NATCA National Executive Board Meeting
July 10, 2018
Des Moines, IA

The meeting was called to order by President Paul Rinaldi, and the following individuals were in attendance:

Paul Rinaldi, President
Patricia Gilbert, Executive Vice President
Clint Lancaster, Alaska Regional Vice President
Kevin Peterson, Central Regional Vice President
Dean Iacopelli, Eastern Regional Vice President
Bryan Zilonis, Great Lakes Regional Vice President
Mike Robicheau, New England Regional Vice President
Doug Pincock, Northwest Mountain Regional Vice President
Jim Marinetti, Southern Regional Vice President
Andrew LeBovidge, Southwest Regional Vice President
Hamid Ghaffari, Western Pacific Regional Vice President
Mike MacDonald, Region X Vice President
Aaron Merrick, Central Regional Vice President Elect
Rich Santa, Eastern Regional Vice President Elect
Drew MacQueen, Great Lakes Regional Vice President Elect
Eddie DeLisle, Northwest Mountain Regional Vice President Elect

Old Business

Facility Staffing: The Collaborative Resources Workgroup (CRWG) has agreed to update the interim CPC Target numbers for the handful of facilities that the Parties have mutually agreed upon from the facility level to the national level. The Agency still views the 12,896 number as zero-sum. We will continue to review the CPC Target and work toward agreement on the staffing model. The Parties are working to schedule the next meeting in August.

The Parties have a meeting scheduled for July 13 at the national level to discuss mutual concerns regarding the NCEPT and National Release Policy.

The next NCEPT panel is scheduled for August 16. The last day to submit ERR requests is July 16.

The Agency has delayed the general public hiring announcement for air traffic control specialists but has not set a new date. NATCA continues to push the Agency and legislators to keep the hiring pipeline and academy full. The New York local area hiring bid got just over 700 applicants.

The first TETRA class has been completed. Eleven of twelve students passed.

Language in the last FAA extension addressed retired military controller hiring.
(Gilbert/Iacopelli/LeBovidge/Robicheau – OPEN)

Traffic Mix Formula and Validation Team: The National Validation Team met in DC June 18-22. There were three upgrades (BOI, GSP, LVK) and three downgrades (PHF, RDG, TOA). The facility pay-level reviews for seven additional facilities resulted in either deferral until the
next NVT meeting, removal from consideration, or warranted further review. The next NVT meeting is scheduled for the week of September 17.

To fill vacancies caused by upcoming retirements, a solicitation will be put out to add two more members to the NVT. (Robicheau/Lacopelli/DeLisle – OPEN)

**ZMA/ZHU Update:** The required validation for ZMA has been completed. NATCA leadership and the validation workgroup briefed the facility via telcon on May 24 and visited the facility on June 5 for a face-to-face briefing. They explained the validation process in great detail and answered questions from the membership. Based on the results of that validation, ZMA did not meet the upgrade criteria as defined in the Position Classification Standard.

On June 22, NATCA leadership and the validation workgroup went to ZHU to brief the facility on the results of the ZMA validation and explained how the validation of ZHU would progress. Future validation meetings for ZHU are scheduled for the weeks of: 7/16, 8/13, 10/1 10/15.

The application of the definition of Oceanic Traffic remains unresolved between the Parties at this point. The workgroup will focus on doing an accurate validation.

**ABACUS update:** Brody McCray is replacing Eddie DeLisle as the lead on ABACUS and Scott Finer has been added to that workgroup. Program development for an automated traffic count and calculating program for En Route, Terminal, and CCFs is progressing on schedule and is projected to be completed in Q1 of 2020. (Gilbert/Lacopelli/DeLisle – OPEN)

**FAA Reauthorization:** The Senate FAA bill has been on hold since the Senate Commerce, Science, and Transportation Committee approved it last year. However, potential movement on the bill is possible before September 30th. As a reminder, Senate Majority Leader Mitch McConnell “started the clock” on an FAA bill, but floor time has been a challenge. Likewise, Senate Minority Leader Chuck Schumer (D-NY), as well as other Senators could potentially hold up the bill because it is the only legislation moving forward with a tax title and he and other lawmakers may seek to add non-FAA-related tax measures to the bill. Finally, Senate Republican leadership is expected to spend a significant amount of time and energy in the coming months working to generate support and confirm President Trump’s nominee, Brett Kavanaugh, to the U.S. Supreme Court. This process could complicate the Senate calendar and in turn, may create another obstacle for consideration of the FAA bill.

