

NEB Meeting Minutes July 22-24, 2008

The meeting was called to order by President Patrick Forrey, and the following individuals were in attendance: Paul Rinaldi, Executive Vice President; Ricky Thompson, Alaskan Regional Vice President; Howard Blankenship, Central Regional Vice President; Bryan Zilonis, Great Lakes Regional Vice President; Mike Robicheau, New England Regional Vice President; Scott Farrow, Northwest Mountain Regional Vice President; Mike MacDonald, Region X Regional Vice President; Victor Santore, Southern Regional Vice President; Darrell Meachum, Southwest Regional Vice President; Hamid Ghaffari, Western Pacific Regional Vice President. Also present was Adell Humphreys, NATCA Chief of Staff.

Acceptance of Minutes from the June 19 and July 10 Teleconferences:

Ghaffari: Motion to approve the above minutes as written

Forrey: Seconded

Vote: Passed unanimously

2008 Convention Seating: Based on a lottery draw, the Regional Vice Presidents selected the seating areas for their regions at the upcoming Miami Convention.

OWCP Committee: Kevin Bianchi from ZBW has volunteered to chair NATCA's OWCP Committee; this was agreed by consensus. Due to other commitments, the committee will be unable to meet during the Convention. Discussion ensued regarding the use of retired members who have expertise in OWCP issues; specifically, the possibility of hiring such retired members as consultants on an hourly basis to work on OWCP issues. Mr. Meachum has used the services of a retired member in his region with extensive experience in OWCP, who will work for NATCA on an hourly basis, as needed.

NAATS Alaska: Mr. Thompson reported that the NAATS merger is proceeding, and we expect that the merger will be complete and these individuals will become members of NATCA on August 20. Members of this bargaining unit will comprise four NATCA locals in the Alaskan Region. All former NAATS members will need to complete a new NATCA membership application. Mr. Thompson is working closely with current NAATS Alaska President Al Baker to define lines of authority and responsibility. Elections for their national representatives will take place after the convention (they will have four voting delegates at the convention in Miami). Their books need to be examined closely to determine if there are any financial irregularities that require immediate attention.

ETAP Arbitration: Mr. Forrey announced that the arbitrator has upheld NATCA's grievance in the ETAP arbitration.

NATCA Logo Licensing Fee: A NATCA member who produces handmade metal jewelry which incorporates the NATCA logo has asked for a waiver of the NATCA logo licensing fee, since she produces a very small number of items on an annual basis. Discussion ensued on whether licensing fee waivers should be granted on a case-by-case basis.

Blankenship: Motion to eliminate the fee associated with Section 3 of the current NATCA logo licensing agreement; entities who have already paid the fee will receive a refund.

Zilonis: Seconded

Vote: Defeated, with Mr. Blankenship and Mr. Zilonis voting in support; Mr. Meachum abstained

NATCA Reloaded: Laura Robinson joined the meeting at this point to brief the NEB on the status of the NATCA Reloaded program. The NATCA Reloaded team is developing materials for newly-hired controllers which will give them insight into the history of NATCA and the hard-won benefits that their union has obtained for them. She urged the Regional Vice Presidents to set aside an hour during their upcoming regional meetings so that the Reloaded Team could update the membership on the activities of their group and give them ideas on how to increase activism and membership at the local level.

FLRA Petition Update: Mr. MacDonald gave an update on the 2186/2152/8xx clarification petitions regarding the FAA's Service Centers. NATCA now has the numbers necessary for successorship for the 8xx engineers, and possibly for series 2152 employees as well. AFSCME has disclaimed interest in this petition. In addition, PASS is interested in organizing only the 3xx series employees and several other non-professional units, but they are not contesting any of the series employees who are being pursued by NATCA. It will be necessary to file a clarification petition to get the 2186 employees moved into the 2152 or 8xx bargaining units (depending on actual work performed). These units will be eventually reattached to the national bargaining units and will be brought under existing CBA/interim agreements as appropriate. We expect a stipulation to be completed no later than the end of August for the 8xx and 2152 units.

Right to Strike: Mr. Santore strongly believes that the union should pursue legislation which would give NATCA members the right to strike. Discussion ensued on this proposal. Mr. Forrey believes that Congress would never agree to any legislation that would guarantee the right to strike for air traffic controllers; further, such a bill would never be signed into law, especially by the current White House. At this time in particular, he believes there would be no momentum for such legislation.

