

## NATCA National Executive Board Meeting

April 3-4, 2008

The meeting was called to order by President Patrick Forrey and the following individuals were present: Paul Rinaldi, Executive Vice President; Ricky Thompson, Alaskan Regional Vice President; Howard Blankenship, Central Regional Vice President; Phil Barbarello, Eastern 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 were Marguerite Graf, NATCA General Counsel, and Adell Humphreys, NATCA Chief of Staff.

Acceptance of Minutes from Previous Meetings: Mr. Meachum noted the NEB minutes of the January 30-31 meeting were incorrect in that they reflected unanimous passage of a new communications policy. Mr. Meachum recalled the discussion had stipulated that General Counsel Rita Graf would review the proposal prior to the Board's vote on the matter. After discussion with Ms. Graf, Mr. Meachum made the following motion to amend the text of the original communications policy proposal to read as follows:

Meachum: Motion to amend the text of the BBS policy passed by the NEB on page three of the January 30-31 minutes to read as follows: "*NATCA members who are selected for FAA management positions will immediately be denied access to the NATCA bbs and, as appropriate, listservs and group email lists and voice mail.*"

Ghaffari: Seconded

Vote: Passed unanimously

Zilonis: Motion to approve the minutes of the January 30-31 meeting (as amended), the February 12/22/28 teleconferences, and the March 5/15/18/20 teleconferences

Santore: Seconded

Vote: Passed unanimously

Requests for Tuition Reimbursement:

Margaret Raymond is requesting tuition reimbursement in the amount of \$3,300. She is pursuing a four-year degree from the University of Indianapolis and is majoring in psychology.

Zilonis: Motion to reimburse Margaret Raymond in the amount of \$2,500 (the maximum amount reimbursable per calendar year)

Barbarelllo: Seconded

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

Carlos Wyre is requesting tuition reimbursement in the amount of \$2,240.82. He is pursuing a four year degree in professional aeronautics from Miami-Dade College.

Santore: Motion to reimburse Carlos Wyre in the amount of \$2,240.82

Barbarello: Seconded

Meachum: Motion to amend, to approve reimbursement for all courses except for the Statistical Methods class

Forrey: Seconded

Vote: Defeated, with Mr. Meachum voting in support

A vote on the original motion was taken.

Vote: Passed unanimously

Indemnification: The NEB conducted a teleconference with Bob Marks regarding his earlier request for legal indemnification which was considered by the NEB on January 30, 2008. After discussion, the NEB declined to reconsider their earlier motion, as Mr. Marks was yet to be legally served.

Licensing Agreement for NATCA Logo: Mr. Rinaldi distributed a proposed licensing agreement for entities who wish to reproduce the NATCA logo on items and sell them for profit.

Rinaldi: Motion to accept the Authorization for Use of NATCA Identities

Barbarello: Seconded

Zilonis: Motion to amend the section that references licensing fees, charging \$100 for the first year and \$250 for every year thereafter

MacDonald: Seconded

Meachum: Motion to amend the above amendment, charging a \$250 licensing fee for every year

Ghaffari: Seconded

Vote: Defeated, with Mr. Barbarello, Mr. Forrey, Mr. Ghaffari and Mr. Meachum voting in favor

A vote on Mr. Zilonis' original motion to amend was taken.

Vote: Passed, with Mr. Ghaffari and Mr. Thompson voting in opposition.

A vote on the licensing agreement as amended was taken.

Vote: Passed, with Mr. Thompson voting in opposition.

(The licensing agreement can be found as Attachment A to these minutes.)

FLSA Lawsuit: General Counsel Rita Graf reported that the FAA provided their last pleading on this case in late March. NATCA's last pleading is due mid-April. At that point, the preliminary issues will be briefed and the court can schedule oral arguments or could possibly issue a decision (we expect that oral arguments will be next).

FOIA Request: The FAA has responded to NATCA's FOIA request for ATO travel cost information for the last three years, stating that they will have to charge NATCA \$8 million to comply with the request. We will request clarification from the Agency and justification of their calculations. We also may consider refining our request in order to get a reduction in the cost of producing the materials.

