, the Henry Goode Band - which performed at the Cleveland convention and is made up of controllers from the Long Island, N.Y., area - will return to provide live entertain-

ment at the party this year. Grant's Farm is located just outside downtown St. Louis, and the union will provide bus transportation.

The convention will wrap up Sept. 13 with a closing banquet, which will send delegates home after the hard work of charting NATCA's course for the next two years.

## Recent meetings deepen union's cooperative relationship with ATO

On July 8, NATCA's National Executive Board concluded its third meeting with members of the Federal Aviation Administration's Air Traffic Organization (ATO) Executive Council, continuing high-level discussions in a cooperative spirit.

"The agency gave us a lot of IOUs, and we discussed strategic planning and a five-year plan for the Federal Aviation Administration," New England Region Vice President Mike Blake remarked. "Russ Chew, the chief operating officer of the ATO, clearly believes our involvement is crucial."

Both sides discussed issues such as staffing and the labor relations process, as well as possibly developing a labor relations council within the ATO. "We're reviewing how labor relations issues sometimes delay NATCA's proposals," Blake com-

mented.

"We're trying to get a new bidding process implemented. If people want to transfer, we need to develop a computerized system capable of easily tracking their bids," Blake continued.

Executive Vice President Ruth Marlin also hailed the meetings and the relationships the NATCA NEB is forming with ATO officials. "Our most recent meeting was much more collegial and that marks a powerful step toward building a strong long-term relationship."

Alaskan Region Vice President Rick Thompson noted the productivity of the meetings. "It's great to meet with the ATO executives and discuss important issues and planning," he remarked.

"Our continued meetings will lead to a

much more constructive method of problem-solving," Marlin added.

At the June 14 meeting, the NEB and ATO officials developed subgroups to discuss employee transition to the ATO structure, and addressed memoranda of understanding (MOUs).

"I'm cautiously optimistic that our meetings will lead to improved agency-ATO relations," Great Lakes Region Vice President Pat Forrey noted.

These high-level, three-hour meetings will continue each month for the remainder of 2004.

"These meetings send a very important message to employees and managers alike that we're working collaboratively," Eastern Region Vice President Phil Barbarello reflected.

## Hatch Act guidelines determine political involvement for members

### PERMITTED ACTIVITIES

- ◆ May be candidates for office in nonpartisan elections
- ◆ May register and vote
- ◆ May assist in voter registration drives
- ◆ May join and contribute to candidates, political parties and organizations
- ◆ May express opinions about candidates and issues
- ◆ May volunteer on a political campaign
- ◆ May distribute literature in partisan elections
- ◆ May campaign for or against candidates in partisan elections
- ◆ May make campaign speeches for candidates in partisan elections
- ◆ May recruit volunteers for a political campaign
- ◆ May display bumper stickers, lawn signs and other campaign signs
- ◆ May organize and attend political fundraisers, rallies and meetings

### PROHIBITED ACTIVITIES

- ◆ May not be a candidate for a partisan public office
- ◆ May not engage in political activity while on duty
- ◆ May not engage in political activity in any government facility (this includes the union office)
- ◆ May not wear political buttons, posters, bumper stickers, etc. while on duty
- ◆ May not display political buttons, posters, bumper stickers, etc., in a government facility (this includes the union office)
- ◆ May not solicit, accept or receive political contributions
- ◆ May not be listed as a sponsor of a partisan fundraising event
- ◆ May not solicit or discourage political activity of anyone with business before the agency
- ◆ May not post the NATCA newsletter or other union publications that contain certain political communications in any government facility (this includes the union office and union bulletin board)

# Democratic National Convention offers NATCA a chance to shine

Ruth Marlin

Ten years ago, I had the honor of representing my local at NATCA's national Lobby Week. It was a fascinating experience, but I will always remember the reactions of the people we met. More often than not, we encountered comments like, "Didn't they fire you guys?" Few members of Congress knew who we were and even fewer understood our issues. Last week I attended the Democratic National Convention as a representative of NATCA. Upon hearing that I was from NATCA, I heard comments like, "Why haven't they hired more controllers?" This change in attitude is not the result of one activity or one campaign, but rather the culmination of a decade of work by NATCA members to educate the public and elected officials.

Those changes came about because we are present: NATCA members are there, participating in the process and standing in front of the cameras - not shying away from the issues. It is not enough to be on the right side of the issue; the people with the power to either implement the solutions or to stand in the way need to know you are there. They need to know we will hold them accountable for their promises and their votes. It does the members of this union no good for a politician to say he or she stands with us in meetings only to vote against us on the floor.

From press conferences to lobby weeks, ad campaigns and Congressional hearings, we have changed the way NATCA is viewed. I saw the results of that work every day in Boston, with every official I met. But I saw more than that. I saw NATCA members. Our members were there, on their own time, as del-



Executive Vice President Ruth Marlin takes time out to pose while on the convention floor (top). Cincinnati Tower Controller Brad Burtner was a delegate at the Democratic National Convention (right).

egates, on the rules committee, and as observers. Across the country NATCA members are going beyond the essential work on campaigns and taking leadership roles in the political process.

It is no secret in NATCA that I love politics. I love everything about it. Free elections - the opportunity for all citizens to voice their views, express their opinion and affect the destiny of their nation - are powerful.

But the electoral process consists of so much more than casting a vote. Citizens in many countries have the right to cast an individual vote, but we have the right to do so much more than that. All Americans have the right to express their opinions, to educate others about their issues and positions, to persuade others, advocate a cause and, in short, take an active role in the process itself. That is the true political power of every American.

***We are in this game because our collective futures depend on it. In order to continue to move forward ... we need to become more visible, more active and more involved."***  
***-Ruth Marlin***

We also have the right to peaceably assemble - to work together on common goals - which includes working to advance or defeat legislation and candidates.

The convention was not fundraising and the people there are basically decided voters. My purpose in attending this important event was to highlight NATCA's profile, the union's issues and make sure people in power know we have a voice and will hold them accountable for their positions and their votes.



COURTESY RUTH MARLIN

Our professions face tremendous challenges and the issues are becoming increasingly more complex; we will not spend our time playing footsy.

We are in this game because our collective futures depend on it. In order to continue to move forward - to increase our influence and leverage - we need to become more visible, more active and more involved. NATCA's presence at this convention and the Republican convention later this month is part of that process, but there is still more to come.

## EVP Marlin urges Congress to hire more controllers at hearing

On June 15, Executive Vice President Ruth Marlin testified before the House's Aviation Subcommittee to highlight the need for increased staffing to meet the impending wave of controller retirements.

"We need Congress to provide the funding to allow the Federal Aviation Administration to hire 1,000 additional controllers. This is not a problem we can simply push off to another year, because the system has limited capacity for training. Delaying the solution makes the problem exponentially worse," Marlin remarked in her testimony.

And the problem has loomed on the horizon for some time. "This was evident like a freight train coming down the tracks since the firing of controllers in 1981," Rep. James Oberstar, D-Minn., remarked.