**Background**
The current FAA Reauthorization extension expires on Sept. 30. If a long-term bill is not signed into law before then, another extension will be necessary in order to avoid a partial FAA shutdown. The House overwhelmingly passed H.R. 4, the FAA Reauthorization Act of 2018, in April by a vote of 393-13. The five-year, bipartisan bill authorizes $71 billion for the operations, F&E and RED accounts at the FAA from Fiscal Year (FY) 2019 through FY 2023. During this year’s NATCA in Washington, participants asked their Senators to urge Senate leadership to complete action on a long-term FAA reauthorization bill. (Rinaldi/Gilbert – OPEN)
Committee Review: The Committee tracking spreadsheet was updated and distributed by RVP Robicheau. Any specific changes or vacancies should be discussed. Some Collaboration Facilitators will be changing and will be updated. The NVT will be updated.

In August RVPs will be assigned to committees and workgroups. (Robicheau/Peterson – OPEN)

RESPECT Campaign: Garth Koleszar briefed the Strategic Leadership Meeting on June 26 on progress of the planned implementation of the initiative. The four hours for the Professional Standards committee will be formalized with Glen Martin. (Iacopelli – OPEN)

Labor Relations Negotiations/Strategy Team: Director of Labor Relations Ryan Smith distributed the following update and briefed the NEB on current grievances: There are currently 59 total grievances at the arbitration level. By region: NAL - 1, NCE - 2, NGL - 5, HQ - 2, NNE - 5, NNM - 6, NSO - 6, NSW - 7, NWP - 8, NRX - 18.

Arbitration Schedule: The following grievances have been approved for arbitration and have been scheduled for hearing: 17-ZDV-13; 16-CAK-35; 18-ENM-13; 16-A90-4; 16-M98-4/17-ZHU-20; 17-OMA-1; and 17-LGB-2.

FLRA Decision: On July 5, 2018, the FLRA rendered a decision on the Agency’s exceptions to the arbitrator’s decision in the “52 consecutive weeks experience” grievance (14-A11-12). The FLRA found the Arbitrator’s interpretation to be incompatible with the plain meaning of Article 108 – noting the CBA specifically requires 52 consecutive weeks of “experience” to receive the higher pay grade. The FLRA declared that the Arbitrator eliminated that requirement [experience] by interpreting Article 108 as simply requiring the grievant to maintain certification for 52 weeks. We are currently analyzing our options for challenging the FLRA’s decision.

Under 5 CFR §2429.17, NATCA can file a motion for reconsideration within 10 days of service of the decision.

OPM Guidance on EOs: On July 5 OPM published guidance on the recent Executive Orders. The guidance confirmed that there will be no changes to any of NATCA’s Collective Bargaining Agreements with the Agency. Specifically, our CBAs cover the issues of official time and office space, and we anticipate no change to those provisions.

Flight Data / Clearance Delivery: NATCA recently became aware that the Agency issued an order that permits multiple positions to be combined and classified as the highest-level position. NATCA requested a briefing, which is scheduled for July 13, on the order. (Iacopelli/Robicheau – OPEN)

Training Committee: The committee met the week of July 2. Minutes from the meeting were distributed with the following updates: The use of AirTAM Leadership Systems is now on an ad hoc basis. The OWCP/OSHA and DAC classes are slated to be updated. An additional STT class has been included in the Academy schedule for December. A process for hosting an Academy course regionally has been developed. We are working through our partnership with Penn State
to develop a new “train the trainer” type course that we would then own. A beta safety course is
taking place in D.C. the week of July 16.

Archiving processes and guidelines will be discussed at the August NEB meeting.
(LeBovidge/Ghaffari/MacDonald/Marinitti – OPEN)

**Section 804 Process:** The NGL process for GRR/AZO/MKG/FNT/LAN/MBS is moving along.
A couple of small things came up regarding the move money and retirements.

RVP MacDonald will look into the timeline for equipment installation in NGL possibly not
being met. After MacDonald inquired: There has been some dysfunction from Washington
identifying a cutover date without talking to local ES engineers. The Lead Engineer for ES has
been working with the local Air Traffic manager while some other group discussed pinning
down cutover dates. Engineering Services has informed us that they can make a March 31day
for a first cutover, the original date was March 25th.

There are no issues with Erie/Buffalo.

NNM and NWP regional office moves are going slowly.