Article 48 Representatives: Mr. Meachum noted the NATCA policy that requires members to reimburse the union for NATCA training costs incurred on their behalf if they become a supervisor within a certain period of time after having taken NATCA training. He questioned if it would be possible for the union to implement a similar policy for NATCA's Article 48 representatives who resign or retire from the Agency and then go to work for a contractor. He recommended that Article 48 representatives be required to sign a document that would outline the policy, if one were implemented. Discussion ensued on this proposal.

Publication of NEB Minutes: NATCA Standing Rule I-6 says that NEB minutes shall be published within two weeks following the close of the meeting. This has posed problems in the past, as the minutes are published before they are approved by the NEB. After discussion, it was agreed that draft minutes of all NEB meetings and teleconferences will be sent to the NEB for review as soon as possible for review; the minutes will be approved on the next NEB teleconference or meeting (whichever occurs first), and will then be published.

Employee Performance Reviews: Mr. Meachum noted that several Regional Vice Presidents are now required to do annual performance reviews of their employees, and these reviews must be done within a specific time period. He requests that support be provided on proper administration of these reviews and reminders to ensure that the reviews are done on a timely basis. Ms. Humphreys agreed to provide reminders of due dates, and emphasized that she and General Counsel Rita Graf are available to assist with performance reviews.

Engineering Services Efficiency Plan: Mr. MacDonald reported that they are awaiting a briefing from Steve Zaidman on the Engineering Services Efficiency Plan ("ESEP") prior to Mr. Zaidman briefing Acting Administrator Sturgell. In support of NATCA's position on this matter, over 1,700 emails have been sent to Capitol Hill. Mr. MacDonald will reconfigure the email program so that the emails can be sent from all locations nationwide.

Legislative Update: Mr. Forrey and the heads of several other transportation unions met with Senator Rockefeller yesterday. The unions stressed the importance of completing the FAA reauthorization bill in this calendar year, but noted that there is a perception that there is a lack of support for union issues. Senator Rockefeller defended his record on labor issues, and insisted that his problem with the FAA reauthorization bill is with the user fees and general aviation – he believes that general aviation needs to pay for the system and until that's worked out, the bill isn't going to pass. He is also adamant about a user fee for corporate aircraft and refuses to move off this issue. The Senate Finance and Commerce Committees will meet tomorrow to try to work this out. Mr. Forrey reminded the Senator that unions have done all that they can for the Democrats on Capitol Hill.

NEB Proposed Constitutional Amendments: Mr. Meachum reminded the NEB that they need to review the NATCA Constitution and Standing Rules in preparation for the upcoming convention. Mr. Forrey noted that the dues workgroup will meet next week in Washington to discuss any proposed changes to the NATCA dues structure.

Northeast Airspace Redesign: Mr. Robicheau and Mr. Barbarello received an informal briefing from the FAA last week on their airspace redesign project. Acting Administrator Sturgell said that a formal briefing would be held with the NATCA Eastern Regional Vice President, but this has yet to occur. Mr. Forrey will follow up on this. Mr. Robicheau believes that NATCA needs to be pro-active on this issue and develop a comprehensive strategy to address the Agency's unilateral actions. It was agreed that Mr. Zilonis, Mr. Barbarello, Mr. Robicheau, Mr. Santore, Barry

Krasner and a representative from NATCA's Labor Relations Department would meet and develop a strategy.

NEB Voice for ESEP: Larry Ihlen has asked the NEB to include the Engineering Services Efficiency Plan when speaking about safety concerns. Mr. Forrey said he has directed NATCA's Communications to do this whenever possible; he will remind Doug Church of this.

Use of NATCA's Website for Instant & Timely Communications: Mr. Meachum believes that there is a perception that the FAA is now doing a better job than NATCA in communicating with our bargaining unit members. He noted that the FAA is using RSS technology, and recommends that NATCA investigate the use of this technology to improve the union's communications. He suggested NATCA do a blog, written by the staff, that could be updated a couple of times a day that would provide updated information to bargaining unit members. Mr. Forrey will discuss this with Doug Church and determine if this would be feasible, given the current staff workload.