FAA Administrator Marion Blakey, Department of Transportation Principal Assistant Inspector General Alexis Stefani and Jay Etta Hecker, Director of the General Accounting Office's Physical

Infrastructure Team, also testified on the staffing crisis.

In her testimony, Blakey emphasized expediting the training process and making sure the agency right-sizes FAA facilities.

"Our future controller needs will require an additional investment in training, and, cooperating with input from NATCA, we look forward to designing the most effective training system that will allow us to efficiently train new controllers," Blakey observed. However, she did not ask for the funds to hire new controllers, and the agency has lost 400 to date in fiscal year 2004 - and hired only one, resulting in a net 399 reduction for this year, Hecker observed.

Stefani emphasized the FAA's need to develop an accurate method of measuring controller attrition nationwide, and called on the agency to implement CRU-X, its labor distribution reporting system. "More accurate staffing standards are absolutely critical if FAA is to turn the challenge of replacing

retiring controllers into an opportunity to alleviate staffing balances," she remarked in her testimony.

Blakey, however, maintained that the agency remains 89 controllers above the national staffing standard, and commented that over 160 towers and TRACONs are overstaffed in the question-and-answer session following the testimony.

But to help right-size facilities, the FAA needs to grant controllers' requests to transfer to the TRACONs, large towers and centers, which are most understaffed. Over 2,181 controllers will retire over the next three years, so the agency needs to hire 1,000 new controllers this year.

Questions about CRU-X also arose during the hearing. While the software does not work efficiently in the air traffic control environment, Marlin assured members of the subcommittee NATCA strongly supports fielding a labor distribution system. "We're working to make the software work properly," Marlin explained.

Marlin also proposed a number of options the agency could pursue in alleviating the staffing crisis. In addition to hiring more controllers, the agency needs to allow experienced controllers to move from lower-volume to higher volume facilities, making room for trainees at lower-volume facilities in the process.

"We have hundreds of controllers with active bids to higher-level facilities, and they certify in half the time needed to certify trainees from other sources," she remarked.

Marlin also suggested making sure new supervisors work in operational positions covering watch schedules in an effort to ensure enough controllers are in the facility working traffic.

Marlin underscored the need for Congressional action and the possible consequences of doing nothing.

"The problem cannot wait, and worsens every month as we fall further behind. For many locations, we have waited too long already. Congress needs to act now."

## NATCA's recent college graduates fulfill dream of getting degree

"I was looking for things to do, since I knew I'd retire soon," Lisa Eidson, a retiree and former Seattle Tower controller remarked. "And this was perfect. I just feel like this was a gift from NATCA."

Eidson and four other NATCA members - Chicago Center Controller Doug Hartman, Roswell Tower Controller Mark Degani, Salt Lake Center Controller Andy McClunie and Scottsdale Municipal Tower Controller Norma Coffman - graduated from the George Meany Center's National Labor College June 26, receiving their bachelor's degrees and entering a new phase in their lives.

"You are all part of an incredible achievement," AFL-CIO President John Sweeney said to the graduates at the graduation ceremony. "Education gives us the tools to become productive workers and citizens."

Hartman, a graduate in attendance at the ceremony on the Labor College's campus in Silver Spring, Md., felt the program is a truly worthwhile endeavor for NATCA members to pursue.

"The college offers an intimate learning atmosphere; teachers are very invested in their students' success. They aren't just cranking out degrees. They're really committed to furthering labor and take their mission very



Chicago Center Controller Doug Hartman (front left) and Salt Lake Center Controller Andy McClunie (front right) chat while waiting to graduate.

seriously," Hartman reflected.

Executive Vice President Ruth Marlin echoed that sentiment and praised the National Labor College's mission. "Our mem-

bers do this for personal fulfillment, not a quid-pro-quo. At the Labor College, students receive both interactive class-

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# Sen. Kit Bond, R-Mo., emphasizes importance of activism



*Kit Bond, Missouri's senior senator.*

Sen. Kit Bond, R-Mo., a member of the Senate Transportation Appropriations Subcommittee, recently signed a letter requesting \$14 million in funds for hiring new controllers. In doing so, Sen. Bond has supported NATCA's call for new hiring to help alleviate the impending staffing crisis. The senator recently sat down with the *Air Traffic Controller* to discuss staffing and other issues.

## ***What will NATCA's future chal-***

## ***lenges on the Hill consist primarily of, and how should the union best address those?***

This is a question I should be asking you. The air travel industry as a whole is constantly changing, and legislators like myself depend on the experts in the field - like you - to tell us what issues need to be addressed. And once you decide those issues, I would only suggest that you continue doing what you do now - send the grassroots message to the entire Congress.

## ***How do you feel NATCA's effort to prevent privatization during the Federal Aviation Administration reauthorization debate impacted the union's image on Capitol Hill?***

The debate surrounding privatization is important and necessary, but likely one that will be on-going.

As for a reputation, I cannot speak for my colleagues but I can tell you that NATCA is responsible for a tremendous

presence in Washington, D.C. There is no better way to accomplish a legislative goal than to bring countless constituents before their elected representatives, and that's what NATCA does time and time again. NATCA's efforts should be applauded, but also continued.

## ***Senator, thank you for your support for increasing the staffing of ATC facilities, which is so necessary as our members approach retirement eligibility. How do you plan to help ensure we do not face a staffing crisis in the near future?***

Members of Congress do not, and should not, portray themselves as experts in the field of aviation and flight control. And that goes for all FAA operations from staffing to the technical practice of day-to-day operations. We must continue to rely on your expertise and voices to lead us in the right direction for future policy and funding recommendations.

## ***The union's 10th Biennial***

## ***Convention, which will take place Sept. 11 - 13 in St. Louis, quickly approaches. What would you like to say to NATCA members as they prepare for this event, which will shape union policy for the next two years?***

Well, I think as a whole, NATCA is headed in the right direction. I could only remind you that partisanship does not solve problems. For example, look at the United States Senate. With a one-vote majority, it is clear that nothing can be achieved through a single-party effort. I encourage NATCA members to reach out to all legislators, not just those you think will be your friends.

Remember, it was a group of intelligent, well-prepared Missourians who first came to me asking for help on the privatization issue, and they got that help. The same strategy will work with my colleagues, but do not wait for a time of crisis to meet with legislators. You should try when you can to build those relationships in advance.

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room instruction and learn valuable time-management skills in preparing for their final theses. It's a healthy balance."