Dues Reimbursements: As a result of the large number of dues reimbursements being made Mr. Rinaldi stressed that it is necessary for members to complete an EFT form in order to obtain a dues reimbursement. Members who submit the form requesting dues reimbursement but fail to include a completed EFT form are notified that completion of the EFT form is necessary in order to receive dues reimbursement.

"Blood Money": Mr. Thompson urged the NEB to create a policy statement on the FAA's use of "blood money." He believes that PCS funding should be associated with all agency bids. He objects to the FAA providing as much as \$25,000 for relocation and retention bonuses and bonuses given to individuals who postpone their retirement. He believes that this money is "stolen" from every employee in the air traffic unit, including every new individual who was hired and not certified prior to 2006 and those hired since 2006. While NATCA most likely cannot prohibit the Agency from giving these bonuses, he believes NATCA should make a strong statement in opposition to the Agency's actions. Mr. Rinaldi agreed with Mr. Thompson, adding that the Agency is taking every action possible in order to divide and split the members of this union. Mr. Santore noted that many members with legitimate hardships are unable to transfer because of others who take transfers solely for the relocation bonuses. Mr. Meachum suggested that the NEB develop a policy statement on this subject, and this was agreed by consensus. Mr. Rinaldi agreed to take the lead on this, and will distribute a draft policy to their NEB for their consideration.

Responsibility for Accepting Grievance Settlements: Mr. MacDonald noted that the responsibility for accepting grievance settlements is currently covered under NATCA Standing Rule L-1, which clearly states that the advocate in the case has the final authority to accept or reject any settlement. He believes it is necessary to emphasize that the advocate does indeed have the ability and authority to accept or reject settlement offers.

Tracking Unresolved NEB Issues: Mr. Ghaffari recommends development of some way to track issues discussed by the National Executive Board, to ensure that issues are followed up and properly resolved. Barry Krasner will work with Mr. Robicheau to develop an electronic method of tracking these issues. After discussion of an agenda item, it will be decided whether the issue is "open" or "closed" and an owner will be designated for that issue. **Open Item - Ghaffari**

OSHA Committee: Mr. Santore noted that the OSHA Committee does not appear to have a charter, nor has this committee met for quite some time. Mr. Forrey will direct the chair of the OSHA Committee to draft a charter for NEB approval. **Open Item - Forrey**

Workers Memorial/National Labor College: The National Labor College is building a workers memorial park at their Silver Spring, Maryland campus. Unions are being asked to contribute \$10,000 for memorial benches, which will remember those who died from workplace accidents or illnesses.

Forrey: Motion to purchase a memorial bench at the National Labor College, in the amount of \$10,000

Meachum: Seconded

Vote: Passed unanimously

Closed Item

ESEP: The Agency has approved the ESEP plan, raising concern among the engineers bargaining unit. NATCA has not received official notice of the Agency's intent to implement this plan, despite the fact it appears they are moving forward. In the meantime, NATCA will continue its legislative pressure. **Open Item – MacDonald**

Shrinking Engineering Workforce: Mr. MacDonald noted that the engineers bargaining unit was reduced by 17% between 2006-07. Since that time, he believes another 5% of the workforce has left the FAA. The Agency is not replacing these employees, and remaining employees are faced with an increasing workload. Mr. Forrey recommended that Mr. MacDonald keep Doug Church informed of this situation, so that it can be brought to media attention as appropriate. **Open Item - MacDonald**

Web-Based Training: Mr. Ghaffari is working with Bob Taylor, Mike Hull and Tony Yushinsky to develop a web-based basic facility representatives training course. Completion of this web-based program would be a prerequisite to attend regular FacRep training, which could then be taught in two days. **Open Item - Ghaffari**

SRMDs: NATCA has yet to create a policy on the SRMD and SMS processes, and Mr. Ghaffari believes one is essential. Mr. Forrey noted that this is both a safety and a labor relations issue, so the union needs to proceed very cautiously when creating a policy. Mr. Ghaffari believes NATCA should refuse to participate on any SRM panels until a specific process has been agreed to in an MOU that clearly designates NATCA as a stakeholder. This was agreed by consensus. Mr. Forrey will discuss this with Hank Krakowski. **Open Item - Forrey**