Futures Workgroup Objective: Mr. Ghaffari questioned the objectives of the newly-formed Futures Workgroup. Mr. Forrey explained that the group's objective is to brainstorm possible Agency actions that could affect NATCA members and pro-actively develop strategies to counter the Agency's actions. The group will study both the Green and White Books as part of their objectives.

Arbitration Database: Mr. Robicheau explained that the arbitration database is currently not being updated; once NATCA members have access to the grievance database, all

arbitration decisions should be restored to the program. Mr. Forrey will work with NATCA Director of Labor Relations Marc Shapiro to ensure that the database is updated, particularly the section on MOUs, Article 7s and arbitration decisions.

Assignment of Staff Specialists to Locals: Mr. Meachum noted that NATCA policy states that an individual's local membership is based upon his or her physical location (per their SF-50); however, there are situations where staff specialists who work in one location but their SF-50 shows another location. Mr. Meachum believes that the best way to deal with these type of situations is to let the membership know that staff personnel who are assigned (on paper) to a facility are members of that local. This was agreed by consensus; however, Mr. Robicheau noted that this could pose a problem with dues rebates. Mr. Meachum will work with Mr. Robicheau to ensure that dues rebates are sent to the proper facility.

Requiring CICs to Ask for Private Medical Information of Fellow BUEs: Mr. Ghaffari explained that, when no supervisor is present, CICs at one of his facilities are required to ask BUEs for private medical information if they call in and request sick leave. This information is then documented in writing on a form. He does not know what happens to this form or what level of privacy is given to the document, and is concerned because the information requested is protected under HIPAA. He has discussed this with the Virtual Flight Surgeon Quay Snyder, who says that the Agency has right to ask an employee if they're sick or incapacitated. However, Dr. Snyder discussed this with the Federal Air Surgeon, who responded that if the illness or incapacity involves an issue that should be held in confidence, the employee should contact the Regional Flight Surgeon. Accordingly, Mr. Ghaffari has given guidance to his members that if they call in to request sick leave and more detailed information is requested, they should indicate that they've given the pertinent medical information to the Regional Flight Surgeon and the CIC should contact the Regional Flight Surgeon for further details. Unfortunately, the Agency says this is not acceptable. Mr. Robicheau explained that he has a case going to arbitration where an employee provided this information to the Regional Flight Surgeon. The manager subsequently said that the employee would be considered AWOL, since the manager was the one who would decide the type of leave to be granted; since he didn't have information on the type of illness or incapacity, he wouldn't grant sick leave in this instance. NATCA will ask Dr. Quay Snyder to discuss these events with the Federal Air Surgeon for potential resolution.

Constitution & Standing Rules Updates: Mr. Meachum suggested that a small workgroup of NEB members be created to "scrub" the NATCA Constitution and Standing Rules to determine if any changes are necessary. Mr. Meachum volunteered to do this, and Mr. Ghaffari will work with him.

AED Update: Mr. Meachum noted that the OSHECOMM workgroup has put the AED issue on its next meeting agenda. He will provide more information to the Regional Vice Presidents, which they can disseminate to their members.

Position on Article 44 Solicitations: Mr. Ghaffari asked if we are providing Article 44 subject matter experts to the FAA upon request. Mr. Forrey responded that we are not doing so; if the Agency wants to move forward on a project and didn't previously negotiate the issue nationally with the union, we will not provide a union representative if requested.

Unionware Update: Mr. Robicheau provided an update on the Unionware installation.

NATCA Membership Dues: The majority of the NATCA National Executive Board believes that the members should be educated on the union's financial position; however, until there is a permanent solution to the imposed pay rules, we should not alter the union's current dues structure. The rationale for changing or not changing the dues structure needs to be clearly communicated to the membership. There was discussion that it might be appropriate to hold a special convention in the future to address the dues issue once we have achieved an agreement that will be ratified by the NATCA membership. Mr. Meachum argued that since the NEB had advised the membership that the dues reimbursement program was a "temporary fix" and that a proposal would be submitted at the Miami Convention to correct the dues situation, we are obligated to do so.

Meachum: Motion that the NATCA National Executive Board will propose to the 2008 Biennial Convention a change to the national dues of all the active members of the union to 1.35% of locality-adjusted base pay.