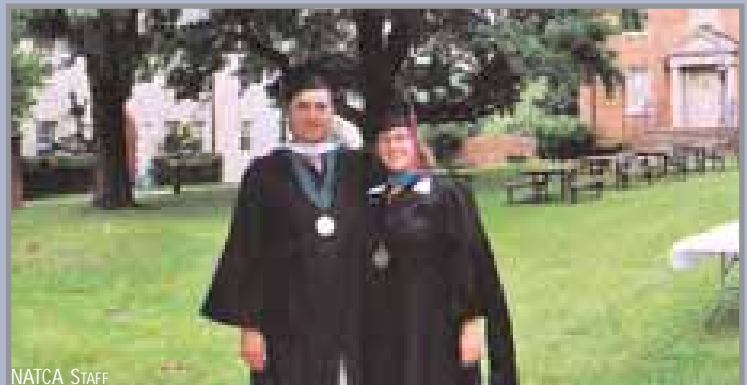
Degani felt both personal enrichment and an ability to better serve his union upon recently graduating from the Meany Center. "My thesis, 'America's Aviation Safety for Sale,' highlighted the privatization pitfalls and was distributed to members of Congress last fall. I was grateful for the opportunity to make a difference," he commented.

Degani also described interacting with other labor officials as another strong benefit to studying at the Labor College.

"I loved having the opportunity to make friendships within the larger labor movement-these fellow brothers and sisters taught me a great deal about what unions outside our own entail," he explained. "That's the best thing about the Meany Center-good union people taking care of one another."

In addition to providing a unique undergraduate education centered on the labor movement, the Labor College allows students to take a major step toward personal fulfillment.

Getting a degree "was something I'd left unfinished - I always wanted to go back and complete my education," Eidson reflected. "And NATCA's program



**NATCA STAFF**

*Chicago Center Controller Doug Hartman poses with Executive Vice President Ruth Marlin, who also graduated from the Meany Center a few years ago.*  
with the National Labor College was ideal."

Executive Vice President Ruth Marlin encouraged NATCA members to take advantage of the program and earn their degrees.

"Seize the opportunity; take

advantage of this great resource. This concentrated program works around your schedule."

Degani agreed. "And if you can work airplanes, you're definitely smart enough to get your degree."

## Safety Committee works hard to fulfill members' needs

Scott Voigt

The Safety Committee will next meet at the 10th Biennial Convention in St. Louis where it will conduct business as well as report last year's accomplishments and plans for the future. For those unable to attend Convention, I will get a synopsis of the report out to the membership through the SafetyNet.

Members of the committee have attended meetings with aviation system users at the Air Traffic Procedures Advisory Committee (ATPAC) as well as the bi-annual meeting with the NASA Aviation Safety Reporting System Subcommittee. Reports on both of these meetings will appear in the next issue of the SafetyNet. The committee is also arranging for its members to attend the Experimental Aircraft Association (EAA) AirVenture at Oshkosh, Wis., to help man the NATCA booth.

We also intend to send a couple of members to the Aircraft Owners and Pilots Association's (AOPA) annual convention to man a booth and get NATCA's safety message out to the thousands of pilots attending this function every year.

The committee also meets via telecom every month to discuss issues among the different regions. We also ensure our information is not only available to the regional representatives, but also to our national leadership so it knows what is happening out in the field. This is one of the reasons it is so important that you, as individual members, keep your regional safety reps informed on what is taking place in your facilities. It's the only way we can keep ourselves up-



NATCA STAFF

Members chat with vendors at this year's Communicating for Safety.

to-date and pass things along to people at the national level.

You can inform your regional safety rep in different ways, including a phone call, a page to the NATCA pager system (you can find your NATCA safety rep's contact information in this issue of the SafetyNet, the NATCA web site and the NATCA membership directory which shipped out to you earlier this year), an Unsatisfactory Condition Report (UCR), and/or a National Aeronautics and Space Administration Aviation Safety Reporting System (NASA ASRS) report. You should send a copy of boPete Trono Western Pacific Region Safety Representative

## Safety Committee crafts game plan for next Communicating for Safety

Scott Voigt

NATCA's annual Safety Conference, *Communicating for Safety*, will take place in Milwaukee May 3 - 4, 2005.

Mark you calendars now so you will know when to make your leave request at the end of the year. As in previous years, we will offer a half-day class sponsored by the National Safety Committee the preceding Monday afternoon.

This upcoming seminar should mark a change of pace from previous years where we focused on training new facility safety representatives.

Since we have done that the last few years, we are considering sponsoring a

question-and-answer session for both safety and facility reps attending *Communicating for Safety*.

Let your regional safety representative know what you think of this idea. As we clarify the agenda, we will have further details in upcoming issues of the *SafetyNet*.

The agenda for the next *Communicating for Safety* is in the formative stages right now. We hope to have a good working list of panelists the next couple of months, and plan on building on what we accomplished this year and putting out an even better final product.

Within the next month or so, attendees of *Communicating for Safety 2004* will

receive a survey via e-mail to help the Safety Committee determine what you liked and what you didn't.

Your input will determine how we continue improving this vehicle to promote aviation safety and the air traffic control profession.

Next year's conference will take place at the Milwaukee Hilton, a hotel Great Lakes Region members know well and love. We hope the rest of the membership will feel the same way about this new venue.

As more information becomes available, we will place updates on the Safety Committee web site under the *Communicating for Safety* link, as well as in facrep mailings and this newsletter.

# JANUS offers controllers more nuanced method of reporting deviations

**Pete Trono**  
*Western Pacific Region Safety Representative*

What is JANUS? Fortunately, it is not another Federal Aviation Administration acronym. According to Webster's dictionary, JANUS is a "Roman god of doorways and beginnings," and is depicted as a man with two faces looking in opposite directions. The name symbolizes the ability to analyze the past to help predict the future. JANUS is a human factors technique used to properly identify causal factors in operational errors and deviations. The ultimate goal of the technique is to aid the development of future air traffic systems and air traffic controller training by analyzing human factors data never previously collected.

In 2001, JANUS team members traveled to various test air traffic facilities to provide informational briefings regarding the project, and team members met with the facility personnel to explain the JANUS process. It begins when an operational error occurs; if the controller/s involved volunteered to participate, JANUS would send team members to conduct a private and confidential interview where they would ask questions in the categories and subcategories mentioned later in this report. The data would later be cleansed to guarantee anonymity.

JANUS team members conducted data collection interviews after operational errors January - August 2002, clearly outlining two major goals in the process: evaluating the process of the data collection and its content.

Team members gathered data from 12 facilities regarding 79 operational errors, and 212 con-

trollers volunteered to interview with JANUS members. The data collection process and analysis proved the procedure could fit into the daily operation and the data collected would be superior to the current method of causal factors identification.

The current Quality Assurance Order searches for reasons why an operational error occurred and offers explanations, such as "failure to observe displayed data." That statement, while providing the rationale for the occurrence, falls well short of real enlightenment.

Through a series of questions and answers, the JANUS team can identify actual causal factors such as "expectation bias" or a myriad of other factors. JANUS will significantly enhance our ability to identify numerous causal human factors.

Using the JANUS technique, team members classify causal factors in two categories: mental processes and contextual conditions. JANUS places the controllers' responses in subcategories.

The mental subcategories are "perception and vigilance," "memory," "planning and decision-making" and "response and execution." The subcategories for contextual conditions consist of "ambient environment," "pilot-controller communications," "personal factors," "pilot actions," "teamwork," "weather," "traffic and airspace," "documents and materials," "interpersonal and social," "training and experience," "organizational factors," "supervision and management," "procedures and orders" and "workplace and human machine interface."