Rehired Annuitants Policy: NATCA members have raised questions about the union's position on rehired annuitants, specifically in regard to seniority. It was noted that any proposed change to the union's seniority policy would now require an untimely constitutional amendment, which would take a 3/4 vote of the delegates before it was even heard. Placement of these annuitants in the watch schedule is negotiable. **Closed Item**

"Boots on the Ground" Program: NATCA's expenses to date for the "Boots on the Ground" program have totaled approximately \$500,000. This expense has been taken from the National Office budget, as we don't want to use PAC funds for this program. Mr. Rinaldi anticipates the final cost of this program to be approximately \$1.2 million, and requested NEB approval to transfer funds from NATCA's savings account to the general fund in order to fund remaining expenses for the program.

Rinaldi: Motion to move \$300,000 from NATCA's savings account to the general operating account in order to fund remaining expenses for the "Boots on the Ground" program
Robicheau: Seconded

Vote: Passed unanimously

Closed Item

Senatorial Candidates: Mr. Thompson believes that NATCA should endorse Senatorial candidates. Mr. Forrey explained that this can be difficult if the union endorses one candidate but declines to endorse other candidates in other races. He believes the best way to show the union's support is for NATCA Locals to work with State or local labor councils if they have a particular Senate/House candidate they wish to endorse. This was agreed by consensus.

Closed Item

TTAP Update: Mr. Blankenship noted that an information request has been submitted for data we would normally have had access to if we were involved in TTAP at the local level. When that information is received, it will be reviewed and analyzed. Cris Johnson, Scott Morrison and Kevin Sills are actively working on this. **Open Item - Blankenship**

SIRS Program: Mr. Forrey will check on the status of the letter he intended to send to the FAA Administrator regarding the SIRS program. **Open Item - MacDonald**

Tuition Reimbursements: As there had been previous discussion on the appropriate use of the NATCA tuition reimbursement policy, Mr. Meachum prepared internal implementation procedures for NEB consideration that would assist in determining whether or not to approve such reimbursements: *The NEB establishes the following rules and regulations for the NATCA Education Reimbursement Fund when the request for reimbursement concerns educational courses or certificates other than a Bachelor of Labor Studies degree. In accordance with Standing Rule F-4, these rules and regulations or the associated program may be modified or cancelled at any time. Any active NATCA Member in good standing is eligible for reimbursement for degrees, courses, or programs which the member can show, and the NEB agrees, directly relates to furthering the cause of NATCA or labor as an entity. The degree, course, or training certificate may be from any accredited college or university within the United States and its territories or any labor or labor relations training program sponsored or supported by the AFL-CIO, National Academy of Arbitrators, CyberFeds, and FMCS. The NEB may approve any similarly situated organization at any time, but preferably in advance of taking the course.*

Meachum: Motion to approve the above implementation procedures

Farrow: Seconded

Vote: Passed, with Mr. Santore voting in opposition

The Board then considered several requests for tuition reimbursement that had been submitted as agenda items.

Santore: Motion to approve Jay Barrett's request for tuition reimbursement in the amount of \$2,500

Robicheau: Seconded

Vote: Passed unanimously

Zilonis: Motion to approve Mark DiPalmo's request for tuition reimbursement in the amount of \$963.35

Ghaffari: Seconded

Vote: Passed unanimously

Zilonis: Motion to approve Holly Gronhovd's request for tuition reimbursement in the amount of \$2,500

Thompson: Seconded

Vote: Passed, with Mr. Farrow, Forrey, Ghaffari, Meachum and Rinaldi voting in opposition

The Board declined the requests for tuition reimbursement from Wendy Barone and Clement Bourg, as they did not fulfill the requirements of the newly-passed rules and regulations governing this program.

Closed Item

Election Protest/SLC – The National Executive Board voted to invalidate the recent election at NATCA SLC, and directed the election to be re-run.