The following voted on via email and discussed via telcon (April 13) prior to the NEB meeting:

**Receiving Facility:** Approximately twelve (12) months prior to cutover, the CPC Target
number on the Priority Placement Tool will be updated to reflect the collaboratively
determined new CPC Target number based on S804 analysis estimates.

**Transferring Facility:** The CPC Target number on the Priority Placement Tool will be
lowered equal to the number of confirmed transfers in accordance with the associated
A76 MOU.

**Note:** Employees selected for reassignment from a transferring facility to a receiving
facility will be updated in SWB for both facilities, and will be shown as CPC-IT’s for the
receiving facility in the Priority Placement Tool.

As an example:

- Cutover for ERI / BUF is scheduled for November 4, 2018. To prevent further reducing
  staffing levels at the receiving facility (BUF), the following actions will occur prior to the
  next NCEPT

  - Increase BUF CPC Target number from 30 to 35
  - Reduce ERI CPC Target number from 17 to 14 due to reflect 3 confirmed
    MOU transfers
NATCA National Executive Board Meeting
July 10, 2018
Des Moines, IA

- Ensure 3 confirmed employees transferring pursuant to MOU are removed from NCEPT / ERR request lists

  - Cutover for GRR, FNT, LAN, MBS, MKG / AZO is scheduled for February 2019. To prevent further reducing staffing levels at the receiving facility (AZO) the following actions will occur prior to the next NCEPT:

    - Increase AZO CPC Target number from 22 to 58

    - Maintain GRR, FNT, LAN, MKG, MBS CPC Target numbers until volunteer candidates are confirmed (approximately May 10, 2018)

    - Prior next NCEPT meeting, reduce GRR, FNT, LAN, MBS and MKG CPC Target number to levels equal to the number of confirmed volunteers

A76 Transfer Rules:

  - A BUE who has a confirmed transfer under the provisions of the relevant A76 MOU will be removed from consideration for any requests under the NCEPT process.

  - A BUE who accepts an NCEPT Firm Offer Letter (FOL), but prior to the effective date of transfer declines the FOL, may subsequently volunteer for transfer under the relevant A76 MOU.

(Iacopelli/MacDonald – OPEN)

U.S. Virgin Islands & Puerto Rico Disaster Relief/Disaster Response Team: Payment for hotel rooms is still unresolved. The Agency has gone through several iterations of possible outcomes but has not made a decision.

Generators are being recalled. ZSU FacRep Woody Camp is working with the Agency to try to keep them on the island for future emergencies. EVP Gilbert would like to buy some emergency supplies to have on hand, especially for developmentals and members who are new to Puerto Rico. RVP Marinetti will look into it.

No update on the Disaster Response Team. RVP Marinetti will meet with Tom Flanary to discuss next steps. (Marinetti/Gilbert – OPEN)

Guam: The FAA Reauthorization House Bill includes language for FAA employees in Guam to be allowed to use base medical facilities.

NATCA is working with FAA HR at the CSC to update the position descriptions (PD) so that they indicate that an integral part of the work done in Guam is to support the military. The PD will be reviewed at the next CSC. RVP Ghaffari also raised the importance of following through
on the Guam workgroups recommendation to revise all transportation agreements and insert verbiage which gives the base commander discretion to give FAA personnel base access. (Gilbert – OPEN)

**NATCA Website:** Waldinger briefed the board on the website design. They took the board’s suggestions and are working through those. Trish relayed the importance of continuing to update the current website while building the new one. (Robicheau – OPEN)

**GM Restructuring:** NATCA has been addressing the Agency’s proposed changes using traditional labor relation’s processes. The Parties have met and NATCA has submitted a formal proposal. (Iacopelli – OPEN)

**AOS:** The previous AOS National Representative stepped down before the end of his term. Keith Duffey won the election, but that term doesn’t start until September. Request for Duffey to take office immediately was unanimously approved. (Iacopelli – CLOSED)

**Paid Parental Leave:** The Agency pushed back on the workgroup’s findings regarding paid parental leave. They raised several roadblocks, including being the first government agency to offer a paid parental leave program, the Acting Administrator, and cost. NATCA is committed to continuing the fight for paid parental leave both with DOT and legislatively. A proposal has been shared with the Agency that would revise Article 90 to amend the VLTP to include the birth or adoption of a child. The Agency recently briefed NATCA regarding a leave bank program which would allow eligible employees to receive donated leave for the birth or adoption of a child. (Gilbert/Iacopelli – OPEN)