Each subcategory has significantly more delineation built into the system. The JANUS technique is considerably more broad-based in human factors

*"The JANUS technique is considerably more broad-based in human factors data than the current system."*

*-Pete Trono*

data than the current system.

Once team members validated data collection and analysis, the next step was to create a web-based collection process which would save time and money. The Civil Aeromedical Institute (CAMI) worked extensively on developing this new collection method - eJANUS.

All parties worked carefully to ensure the methods developed were completely confidential while still allowing proper feedback to facilities and controllers.

In May and June, the JANUS workgroup met in Oklahoma City, where it agreed upon final preparation for implementation to 16 volunteer test facilities. The memorandum of understanding (MOU) for eJANUS is currently in the negotiation phase.

Pending a signed MOU, the schedule of implementation is as follows:

- ♦ 8/1 - Completion of web-based JANUS.
- ♦ 8/1 - 9 - JANUS workgroup to remote test web-based program. (Goal = 20 operational errors)
- ♦ 8/20 - 30 - CAMI/JANUS team to visit first five test facilities.
- ♦ 9/1/04 - National JANUS telecon with participating facilities to establish in-brief and administrator training.
- ♦ 9/2-9/20 - Begin field-testing with ZID/ZFW/ZMA/ZME/ZLA/SCT.
- ♦ 9/20-12/1 - Field shakedown of program.
- ♦ 12/1 - 12/15 - Field test

results reviewed by JANUS workgroup and adjustments recommended.

- ♦ 12/15- 1/7/05 - Adjustments to program made by CAMI.
- ♦ 1/7-1/14 - Distribution of training materials to volunteer facilities.
- ♦ 1/15 - 3/1 - Training of all volunteer facility administrators.
- ♦ 3/1 - Full implementation of JANUS to all volunteer facilities.
- ♦ 9/1 - JANUS team to meet and review six-month data and provide recommendations for expansion of program.

The scope of the program is currently limited to operational errors and deviations. In the future, eJANUS will expand to include incidents, close-call, miscommunication, etc., with no fear of discipline or retribution, criminal actions notwithstanding.

Aviation Safety Action Plan (ASAP) and Flight Operations Quality Assurance (FOQA) are similar data collection procedures employed by most airlines worldwide.

They have found these programs highly successful in many aspects of aviation safety, and the increased volume of data collected is one reason for their success.

Pilots rarely have to worry about certificate action from their employer or from flight standards if they report the incident in a timely manner. The JANUS program will help move the FAA and NATCA in a similar direction.

# Southwest Airlines institutes changes to some of its policies

## Scott Voigt

Some of the qualities which have endeared Southwest Airlines to us over the years will change slightly. In the past, we saw Southwest pilots operate their aircraft to its maximum performance so as to fit into tight slots. Through the use of Flight Operational Quality Assurance (FOQA) data (a system where the airline uses flight recorder data to see how aircraft fly and demonstrate trends beneficial either to the aircraft or the safety of flight) Southwest has determined the "can-do" attitude of its pilot workforce was costing the company some additional maintenance money.

In an effort at improving on-time performance, Southwest pilots sometimes flew aircraft at speeds and attitudes that were not in the best interest of low maintenance. In other words, if pilots fly at certain speeds in certain aircraft configurations, a maintenance check is necessary to ensure everything is working as it should. This costs extra money and can take the aircraft down for maintenance, also, if it

isn't flying it isn't making money.

In light of this, Southwest is making a slight change to the way its pilots fly approaches and hopefully it will not have a huge impact on the way we do business. You may also hear a few more unables from Southwest's pilot community, some of which will be due to the new procedure and some due to the pilot possibly not fully understanding the procedure.

"Do not accept an ATC approach speed assignment that will cause you to exceed 170 knots at, or closer than, a five mile final. It is not the intent of this policy directive to mandate 170 knots at 10 or 15 miles when there is no operational necessity to do so." (Read before Fly Memo to Southwest Airlines pilots, April 15, 2004).

This policy has clear implications for us - we must establish stable approach for Southwest aircraft by five miles out on approach. If the pilot is too high or too low (more than one dot high or low on the Instrument Landing System

(ILS)) or too fast or slow at that point, he or she automatically goes around. Remember, all of this data is recorded, so the company knows when pilots aren't following these procedures. You can expect the pilots not to fly greater than 170 knots indicated while established on approach. This will preclude them from flying 180 knots to the marker when trying to tighten up a gap. Although they can fly at 180 knots prior to the marker, they must be at their target reference speed at the five mile point.

Controllers may also hear the pilots advise them they are slowing from 250 knots indicated to 210 knots indicated when between 12 and 15 miles straight in to the runway, or when downwind abeam the touch down zone (or numbers as we sometimes call them). So, start thinking of what may happen if you run a tight downwind or final when working with Southwest. You may have an aircraft slowing when you least expect or need it. If you have problems with this, please let your facility safety representative

know so the union can monitor developing problems and solve them quickly. One such unresolved issue is having aircraft on speed assignments slow on their own prior to ATC approving the lower speed. I will try to get clarification on this for our next issue of the *SafetyNet* as well as update how this new procedure is working on in the field.

You may have heard that if Automated Terminal Information Service (ATIS) changes, Southwest was mandating the pilots to ask the controller to read them the changes on frequency. This was to keep pilots in the loop with each other during the high workload time in the cockpit. The problem with this procedure, however, is twofold: for us, it also is a high workload time, and the folks in approach control quite often don't know what the change on the ATIS is other than weather conditions. Notice to Airmen (NOTAMs) and other pertinent factors can change at the airport with a new ATIS, and we could not get that information to the flight crews.

*continued on page 4*

## Safety Committee plans to maximize service, member involvement

### Scott Voigt and Wes Stoops National Safety Committee

The NATCA Safety Committee will report its accomplishments to the membership at the Biennial Convention in St. Louis. We wish to explain some of the changes we as a committee are in the process of enacting to more effectively represent you, the members.

#### Communications and Visibility

The Safety Committee is always looking for ways to better communicate with members, and this newsletter is one of the best tools at our disposal. We would like to hear from you in determining if we have achieved our goals. What would you like to see from us and are we providing you with informa-

tion you find useful? If you have taken the time to read through this edition of the *SafetyNet* and have some feedback for the NSC, please contact your regional Safety Committee member. You can locate the specific NSC members' contact information by visiting <http://safety.natca.net> and clicking on the "Safety Committee Members" link.

Additionally, we want to maximize NATCA's visibility in the aviation community and ensure the union's role as a preeminent advocate of aviation safety.

The committee already interacts with aviation safety groups within the Airline Pilots Association, Allied Pilots Association and the Southwest Pilots Association. We seek to expand our involvement within the general aviation community by formulating a

working relationship with the Aircraft Owners and Pilots Association Air Safety Foundation as well as with the National Business Aircraft Association.