Closed Item

New Table of Penalties: Mr. Forrey explained that the new "table of penalties: was developed before implementation of the ATSAP program. Mr. Santore was unaware that this had been developed so long ago, and believes that this is yet another means for the FAA's HR/LR team to circumvent air traffic. Mr. Forrey will discuss this further with Hank Krakowski, but he also believes it will be necessary to attack the Agency's actions. Mr. Zilonis will work with Marc Shapiro to research if other federal employees are working under such programs that are as heavy-handed and capricious as the FAA's. **Open Item - Zilonis**

CISM Peer Debriefers: There are openings for CISM peer debriefers in several regions. CISM Committee Chair Jim Ullman is conducting telephone interviews with three candidates from the Central Region, but needs representatives from other regions. **Open Item - Ghaffari**

Membership Termination: Under NATCA's Constitution, the only way that a membership can be terminated is for financial reasons (failure to pay dues). Article VI, Section 3 states that a member can be expelled or suspended for any breach of his or her responsibility to the Association through the internal grievance process. **Closed Item**

CBA Negotiations- Wage Determinations: Mr. Meachum questioned whether NATCA can do anything to increase the pay of FCT employees, as any raises to FCT controller pay could be good for all controllers. He noted that the Department of Labor could take action to lower salaries of all controllers based on the low wages being paid to FCT controllers. Mr. Forrey

explained that PATCO has already filed a wage determination with the Department of Labor for controllers that they represent; we will monitor the DoL's decision. **Open Item - Forrey**

Web-Based Schedules: Mr. Ghaffari explained that web-based schedules have existed at several facilities in his region for some time; he believes that it's a good product and his members seem to like it. Mr. Santore noted that this is a new procedure in his region which was never negotiated, and he is concerned with the fact that such web-based scheduling programs can be monitored remotely. Mr. Santore will discuss this issue with Marc Shapiro and determine the best means to deal with it. **Open Item - Santore**

Constitutional Interpretations - Website: Mr. Ghaffari noted that a link is necessary on the NATCA website for archived constitutional interpretations. Mr. Blankenship explained that this link already exists; he will ensure it is up to date. **Open Item - Blankenship**

Organizing WCG Employees : It has been questioned whether NATCA can organize and represent Washington Consulting Group (WCG) employees who perform training at the FAA Academy and other FAA facilities nationwide. Legal analysis has shown that NATCA can do this. Discussion ensued on whether the union should pursue organizing these employees, with the consensus being that there was no interest in doing so at this time. **Closed Item**

IFATCA: The next Americas Region meeting of IFATCA will take place in Jamaica in late October. Mr. Forrey will attend this meeting along with Chris Sutherland (who serves as a member of IFATCA's Technical Operations Committee). Mr. Meachum volunteered to attend if necessary. The 2009 annual conference of IFATCA takes place in Dubrovnik, Croatia during the week of April 20; Mr. Forrey, Mr. Meachum and Mr. Zilonis will attend and represent NATCA. **Closed Item**

Critical Staffing: Staffing at SFO is at a critically low level due to the fact that several individuals are on leave on OWCP/CA-1 issues; the Agency has suggested that they may reduce services as a result. Mr. Ghaffari noted that National Safety Committee representative Eric Carter has been assigned away from this facility to work on the ATSAP program, and questioned whether Mr. Carter could be returned to the facility in order to ease the workload issue. Mr. Zilonis explained that Mr. Carter is the only terminal representative on the ATSAP program; however, Mr. Ghaffari believes it is critical that Mr. Carter return to his facility until they reach adequate staffing levels. Mr. Zilonis stated that if Mr. Carter leaves the ATSAP program, they cannot hold this program vacancy open and he will have to be replaced. **Open Item - Ghaffari**

TCAS RAs: TCAS RA's are increasing in Western Pacific Region; the Agency goes through certain steps when this occurs. The Agency's tracking process ceases once an employee fills out the appropriate paperwork. Mr. Ghaffari believes there could be a benefit in having the Agency track these issues so that we can get a better idea of the number of RA s that are actually occurring. At this time, there is no requirement for the FAA to track TCAS RA s. Mr. Forrey will speak to Hank Krakowski to determine the Agency's interest in tracking these R As. **Open Item - Forrey**

OSC: Mr. Ghaffari questioned if there was a timeline for filings with the Office of Special Counsel. He noted that activists in his regions are receiving reprimands in retaliation for performing their union duties. Mr. Ghaffari will work with Kevin Sills on this issue. **Open Item - Ghaffari**