Forrey: Seconded

Vote: Defeated, with Mr. Forrey and Meachum voting in support

Establish Internal Processes and Research Vehicles in Preparation for Future Contract Negotiations: It has been proposed that a database be created to capture our current problems and issues in preparation for future ATC contract negotiations. Mr. Meachum believes that there are actions the union could take that would position NATCA for future negotiations, such as collecting and creating data on controller fatigue, rest policies, pay rules, and foreign work schedules. He also recommended that the union consider conducting a comprehensive ATC health and life expectancy study. Mr. Forrey will discuss this with NATCA Research Analyst Genna Teitelbaum.

Mr. Robicheau noted that NATCA has a tremendous amount of old contract material, and this needs to be stored electronically so that everyone could have access to this valuable historical information.

Green Book/White Book Discussion: Mr. Ghaffari believes we need to obtain opinions from internal and outside counsel on whether there's any way NATCA can use the provisions of the White Book to elevate grievances, using a disclaimer or protest that would allow us to file grievances. He is not comfortable with putting the fate of NATCA members into the hands of the MSPB. Mr. Forrey noted that NATCA's internal counsel has already weighed in on this subject. Mr. Ghaffari would like a written opinion from each one of them on how to proceed with grievances by recognizing certain provisions of the White Book without endangering our lawsuit. Mr. Rinaldi believes that it may be necessary to go outside the union in order to obtain an independent thought process on this matter. NATCA leadership wants to ensure that we have sought out every possible opinion on this subject.

NWP Arbitration Requirements: Mr. Ghaffari noted that he gave his region's arbitration requirements to Marc Shapiro last summer, and Mr. Shapiro agreed to discuss the requirements with the employee union. Mr. Ghaffari has not heard anything back from

Mr. Shapiro on this matter. Mr. Forrey will follow up with Mr. Shapiro. Mr. Ghaffari wants a clear definition of roles and expectations for arbitrations conducted in his region.

Flat Rate PCS Woes: Mr. Ghaffari reported that the flat rate PCS program is being improperly implemented for employees at SCT. Employees who meet the requirements for a flat rate PCS move are being forced to provide documentation that is not required.

Update on Changing Tax Years for Locals with IRS: Mr. Ghaffari questioned if there was any update from NATCA's Accounting Department on the procedure by which NATCA locals can change their tax year reporting structure. Mr. Rinaldi responded that he is now working on this issue and should have an update by the May meeting.

NATCA bbs Policy Violations: Mr. Blankenship reported that the Communications Committee is concerned about making decisions regarding banning members from the bbs upon their fourth violation of the bbs policy. Discussion ensued on the current policy and whether an independent outside source should be hired to moderate the bbs. Mr. Robicheau believes the union should create a plan on how to handle internal communications and recommendations before any changes are made to the union's bbs policy. Mr. Ghaffari believes that we should not change our policy at this point in time; if someone violates the policy, they should be dealt with accordingly. He further noted that since Mr. Blankenship and Mr. Robicheau are the NEB liaisons to the Communications Committee, any debate about questionable posts should be brought to the two of them for a decision. After discussion, the NEB agreed that a recent post that advocated violent action was inappropriate and a violation of the bbs policy; Mr. Forrey will inform the Communications Committee of the NEB's opinion and instruct them to take appropriate action. He will also ask the Committee to look into hiring an outside bbs moderator.

Mold Remediation: Mr. Blankenship wants to send representatives from Wondermakers to investigate mold remediation at MCI, at a cost of up to \$33,000. Mr. Rinaldi noted that we do not have approval from the FAA for these individuals to enter the facility to conduct this investigation; until such approval is received in writing from the Agency, he is reluctant to authorize funding. After discussion, the NEB approved funding a mold remediation at MCI at a cost of up to \$33,000, contingent on receipt of written authorization from the FAA that access will be granted to the facility (the \$33,000 will be transferred from the set-asides account).

Grievance Review: The Regional Vice Presidents are awaiting a briefing from Marc Shapiro on the status of scheduling arbitrations. Mr. Forrey will follow up with Mr. Shapiro.