On an international level, the Safety Committee wishes to see more NATCA involvement with the International Federation of Air Traffic Control Associations (IFATCA). The committee sees that involvement as key to ensuring we do not run into problems with future changes in International Civil Aeronautics Organization (ICAO) procedures which could significantly impact the way we do business in the United States.

Groups within IFATCA study the issues and report back to both the international com-

*continued on page 4*

continued from page 3

"Directing the crew to ask ATC to read the new ATIS when operating below FL180 or 10,000 feet is rescinded. The intent of this guidance was to alleviate an activity that produced a single Pilot operation. This decision is based on feedback from ATC through our ATC Specialists. We do not want to jeopardize our working relationship with ATC." (Read before Fly Memo to Southwest Airlines pilots, April 15, 2004).

Southwest Airlines has thus rescinded that portion of the read-before-fly for Southwest crews, so they shouldn't ask you for the ATIS.

If problems with this or other procedures exist, please let your facility safety representative know so he or she can alert the airline. Southwest may need to conduct

more training.

Southwest's new policies also involve Traffic Collision Avoidance System (TCAS). The airline requires pilots to properly follow all TCAS Resolution Advisories (RA) guidance for two reasons: failing to follow a TCAS RA can negate another aircraft's TCAS RA maneuver; and Southwest Airlines is upgrading its entire fleet of Boeing 737 aircraft to version 7.0 of the TCAS software. This update will help filter out some of the nuisance alerts as well as cut down on some of the reaction times to the TCAS alerts.

It also will bring aircraft into compliance with Reduced Vertical Separation Minima (RVSM) needs.

Also, Southwest plans to institute a one-minute "to go" warning for the cabin crew

to provide it some additional time to sit down and buckle up. Some crews may experience problems preparing to go when they have short taxis to the end. However, Southwest's crews should adjust quickly. If you experience problems with the correct implementation of these new procedures, contact your regional safety representative and he or she in turn will contact the Southwest Pilots Association (SWAPA) to correct any problems.

SWAPA will need to know time, date and flight number, and whether the flight was arrival or departure.

If you become aware of any airlines implementing similar changes, let us know so we can discuss it in future issues of the *SafetyNet*.

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mittees and to NATCA on the best ways to work together. Involvement also entails working with other international aviation groups to gain support in what we are trying to accomplish.

We need then to work within the NATCA/Federal Aviation Administration framework to ensure the agency presents to

the ICAO our vision of future air traffic control harmonization. We then will display the leadership on an international level we currently demonstrate so well within the United States.

#### Air Traffic Organization (ATO) Changes

The ATO evolution process is coming along slowly. To date,

the frustration at the controller level is minimal, which is somewhat of a positive. By the time you read this, the air traffic facilities in your area/region may or may not have become assimilated. When the consolidation into the appropriate ATO service area does finally occur, the reporting of process of issues within NATCA will not

change.

For example, the agency will section off the Southwest Region between the Western Service Area and the Central Service Area. Members in Albuquerque, N.M., will still report safety and technology-related issues to the Southwest Regional NATCA safety representative.

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## Greek controllers steadily prepare for traffic onslaught of summer Olympics

**W**ith this year's summer Olympics rapidly approaching, controllers in Greece are steadily preparing for the onslaught of traffic the event is expected to bring. "We are confident we will face the Olympics challenge as successfully as we did in years past," Maria Billi, secretary of the Greek Air Traffic Controllers Association (GATCA), remarked.

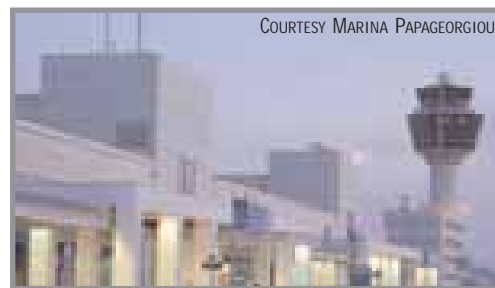
And while the controllers are up to the challenge, the road to the games has been long and difficult. "We have even resectorized the northeastern part of the Athens flight information region (FIR) in preparation for the Olympics," Billi explained. However, Greek controllers are confident they can handle the substantial increase in capacity, as they have weathered two major challenges in recent years: the opening of the new Athens International Airport in 2001 and the opening of a new area control center (ACC) - the European equivalent to a U.S. air route traffic control center - in

1999.

In addition to the innovations of Athens Airport, a state-of-the-art facility capable of handling 16 million passengers per year, controllers in Greece have also beefed up their staffing in anticipation of the Olympics. "In 1999 and 2000, we recruited more than 190 new controllers. Most of them have already completed their training, including radar rating," Billi remarked.

However, despite having a fresh crop of controllers, staffing remains a bit short, so GATCA controllers will have to work overtime during the games.

In a further preparatory step, the Greeks recently upgraded the Hellenic Air Traffic System, modernizing it to prepare for the demands of heavy air traffic. To estimate the amount of traffic the event likely will generate, Greek controllers turned to data provided by Eurocontrol. However, "we have no recent data since the last Olympics in Europe were held in Barcelona, Spain, in 1992," Billi explained.



COURTESY MARINA PAPAGEORGIOU

*The new Athens International Airport can handle upward of 16 million passengers per year.*

The event's substantial security measures also present a challenge for controllers working the Olympics. "The military has requested great segments of our airspace to deploy a safety umbrella over the cities that will hold the Olympic Games. Having to cope with virtual no-fly zones affecting approach paths to Athens Airport may cause delays," Billi reflected. Nonetheless, Greek controllers are up to the challenge. "Every single controller will have to work to the maximum of his/her ability," Billi continued.

## Members in Alaska help relief effort combating widespread fires

In late June and early July, NATCA members descended on Fort Yukon, Alaska - a small town north of the Arctic Circle - to provide ATC services to emergency firefighting crews combating an out-of-control wildfire consuming over 100,000 acres of forest land.

The controllers, hailing from facilities across Alaska, manned a small, six-foot-tall tower from 10 a.m. to midnight, working six days and rotating shifts as necessary. The Bureau of Land Management (BLM) called the Federal Aviation Administration for help, and NATCA members answered the call. "Whenever we see a large conflagration, the BLM usually asks us to help out," Anchorage Tower Controller Bev Sinnott reflected.

The area's extensive wildfires were part of the Solstice Complex, a group of roughly a dozen fires near the Yukon River. Situated on the banks of the river, the temporary tower brought controllers in close contact with nature.