**New Business**

**AMAS & SSRI Program:** AMAS will be made aware of the recent changes to the SSRI MOU. (Pincock/Iacopelli – OPEN)

**NATCA Code of Conduct:** The Code of Conduct will be considered at the August meeting. (Gilbert – OPEN)

**DOL Budget and Compliance:** The Department of Labor has recently hired and trained more auditors. At the AFL-CIO Secretary-Treasurers meeting, EVP Gilbert received a briefing on several items other unions have been scrutinized for including itemized receipts, taxis, membership item giveaways (specifically t-shirts), and gift cards. We need to track who shirts or other items are going to and keep an inventory of leftovers. Taxis need to include to and from locations and anyone else in the vehicle. (Gilbert - CLOSED)

**Track 2 Hires – RTF:** Experienced hires going to up-downs with only tower experience should go to RTF. This will be added to the CSC agenda. (Gilbert – CLOSED)
Internal Grievance SW-18-01: LeBovidge reviewed the facts of the grievance. A motion to send the grievance to trial committee was unanimously approved. (Rinaldi/Gilbert/LeBovidge – CLOSED)

NFC Amended Charter: The National Finance Committee proposed several amendments to their charter. The revised NFC Charter passed unanimously as amended by the board. (Gilbert – CLOSED)

National Finance Committee Charter (07/06/2018)

The NATCA National Finance Committee, hereafter referred to as the Committee, shall assist the President, Executive Vice President, and Regional Vice Presidents in protecting the assets of the Association, and its members while ensuring that the fiduciary responsibilities of NATCA are upheld.

Composition:

1. The Committee shall be comprised of one (1) active member in good standing from each Region in addition to a Chairperson.

2. Each Committee member shall be selected in accordance with the NATCA National Constitution / Standing Rules / Policy & Position Statements effective at the time of the selection.

3. The committee shall have the ability to accept up to one (1) mentee per region. A regional mentee must be nominated by the respective RVP and is subject to approval by the National Executive Board. Mentees shall not be a voting member within the committee, but should be present at all meetings of the committee.

Committee Leadership:

1. The members of the Committee shall elect a Chairperson.

2. The members of the Committee shall elect a Secretary.

3. The Chairperson and Secretary shall be elected at the Committee Meeting during the Biennial Convention.

4. The length of term for the Chairperson and Secretary shall be “Biennial Convention to Biennial Convention”.

5. There is no limit on the number of terms that the Chairperson or Secretary may serve.

6. If the Chair is vacated, the Chairperson shall be replaced in accordance with the NATCA National Constitution / Standing Rules / Policy & Position Statements effective at the time of the vacancy.

7. If the Secretary position is vacated, the Chairperson shall conduct an election among the remaining Committee members to replace the Secretary.
Meetings:

1. The Committee shall meet at least once per year. The annual meeting shall coincide with the November National Executive Board meeting.
2. In addition, the Committee shall meet at each Biennial NATCA Convention.
3. Additional meetings may be held when deemed necessary by the Chairperson and approved by the Executive Vice President.

Roles and Responsibilities:

1. Review all financial reports of the Association.
2. Review the submitted annual budget and submit recommended changes to the National Executive Board for consideration.
3. Conduct audits and submit reports within 30 days of the audit to the Facility Representative, Regional Vice President, Executive Vice President, NATCA Comptroller, NATCA General Counsel, Finance Committee Chairperson, and uwadmin@natca.net.
4. Assist Locals with audits and in the filing of required DOL, IRS and NATCA financial documents.
5. Assist the National Training Committee with training material for any pertinent NATCA Academy classes.
6. Recommend Financial Policy changes to the National Executive Board.

Internet Reimbursement: An untimely request for internet reimbursement for APA was unanimously approved. (Pincock – CLOSED)

Internet Reimbursement: An untimely request for an internet reimbursement for BDL was unanimously approved. (Robicheau – CLOSED)

Internet Reimbursement: An untimely request for an internet reimbursement for SCK and STS were unanimously approved. (Ghaffari – CLOSED)

Internet Reimbursement: (Voted on via email prior to NEB meeting) An untimely request for an internet reimbursement for ZUA was unanimously approved. (Ghaffari – CLOSED)

Internet Reimbursement: (Voted on via email prior to NEB meeting) An untimely request for an internet reimbursement for ARR was unanimously approved. (Zilonis – CLOSED)

