



MEMORANDUM

TO: NATIONAL EXECUTIVE BOARD

FROM: PAT FORREY
PRESIDENT

DATE: FEBRUARY 29, 2008

RE: NATCA SENIORITY POLICY AND FLIGHT SERVICE UNIT

The recent decision of the FAA employees serving as Air Traffic Control Specialists in the Alaska Flight Service Stations to switch their union affiliation to NATCA has raised questions about the application of the NATCA seniority policy after the assimilation of that new unit. The petition for amendment of the flight service unit certification to reflect NATCA as its exclusive representative is currently pending before the Federal Labor Relations Authority (FLRA). The FLRA has advised NATCA that it may take until June 15 for approval of that petition. While the flight service unit will not officially be a part of NATCA until final FLRA approval of the petition, this memo is intended to address the impact of the flight service unit assimilation on the NATCA seniority policy so that NATCA will be in a position to move quickly on this issue once the flight service employees become a NATCA unit.

Seniority determinations for bargaining units represented by NATCA are governed by Article XV of the NATCA Constitution. Article XV provides that seniority is determined by "Cumulative NATCA Bargaining Unit Time." Cumulative NATCA Bargaining Unit Time is derived by adding together all time spent in each of the NATCA bargaining units. The first tie breaker for seniority determinations is "NATCA Bargaining Unit Time," which is defined as the total

time in a given bargaining unit represented by NATCA and as defined by the FLRA petition for representation of that unit.

The petition for representation of the flight service unit references "All Air Traffic Control Specialists, FV-2152 series, employed by the U.S. Department of Transportation, Federal Aviation Administration, including students at the FAA Academy and Automation Specialists, assigned to the flight service option at Flight Service Stations, Flight Service Data Processing Systems sites and at the "Weather Unit" of the Air Traffic Control System Command Center, Herndon, Virginia."

At the time of the flight service employees' vote for affiliation with NATCA, the Flight Service Stations and Flight Service Data Processing Systems sites utilizing FAA employees were located exclusively in Alaska. As of the dissemination of this memo, this continues to be true. As a result, the flight service unit that will ultimately be represented by NATCA, upon FLRA approval of the petition for amendment of the certification, will be a unit of Air Traffic Control Specialists serving in the Alaska flight service facilities.

A. Only Time Spent as a Flight Service Employee at a Flight Service Facility Located in Alaska Will Count Toward NATCA Seniority Dates

Although a preliminary assessment of the effect of assimilation of the flight service unit on seniority dates initially led to a thought that all current and prospective bargaining unit employees with time spent as a flight service employee at any current or former FAA flight service facility might be entitled to apply that time toward their Cumulative NATCA Bargaining Unit Time seniority date, a thorough review of the applicable certifications and an analysis of the assimilation of other units into NATCA mandates that unit employees be allowed to count toward seniority dates time spent as a flight service employee at only those FAA flight service facilities located in Alaska.

The flight service certification references only those flight service facilities where federal employees are utilized as flight service specialists. Because only the Alaska facilities utilize federal employees, they are the only relevant facilities in the FLRA petition for representation of that unit.

Moreover, NATCA's consistent practice has been to credit toward seniority time spent as a unit employee only at those facilities represented by NATCA (regardless of the effective date of that representation). For example, NATCA has allowed time spent as an Air Traffic Control Specialist at Department of Defense facilities represented by NATCA to be applied toward Cumulative NATCA Bargaining Unit Time while disallowing time spent as an Air Traffic Control Specialist at Department of Defense facilities not represented by NATCA.

Similarly, NATCA has allowed time spent as an Air Traffic Control Specialist at Federal Contract Tower Program facilities represented by NATCA to be applied toward Cumulative NATCA Bargaining Unit Time while disallowing time spent at contract facilities not represented by NATCA. It is now clear, therefore, that this same practice must be continued with assimilation of the flight service unit.

B. Flight Service Unit

After FLRA approval of the petition to amend the flight service certification, bargaining unit employees in the flight service unit will be allowed to count all their time as an Air Traffic Control Specialist at one of the Alaska flight service facilities toward their NATCA Bargaining Unit Time seniority date regardless of the actual date of assimilation of the unit into NATCA. For example, a flight service unit employee at one of the Alaska facilities with twenty years of service at one of those facilities would have a twenty-year seniority date despite the date in 2008 of assimilation of the flight service unit into NATCA. However, time spent as a flight service employee at any facility other than the Alaska facilities will not count toward an employee's seniority date. While this interpretation and application of the seniority policy may appear to disfavor unit employees who transferred to an Alaska flight service facility within the past few years with numerous years previously spent as a flight service employee at flight service facilities outside of Alaska, it is the interpretation and application that is consistent with NATCA's past practice and which accurately takes into account the bargaining unit as defined by the FLRA petition for representation of that unit.

C. Air Traffic Control Specialist Unit and Other NATCA Units

Bargaining unit employees in the Air Traffic Control Specialist unit and other NATCA units who have spent time as a flight service employee located at one of the Alaska facilities will be entitled to have all of that time count toward their Cumulative NATCA Bargaining Unit Time seniority date upon the official assimilation of the flight service unit into NATCA. However, time spent as a flight service employee at any facility other than the Alaska facilities will not count toward an employee's seniority date in the Air Traffic Control Specialist unit and other NATCA units. Again, while this interpretation and application of the seniority policy may appear to disfavor unit employees with flight service time at flight service facilities outside of Alaska, it is the same application used to determine credit for time spent at particular Department of Defense facilities and/or contract facilities.

Conclusion

NATCA looks forward to the challenges and opportunities of serving as the exclusive representative of the flight service unit. Any employee in a NATCA unit with questions as to the impact of the addition of the flight service unit on the

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NATCA seniority policy is encouraged to contact their facility representative, their Regional Vice President, or the National Office for further information.