"We were out there in the bushes," Sinnott remarked. And insects plagued them while they conducted the important work of directing traffic fighting the blazes. "Bug spray didn't fend off the mosquitoes very

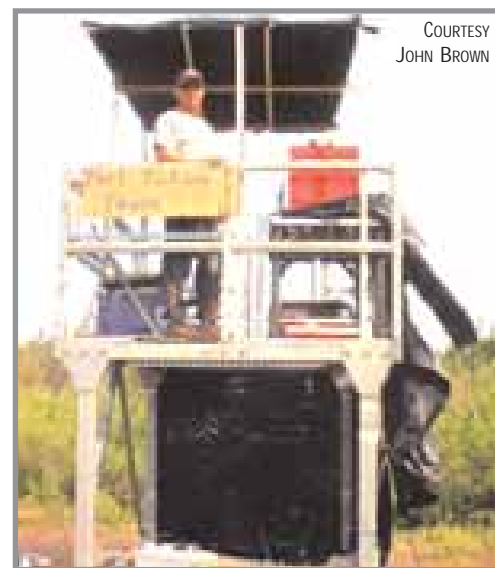
well," Charmaine Timmons, a controller at Anchorage Tower, reflected. "They really attack you."

Controllers communicated with the aircraft they directed via radio, and had to call Anchorage Center via phone to conduct coordination and supply aircraft position information. "It was a little tough coming out of a radar environment," Fairbanks Tower Controller John Brown commented. "Lots of activities were happening at the same time." For example, controllers had to keep an eye out for "jumpers," people jumping from aircraft to fight the fires below.

At one point, a sudden thunderstorm forced controllers to abandon the tower and frantically cover up their equipment to prevent rain damage. "We had to get out of Dodge," Timmons remarked. "We couldn't stay in that steel box while a storm was raging."

After their shifts ended at midnight, controllers took up residence at Fort Yukon's local school, and took showers in its gymnasium.

Despite roughing it for about a week, controllers manning the temporary tower



COURTESY JOHN BROWN

*Juneau Controller Bob Zabel sits atop the temporary tower the FAA set up at Fort Yukon, Alaska.*

enjoyed the experience. "It's great to see a new place and meet some of the different people involved in fire containment," Sinnott reflected.

"It was a really nice experience - you rarely get a chance to see certain parts of the state and it was great to have a chance to do so," Timmons observed.

## Controller Save Awards offer chance to spotlight members at their best

With a desire to shine a spotlight on air traffic controllers' best work of the year, NATCA has announced the creation of the first annual "Archie League Air Traffic Control Medal Of Safety" awards, a program which President John Carr said he believes "will become very prestigious."

"Controllers' work largely goes unnoticed by the flying public but sometimes, their feats of skill to ensure safety cross over into the realm of extraordinary," Carr stated.

The awards will honor the best "saves" of the year in an emergency situation. Any NATCA member may nominate a save for the award. A save made by a team of controllers is also eligible for the award. All saves made in 2004 are eligible.

One winning entry will be selected from each of the nine regions. Of those nine winners, one will then be chosen for a special national award. The winners will be honored next spring at a ceremony and press conference in Washington, D.C.

"Archie League is a historic figure in the world of air traffic control. This award honors not only the first air traffic controller, but all the air traffic professionals that continue his tradition of ensuring aviation safety," remarked Southwest Region Vice President Darrell Meachum. "Air traffic professionals have stories to tell every day about the steady and calm labors of their colleagues on behalf of the American flying

public. The Archie League Air Traffic Control Medal of Safety is their chance to ensure the very best of these stories get told."

Western Pacific Region Vice President Bob Marks said he believes this award will mean quite a bit to NATCA controllers, whom he thinks are "typically under-recognized for aircraft 'saves.'"

"Just to know you are in the running for a prestigious award like this is a reward in and of itself," Marks commented. "I believe it is indisputably important to recognize our own, by our own. We are the ones who truly appreciate the subtle nuances of the job, the need for those split-second decisions made under the pressure of a life or death situation. Once the microphone is on and we're talking to pilots, we recognize the importance of imparting not just the technical information to the pilots. Even more importantly, we fulfill a deeper human need by supplying confidence, calmness, and connection to him or her as well."

Marks concluded, "Our story must be told and recognized by those who can best do it - us."

One nomination form for each event must be received by the national office for a save to be submitted for judging. Forms can be downloaded by visiting the NATCA members-only web site and clicking on the link marked "Archie League ATC Medal of Safety." The site also includes a full list of program guidelines and instructions on how to sub-

### SAVE AWARDS QUICK FACTS

- ♦ One nomination form for each event must be received by the national office for a save to be submitted for judging;
- ♦ Forms can be downloaded by visiting the NATCA members-only web site and clicking on the link marked "Archie League ATC Medal of Safety;"
- ♦ Any NATCA member may nominate a save for the award, including those made by a group of controllers;
- ♦ All saves made in 2004 are eligible;
- ♦ One winning entry will be selected from each of the nine regions;
- ♦ Of those nine winners, one will then be chosen for a special national award.

mit entries and contact information.

"I'm excited about this awards program because it really gives us a golden opportunity to showcase our best work for an audience that will include the American flying public, Congress and the national media," Executive Vice President Ruth Marlin said. "Anytime we can pull open the shades and let others see what I see - that our controllers are the very best in the world - then that's a very positive thing."

## NATCA tattoos provide interesting way for members to show love for union

While many air traffic controllers are union activists, some NATCA members have decided to take their enthusiasm to a whole new level by getting tattoos that include the union's logo in an often intricate design.

David Levesque, a controller at Anchorage Center, spent eight years in the Army without ever getting a tattoo. But as a controller, the events of Sept. 11, 2001, changed his thinking.

"That was a really difficult time for our country," he explained. "My tattoo has the NATCA logo above an American flag. To me, having a NATCA tattoo is a mark of respect and gratitude for controllers who worked flights and cleared the skies with

tremendous skill and dedication on that day."

For Levesque, the tattoo represents a historical event that is burned into his memory.

"It is a constant reminder of something I don't want to ever forget," he said. "The flag represents the country I love, and NATCA and its members have been my life since I became a controller."

But is a NATCA tattoo right for all members?

"I think it's a personal choice," Levesque commented. "I was definitely not a 'tattoo person' before getting my tattoo, but I can honestly say I have no regrets."

Mike Hull, NATCA's Air Traffic



Controller Mike Hull proudly displays his tattoo.

