

**Memorandum of Understanding
Between The
National Air Traffic Controllers Association
And The
Federal Aviation Administration**

This Memorandum of Understanding (MOU) is made and entered into by and between the National Air Traffic Controllers Association ("NATCA" or "Union") and the Federal Aviation Administration ("FAA" or "Agency"), collectively known as the "Parties." This Agreement represents the Parties' clarification of the administration of the Pre-Arbitration Review (PAR) process outlined in Article 9, Section 8 of the Parties 2013 Collective Bargaining Agreement.

Section 1. Nothing shall preclude one of either Parties PAR representatives from observing the proceedings while other representatives are presenting grievances for neutral evaluation. Additional PAR representatives acting as observers shall be by mutual consent. Observers shall not speak or otherwise participate during the proceedings. If either side determines that an observer is being disruptive then they may ask the observer to be excused from the proceedings.

Section 2. No later than 30 days prior to the meeting, the Union shall make every reasonable effort to provide the Agency the names of the designated representatives.

Section 3. If at the PAR meeting, the Parties mutually agree to exclude a grievance from the PAR process, the timeline for the Union to request arbitration shall begin the day after the conclusion of the PAR meeting.

Section 4. The Parties agree that from the date the Union identifies the grievances pending the PAR to the conclusion of the PAR meeting, the Parties may identify local and regional grievances that are the subject of pending National grievances. Such grievances will be withdrawn from the PAR process and held in abeyance utilizing the abeyance template referenced in Section 7 of this MOU and attached.


Section 5. The Parties agree that the PAR is inclusive of grievances that arise from within the Aviation Technical Systems Specialists and Engineers & Architects bargaining units. The length and frequency of the PAR meeting shall be in accordance with Article 9 Section 8(a). Nothing in this agreement shall be construed as creating or allowing additional official time entitlements other than is determined by the length of the PAR meeting.

The Staff Support Specialists (SSS) are covered by the provisions of the 2009 Collective Bargaining Agreement PAR process.

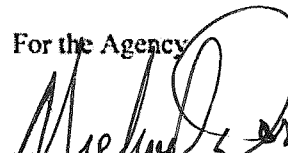
Section 6. The Parties agree to utilize the provisions of Article 9 Section 9(b) when seeking to remove a neutral evaluator from the PAR neutral panel.

Section 7. The Parties agree to utilize the attached forms for the resolution of grievances at the PAR. This shall include the: holding of a grievance in abeyance, settling of a grievance, sustaining of a grievance, remanding a grievance to the local level, withdrawal of a grievance, and PAR Summary Reporting completed and submitted in accordance with the PAR Summary Reporting instructions.

For the Union


Michael MacDonald Date 4-26-13

For the Agency


Michael Doss Date 5-21-13

1. PAR Decision Template
2. PAR Settlement Agreement Template
3. PAR Withdrawal of Grievance(s) Template
4. PAR Sustainment of Grievance(s) Template
5. PAR Remand of Grievance(s) Template
6. PAR Abeyance of Grievance(s) Template
7. PAR Summary Reporting and Instructions

PRE ARBITRATION REVIEW (PAR) DECISION
ARTICLE 9, SECTION 8

NATCA Number:

NATCA Presenter(s):

FAA Number:

FAA Presenter(s):

Date of Meeting:

Region:

Neutral Evaluator's Opinion/Recommendation:

Extension Requested by FAA

Extension Requested by NATCA

For extension, enter date answer due:

Note: Failure to respond by the date answer is due shall constitute a rejection of the Neutral Evaluator's recommendation.

Neutral Evaluators Signature: _____

FAA Accepts Does Not Accept Signed: _____

NATCA Accepts Does Not Accept Signed: _____

The Parties recognize that the party that disagreed with the neutral evaluator's opinion shall incur the arbitrator's fee and expenses if it does not prevail at the arbitration hearing. The arbitration decision must be sustained in full or denied in full for the said party to incur the arbitrator's fees and expenses.