Online Surveys: Mr. Blankenship explained noted that the Communications Committee has software that will perform online surveys (similar to Survey Monkey). He explained that when the grievance software becomes individualized by member, the survey software can be tied-in so an individual cannot send multiple responses to a survey. He encouraged the RVPs and Committee Chairs to utilize this program.

Representation of Academy Workforce: NATCA Counsel has advised that NATCA cannot represent students while undergoing initial training at the FAA Academy. However, it was noted that NAATS represents employees while undergoing training at Oklahoma City, and this could be used to support NATCA's representation of these

students. Mr. Forrey will discuss this further with NATCA Deputy General Counsel Eugene Freedman.

Medical Certificates: Mr. Santore noted that the Class 2 Airman's Medical Certificate has been discontinued. Medical clearances will now be given, but changes are being made. Virtual Flight Surgeon Quay Snyder is investigating this, and will communicate his findings to Mr. Santore.

CISM Team: NATCA's Critical Incident Stress Management team needs four members; it was noted that the Western Pacific and Central Regions currently have no peer debriefers. Recommendations for team members should be sent to Jim Ullman.

MacDonald: Motion to adjourn

Blankenship: Seconded

Vote: Passed unanimously

Attachment A

**AUTHORIZATION FOR USE OF NATCA IDENTITIES**

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between

\_\_\_\_\_ (hereafter, the "Vendor"), with its principal office at \_\_\_\_\_, and NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO ("NATCA"), with its principal office at 1325 Massachusetts Avenue, N.W., Washington, D.C. 20005.

**WITNESSETH:**

WHEREAS, Vendor is a for-profit business specializing in custom embroidery and screen printing; and

WHEREAS, NATCA is an unincorporated federal sector labor union and the legal proprietor of the NATCA identities which consist of the organization's full name (National Air Traffic Controllers Association), acronym (NATCA) and logo (hereafter collectively known as the "NATCA Identities"); and

WHEREAS, Vendor desires to place the NATCA Identities on merchandise and materials to be sold for-profit by Vendor.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and intending to be legally bound, the parties agree as follows:



1. License: NATCA grants to Vendor the right to use the NATCA Identities in connection with for-profit sales of merchandise and materials bearing the NATCA Identities. Vendor undertakes the use of the NATCA Identities in accordance with the terms of this Agreement.

2. Term: The term of this Agreement commences on the date indicated above and shall end on December 31, 200\_\_. Renewal forms for the next calendar year will be provided to all Vendors participating in this Agreement by December 1. Upon receipt of an executed renewal form, NATCA may renew the term of this Agreement for an additional year. The renewal forms must be received by NATCA, along with a check for the appropriate licensing fee, by December 31. The renewal will be effective as of January 1. Vendor's failure to timely renew this Agreement will result in termination of the Agreement.

3. Fees: Vendor will pay to NATCA an annual licensing fee for the use of the NATCA Identities. The fee schedule is as follows:

a) \$100.00 for first time applicants; and

b) \$250.00 for renewal applicants.

First time applicants must pay the licensing fee within fifteen (15) days after receiving the license. All licensing fees are due in the form of a check made payable to NATCA.

4. Conditions of Use: In order to preserve and enforce the proper use of the NATCA Identities, NATCA reserves the right to withdraw Vendor's license should Vendor use the NATCA Identities in an inappropriate manner as determined by the NATCA National Executive Board. Vendor agrees to use the NATCA Identities in accordance with the NATCA National Constitution and Standing Rules. Specifically, Vendor agrees to abide by NATCA Standing Rule G-2 which provides that all items bearing the NATCA identities must be union made or, at a minimum, American made.

5. Exclusive Right: Vendor acknowledges NATCA's exclusive right, title and ownership of the NATCA Identities. Vendor agrees to refrain from using the NATCA Identities in any manner that would impair or tend to impair any part of NATCA's right, title and interest. None of the rights granted to Vendor by this Agreement may be assigned to others without NATCA's prior express written consent.

6. Termination: Upon the termination of this Agreement, Vendor shall immediately stop using the NATCA Identities.

Executed on the day and year indicated above with the intent to be legally bound.

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Vendor

BY: \_\_\_\_\_

NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO

BY: \_\_\_\_\_

Paul M. Rinaldi, Executive Vice President