



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., SW.
Washington, DC 20591

JUN 26 2008

Mr. Patrick Forrey
President
National Association of Air Traffic Controllers
1325 Massachusetts Avenue, NW
Washington, DC 20005

Dear Mr. Forrey:

I am writing to you with the hope that we may be able to amicably resolve the on-going problem of the tremendous backlog of grievances that have now been rendered procedurally and jurisdictionally defective in light of the dismissals of the union's unfair labor practice charges by the General Counsel of the Federal Labor Relations Authority.

As you are aware, NATCA filed an unfair labor practice charge, Case No. WA-CA-06-0648, alleging that the FAA violated section 7116 (a) (1), (5) and (8) of the Statute when we unilaterally implemented the final contract proposal for national level term bargaining on September 3, 2006. On July 25, 2007, the FLRA dismissed this ULP, as it was concluded that the FAA did not violate the Statute when it implemented the final contract offer. On January 29, 2008, the FLRA denied NATCA's appeal of the dismissal. On February 26, 2008, the FLRA denied NATCA's Motion for Reconsideration of denial of its appeal of the dismissal of the underlying charge. NATCA has exhausted all appeal rights associated with this allegation.

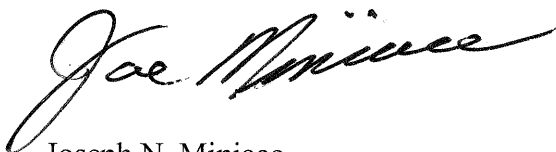
Additionally, the FLRA has also begun the process of dismissing the hundreds of other unfair labor practice charges that were filed by NATCA in the regions in reliance on the expired 2003 CBA and alleged violations concerning the implementation or application of the 2006 contract.

NATCA has filed over 400,000 grievances concerning various matters related to the implementation and/or application of the then new 2006 contract that are now rendered procedurally and/or jurisdictionally defective by the dismissals in Case No. WA-CA-06-0648 and other ULP's. It appears clear that the decisions made and upheld by the General Counsel of the Federal labor Relations Authority would control the outcome of these grievances.

This significant backlog of thousands of repetitive and/or identical “form” grievances filed to protest or contest the implementation of various aspects of the 2006 contract hinders the Parties’ ability and resources to bring forward those other grievances that have been properly filed and deal with current matters effectively. It is not in either Party’s interest nor is it in the employees’ interest to allow these thousands of cases to sit and languish with no action taken. In view of the FLRA’s recent dismissal actions, the Agency is requesting NATCA withdraw these thousands of repetitive “form” or other similar type grievances that improperly rely upon the 2003 Collective Bargaining Agreement and /or are otherwise barred by the earlier filing of the unfair labor practices referred to above. I am also reiterating our request that all grievances must be properly filed under the provisions of the 2006 contract. It simply serves no purpose and there is no legal basis for the union or employees to continue to file grievances under the expired 2003 contract.

As we believe this to be an important step to moving forward, we would like your written response to this request within 10 days of receipt of this letter. Otherwise we will have to consider what other options are available in order to move this backlog of defective grievances to closure.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Miniace". The signature is written in a cursive, flowing style.

Joseph N. Miniace
Deputy Assistant Administrator
for Human Resource Management