Organization Systems Operations (ATO-R) liaison, chose to get a NATCA tattoo as a gesture of appreciation. As Hull became

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## Union announces 2004 NATCA Scholarship winners

### SCHOLARSHIP WINNERS

*These students, chosen by a lottery as mandated by NATCA's Constitution, will receive a scholarship of \$1,000. The union confers the President's Award with its \$2,000 prize to the essay that best captures the spirit of NATCA. Libby Passiales, daughter of NATCA Member Jim Passiales, won this award.*

**Erin Bunce**, daughter of Chicago Center Controller Daniel Bunce;  
**Nichole Chiu**, daughter of Engineer Oi Ming Chiu;  
**Ashley Degani**, daughter of Roswell Tower Controller Mark Degani;  
**Matthew Delfine**, son of Pittsburgh Tower Controller Paul Delfine;  
**Remy Denton**, daughter of Boston Center Controller David Denton;  
**Nicole Ellenberger**, daughter of Atlanta TRACON Controller David Ellenberger;  
**Sharece Hall**, daughter of ARC Bargaining Unit Member Barbara Hall;  
**Nicolous Hawbaker**, son of Tuscon Tower Controller Jon Hawbaker;  
**Erica Hylinski**, daughter of Norfolk Tower Controller Steve Hylinski;  
**Stephanie Johnson**, daughter of Raleigh-Durham Tower Controller James Johnson;  
**Michelle Martins**, daughter of Boston Center Controller Brazalino Martins;  
**Jennifer McDonough**, daughter of Philadelphia Tower Controller Jay McDonough;  
**Erik Miller**, son of Providence Tower Controller Bruce Miller;  
**Michael Ministero**, son of Buffalo Tower Controller Michael Ministero;  
**Melody Morrison**, daughter of Providence Tower Controller Donald Morrison;  
**Patrick O'Neill**, son of Milwaukee Tower Controller Terrance O'Neill;  
**Libby Passiales**, daughter of Chicago TRACON controller Jim Passiales;  
**Kathryn Patterson**, daughter of Evansville Tower Controller Mike Patterson;  
**Caitlan Rizzardo**, daughter of Dallas/Fort Worth Controller Tom Rizzardo;  
**Michael Shanahan**, son of New York TRACON Controller John Shanahan;  
**Erica Smithson**, daughter of Syracuse Tower Controller John Smithson;  
**Keatelyn Suchcicki**, daughter of Boston Tower Controller Albert Suchcicki;  
**Heather Sybouts**, daughter of Spokane Tower Controller Michael Sybouts;  
**Chelsey Wininger**, daughter of Indianapolis Center Controller Kevin Wininger.

*The following is Libby Passiales' Presidential-Award-winning essay.*

#### **Libby Passiales** **Daughter of Jim and Brenda Passiales**

My name is Libby Passiales. My father is an air traffic controller at O'Hare Tracon in Elgin, IL. I am a senior at Wheaton Warrenville South High School in Wheaton IL. I will attend Wheaton College this fall where I plan to major in Biblical Studies. As a Christian I want to learn more about the Bible and learn from the great Biblical scholars. I would love nothing more than to pass the knowledge that I accumulate on to the next generation at the college level. Having earned nine varsity letters in three sports while in high school (tennis, basketball and soccer) I would also love to coach woman's basketball and tennis at the college or uni-

versity where I teach. I will be playing both tennis and basketball at Wheaton College. I am looking forward to the challenges and changes in my life that will no doubt occur as I go on to this next phase of my life.

Labor unions have played a significant role in my family's life. As a matter of fact you could say unions were responsible for the very existence of our family. My mother (Brenda) has been a Flight Attendant for American Airlines for 33 years. She has been a member of the APFA (Association of Professional Flight Attendants) her entire career. In 1981 my father (Jim) was a member of PATCO. My mother supported the controllers during their strike and joined the controllers on the picket line at O'Hare airport where she met my father. They were married 6 months later.

My father believed strongly in PATCO and made the ultimate sacrifice by going out on

***"Employees must have a means by which to speak with one voice to management."***  
**-Libby Passiales**

strike even though it was illegal. When I was old enough to understand, he showed me the newspaper articles about the strike and tried to explain to me why he did something that was considered illegal. He felt management was unreasonable and they refused to address issues such as faulty equipment and poor staffing. Nothing the union did could convince the management to correct the problems. Communication broke down and PATCO went on strike. His action kept him barred from the profession he loved so much for 17 years. In 1998, the FAA offered him his job back at O'Hare and he took it. He has been a member of NATCA since his rehire. His belief and support of unions never faltered because of what happened in 1981. This became even more evident in 1993.

In 1993, American Airlines management tried to cut flight attendant pay, set up a "B" scale for new hires and reduce staffing on several flights. The union attempted to negotiate with the company, but to no avail. The union called for a strike vote. My mother asked my father what she should do. After all, they now had three children and had finally gotten back on their feet in the wake of the PATCO strike. They decided that what was right, was right and the fact that "we" had struck and lost in 1981 had no bearing on what was the right thing to do. My mother voted to strike. The flight attendants won the strike and pay and staffing were reinstated and the "B" scale plan was scrapped.

Many consider the American flight attendant strike to be one of the most successful in union history, and the PATCO strike is also considered to be a defining moment in labor history. My parents were part of each of these events.

I personally feel strongly about the importance of labor unions. Employees must have a means by which to speak with one voice to management. Without such a voice, workers would be at the mercy managers whose corporate goals and bottom lines tend to lose sight of the fact that there are real people

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## *New York Center Work Schedule Grievance*

Mark DiPalmo, facility representative at New York Center (ZNY), filed a grievance against the agency because it changed bargaining unit employees' (BUEs) watch schedules to accommodate the annual leave requests of other employees. The grievance reached the national office level and was arbitrated before Arbitrator Irwin Dean on Feb. 26. The issue before the arbitrator was whether the agency violated the parties' collective bargaining agreement (CBA) when it changed employees' assignments to the watch schedule without making every reasonable effort to avoid such changes in order to approve the annual leave request of another employee.

Also in question was whether the agency violated Federal Aviation Administration (FAA) Order ZNY 1100.25M when it changed employees' assignments to the watch schedule without concurrence in approving the annual leave request of another employee.

Although the grievance was filed on behalf of the union, the facts were fairly specific to one area within ZNY where the supervisor was changing the way he or she handled leave requests and was no longer acting in the same manner as other supervisors at the facility. The union argued that ZNY employees bid their schedules on an annual basis because when they bid for spaces on the basic watch schedule they are not only bidding for particular days but also specific shifts on those days.

The union suggested that once the watch schedules are bid upon and posted, the employees at that facility have assigned shifts for the upcoming year. The union further argued this is a long-established practice at ZNY. The arbitrator found the annual bidding process only assigns employees to the basic watch schedule, but an assignment to the watch schedule is affected only through the monthly postings. He determined it is at that point where the agency has an obligation to make every reasonable effort to avoid changes to the schedule.

After a full hearing and post-hearing briefs, the arbitrator denied the union's grievance. He found in favor of the agency, stating that the agency offered the "more

plausible interpretation of the collective bargaining agreement."

## *Travel Voucher Arbitration*

On Dec. 2, 2003, the union filed a formal grievance (NC-ALR-03-30) in accordance with Article 9, Section 16(b) of the CBA. A hearing in this matter took place on April 14 in Washington, D.C., before Arbitrator Jerome H. Ross. The parties agreed no procedural issues existed and the arbitrator was empowered to hear the contract dispute.

The union argued the plain language of the contract must prevail. The agency violated Article 96, Sections 1 and 6 of the CBA when it failed to pay travel vouchers within the 21-day time frame. The clear and unambiguous language of these provisions must receive full force and effect.

As clearly stated in Article 102, Section 1 any provisions of the CBA shall supercede any existing or future employer rules and/or regulations. The CBA determines Federal Travel Regulations (FTR) is the controlling document regarding the reimbursement of travel vouchers, unless otherwise specified within the contract.