Tuition Reimbursement: Travis Arnold’s request for tuition reimbursement was unanimously approved in accordance with SRF-14. (Peterson – CLOSED)
Tuition Reimbursement: Onja Beebe’s request for tuition reimbursement was unanimously approved in accordance with SRF-14. (Iacopelli – CLOSED)

Tuition Reimbursement: Scott Dittamo’s request for tuition reimbursement was unanimously approved in accordance with SRF-14. (Iacopelli – CLOSED)

Tuition Reimbursement: Samed Rizvi’s request for tuition reimbursement was unanimously approved in accordance with SRF-14. (Iacopelli – CLOSED)

Tuition Reimbursement: Heather McNevin’s request for tuition reimbursement was unanimously approved in accordance with SRF-14. (Zilonis – CLOSED)

White House Policy Statement on ATC Reform: The White House put out a policy statement in support of ATC reform similar to the AIRR Act. Anything supported by this administration would likely not include the labor provisions and employee protections of the AIRR Act of 2017. (Gilbert – CLOSED)

NAL Constitution Committee: Kyle Kolberg from ZAN was added to the NCC as the Alaska Region member. (Lancaster – CLOSED)

NAL Legislative Committee member: NLC member Richard “Tiny” Fagg retired, leaving a vacancy on the committee. The board approved a request to replace him with current mentee, Dawn McFalls, with Tiny staying on as an Alternate while she gets up to speed. (Lancaster – CLOSED)

Drug Abatement Inspector National Rep.: The position of Drug Abatement Inspector National Representative is vacant. Stacie Wooten won the election, but that term doesn’t start until September. Request for Wooten to take office immediately was unanimously approved. (MacDonald – CLOSED)

Solidarity Cup: RVP MacDonald requested that NATCA sponsor a dinner for the golf tournament for $2700. The request was unanimously approved. (MacDonald – CLOSED)

Charter for Locals HHR, RNT and UAO: (Voted on via email after meeting) The NEB unanimously approved the Charters for newly organized NATCA locals HHR, RNT and UAO. (Rinaldi – CLOSED)

Briefings

Steve Hansen: TARP Plus proposal was moving extremely quickly through the Agency. Jeffery Vincent was contacted and the program has slowed down and is getting more scrutiny and a communications plan. Most EOR alerts from the new program are from exclusionary zones (usually VFR). They have not made any decisions and are not doing anything with the information. This should be brought to Tim and Teri.
Director of Safety & Technology Jim Ullmann briefed the NEB on the following issues:

- EBUS: NATCA and the FAA have agreed to form an EBUS workgroup to collaboratively look at all possible mitigations to the high hazards documented by the EBUS SRM Panel.
- En Route Data Comm: Staffing issues, including the release of SME’s from the operational scheduled and newly implemented travel restrictions, may have an impact on the published timelines for En Route Data Comm implementation.
- Ullmann also briefed the NEB on Commercial Space activity, changes to the Federal NOTAM System (FNS) and Remote Tower activity at JYO and FNL.
- DataComm implementation plan is aggressive. They don’t have as many people on the cadre as they wanted. SMEs aren’t being allowed to travel on weekends or work extra days and the training schedule is just impossible. Are Center Reps aware that they should not delay training for DataComm training?

- Federal NOTAMS system. They’re trying to go to one system. It is funded out of Ops, there’s no redundancy.

- Remote tower testing at Leesburg is running again. Fort Collins has been delayed, but should start soon.

- Commercial Space- working with ALPA on a White Paper. Agency keeps raising “acceptable level of risk.”

General Counsel Update on FLSA Litigation (Abbey, et al. v. United States): This litigation is currently on appeal at the U.S. Court of Appeals for the Federal Circuit. The case has been fully briefed, and the appellate court has asked the attorneys for the NATCA plaintiffs and the Department of Justice to provide notice of any calendar conflicts in August, September, or October so that the court may schedule oral argument during one of those months before a three-judge appellate panel. The issue presented to the appellate court by attorneys for the FAA and DOJ is whether the government may introduce new evidence at this late state of the litigation of credit hour usage by the NATCA plaintiffs after October 1, 2009 in order to reduce the damage awards for the NATCA plaintiffs that were previously stipulated to by the parties. In an earlier trial court decision by the U.S. Court of Federal Claims, the government’s efforts to introduce this new evidence subsequent to the close of discovery and a trial on the merits was rejected. If oral argument is scheduled in one of the next few months, it is possible that a final appellate court decision could issue by the end of the year.

Patricia Gilbert
Executive Vice President