Although the FTR provides a 30-day time frame for payment of travel vouchers, Article 96, Section 6 specifies travel vouchers must be paid within 21 days. The contract has essentially kept the FTR intact, only shortening the time period. As a result, all penalties shall be interpreted and applied with respect to the 21-day time frame.

The FAA reform of 1996 provided the parties the freedom to narrow the terms of travel voucher repayment at the bargaining table. Therefore, the terms of the CBA control in spite of the language of the FTR in the case at hand. The agency's argument that the FTR controls the timeframes for repayment lacks merit.

The authority has ruled the CBA governs issues where the contract and a government-wide regulation both apply. Article 102, Section 1, provides that any provisions of the CBA shall supercede any existing or future employer rules and/or regulations. Additionally, an award of late payment fees

and interest will not violate the sovereign immunity of the United States.

The arbitrator denied the grievance. In its award, the arbitrator states that because the drafters of the agreement did not discuss a penalty for late reimbursement of employees for their travel voucher expenses, Articles 96 and 102 do not constitute an express waiver of sovereign immunity. He also demonstrated the union did not prove the late payment fee was reduction in pay for the purposes of satisfying the Back Pay Act.

The union is in the process of filing exceptions.

## *Guidance on the Interpretation and Implementation of Arbitrator Ross's Award Concerning Article 93 (Self-Referral)*

Arbitrator Ross sustained the union's national grievance concerning the agency's violation of Article 93 (self-referral). The decision was rendered on May 26, and the agency will file an exception to the award with the Federal Labor Relations Authority (FLRA).

The issue in the case:

Whether the agency violated Article 93 of the agreement by issuing a rehabilitation/treatment plan requiring an employee who self-referred to the Employee Assistance Program (EAP) for alcohol and/or drug abuse to abstain from alcohol use for the remainder of his or her FAA career; and if this is the case, what is the remedy?

Arbitrator Ross's award:

Arbitrator Ross sustained the grievance to the extent that the agency, where necessary, shall revise and reissue all self-referral agreements signed after the effective date of the parties' agreement to:

- 1) Reflect a change in the term of rehabilitation/treatment plans from "a minimum of one year" to "one year"; and
- 2) Delete any provisions which appear con-

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trary to the right of a self-referred employee to receive another opportunity for treatment if he or she violates the abstinence provision.

### **Union's Interpretation of the Award**

The arbitrator directs the agency to reissue all self-referral rehabilitation/treatment (R/T) plans that date back to the effective date of the parties' CBA to reflect the contract language contained in Article 93, Section 8.

If an employee adheres to his/her rehabilitation/treatment plan, and all the employee's follow-up test results are negative for a one (1) year, the employee will have successfully completed the rehabilitation program. A last-chance agreement will not be required in order for the employee to enter into rehabilitation program.

The union interprets the award to mean that a self-referred employee will have successfully completed his or her rehabilitation/treatment plan if an employee adheres to his or her rehabilitation/treatment plan and all the conditions outlined in the R/T plans are met for one year. This includes testing negative for a one-year period after the employee's follow-up test requirements as outlined in the S-R R/T plans.

After the one-year period, as long the employee has met all the requirements outlined in the R/T plan, the self-referral rehabilitation/treatment is considered finished and complete pursuant to Article 93, Section 8 of the CBA. This includes the requirement for total alcohol abstinence.

**Question:** What effect does this award have

on the self-referral rehabilitation/treatments plans bargaining unit employees signed as of the effective date of the CBA?

**Answer:** Currently, everything remains status quo, as the agency will file an exception to the award with the FLRA.

**Question:** If I am an employee currently working with a self-referral R/T Plan signed by the effective date of the CBA, and a condition to completely abstain from alcohol use applies, am I now allowed to drink alcohol based on this decision?

**Answer:** No. Until the appeal process with the FLRA has exhausted, everything remains status quo, including the total abstinence from alcohol use. By not abstaining, the employee runs the risk of facing allegations of failing to comply with the self-referral R/T plan he or she signed. Until the appeal process with FLRA has ended, all employees working with a self-referral R/T plan should continue fulfilling all the requirements and conditions outlined in the R/T plan.

**Question:** What effect does the second portion of Arbitrator Ross's award have on the employees' signed self-referral R/T plans?

**Answer:** The agency must delete any provision in the self-referral R/T plans referencing an employee's termination based on the employee's failure to comply with any conditions outlined in the R/T plan.

A notice that the employee is afforded another opportunity at rehabilitation (last chance agreement) should he or she fail to comply with the conditions outlined in the

self-referral R/T plans should replace this.

**Question:** When should that portion of the award be implemented?

**Answer:** That should take effect immediately, as the agency has no objection to the second portion of the award, but only the interpretation of Section 8. The agency is willing to correct and reissue all self-referral R/T plans making any reference to or implying termination. The agency, however, may wait until the appeal process is exhausted to make the administrative changes to each individual's R/T plans.

The FAA notes it has sloppily drafted some self-referral R/T plans referencing termination if not compliant with self-referral. In practice, however, the employees are entitled to another opportunity at rehabilitation (or last-chance agreement) pursuant to Department of Transportation (DOT) Order 3910.1C.

If an employee is not offered this opportunity, it's a clear and unmistakable violation of 3910.1C and the CBA. That violation stands alone regardless of the implementation of this award.

Please contact Labor Relations Staff Representative Melinda Kim at 202/220-9808 with any question concerning the award or this guidance.

### ***Sunday and Holiday Representation Decision Overturned***

The FLRA overturned the arbitration decision allowing representation on Sundays and holidays. NATCA has filed reconsideration with the FLRA.

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with families to support out on the front lines doing all the work day in and day out. Workers must have a means by which to protect themselves and keep lines of communication open with management. Unions serve this purpose.

I feel I deserve the NATCA Scholarship because my parents have been loyal union members for almost their entire working life. My father has been back to work as a controller for just the past six years and, with two children in college this year and three next year, the money would be most appreciated.

*continued from page 8*

more involved in NATCA activism, the decision became clear to him.

"It was definitely something I thought about for a long time," he remarked.

"I wanted something to show my appreciation for a union that has done so much for me. As I became more involved in activism for NATCA, I felt like it was something I really wanted to do."

Mike Ryan, a controller at Southern California TRACON, decided to get a NATCA tattoo during a difficult period in his life.

"I was going through a divorce and doing a lot of work for the union so in

many ways NATCA became my family," he explained. "I grew up in a union household and NATCA has always been an important part of my life."

Ryan's tattoo took more than eight hours to complete, but the controller was pleased with the results. The intricate design includes a shield labeled with the word "NATCA" and a sword. When asked about the tattoo's meaning, Ryan had a concise explanation.

"NATCA's primary goal is defense, to protect and shield its members," he said. "But the union's not afraid to use a sword when necessary."

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**Save Awards**  
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**ATC SafetyNet**  
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