1 NATIONAL AIR TRAFFIC CONTROLLERS
2 ASSOCIATION, AFL-CIO, (Region)
3 "Union"

4
5 vs.

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7 FEDERAL AVIATION ADMINISTRATION,
8 (Region)
9 "Agency"

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12 **SETTLEMENT AGREEMENT**
13 *Pre-Arbitration Review (PAR)*
14 *(Date)*

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17 **FAA Grievance #:**
18 **Union Grievance #:**

19 **THIS AGREEMENT** is made and entered into by and between the National Air
20 Traffic Controllers Association, hereinafter referred to as the "Union", and the Federal
21 Aviation Administration, hereinafter referred to as the "Agency", and collectively known as
22 the "Parties". This Agreement consists of (X) pages and represents the entire
23 understanding of the Parties for the issues herein addressed.

24 *Insert settlement language.*

25 The terms of this agreement will not establish any precedent, nor will the
26 agreement be used as a basis by the Parties, or any representative organization, to seek or
27 justify similar terms in any subsequent case. This agreement is based solely on the fact
28 circumstances of this case, and cannot be used as comparison in any other case.

29 This agreement constitutes the complete understanding between the Parties, and
30 the captioned grievance is closed. This agreement does not constitute an admission by any
31 of the parties of any violation of any federal law, rule or regulation.

32 **FOR THE AGENCY:**

33 **FOR THE UNION:**

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37 Labor Technical Liaison Office Date

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41 NATCA Representative Date

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45 Labor Relations Specialist Date

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1 NATIONAL AIR TRAFFIC CONTROLLERS
2 ASSOCIATION, AFL-CIO, (Region)
3 "Union"

4
5 vs.

6
7 FEDERAL AVIATION ADMINISTRATION,
8 (Region)
9 "Agency"

10
11
12
13 **WITHDRAWAL OF**
14 **GRIEVANCE(S)**
15 *Pre-Arbitration Review (PAR)*

16
17
18 **FAA Grievance #:**
19 **Union Grievance #:**

20
21 The Union respectfully withdraws, without prejudice to any interpretive issue(s) consisting
22 therein, the above referenced grievance(s).

23
24 **FOR THE UNION:**

25
26 _____
27 NATCA Representative Date

28
29 _____
30 NATCA Representative Date

1 NATIONAL AIR TRAFFIC CONTROLLERS
2 ASSOCIATION, AFL-CIO, (Region)
3 "Union"

4
5 vs.

6
7 FEDERAL AVIATION ADMINISTRATION,
8 (Region)
9 "Agency"

Sustainment Decision
Pre-Arbitration Review (PAR)
(Date)

10
11
12 **FAA Grievance #:**
13 **Union Grievance #:**
14

15 **This decision is made by the Federal Aviation Administration, hereinafter referred to**
16 **as the "Agency". The above referenced grievance(s) are hereby sustained and**
17 **remedy requested granted in full or in part. If the Union is not satisfied with an in**
18 **part remedy granted by the Agency in the sustainment of a grievance, the Union at**
19 **the National Level may, within thirty (30) calendar days following receipt of this**
20 **decision or date answer was due, notify the Director, Office of Labor and Employee**
21 **Relations that it desires the matter (remedy dispute) be submitted to arbitration in**
22 **accordance with Article 9 Section 9.**
23

24
25 **The Agency shall:**

26
27 *Insert remedy language.*
28
29

30 **FOR THE AGENCY:**
31

32
33 _____
Labor Technical Liaison Office Date

34
35
36
37 _____
Labor Relations Specialist Date

38
39
40
41
42
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45
46 **Joint PAR Sustainment Decision – Attachment (4)**

1 NATIONAL AIR TRAFFIC CONTROLLERS
2 ASSOCIATION, AFL-CIO, (Region)
3 "Union"

4
5 vs.

6
7 FEDERAL AVIATION ADMINISTRATION,
8 (Region)
9 "Agency"

Remand AGREEMENT
Pre-Arbitration Review (PAR)
(Date)

10
11
12 **FAA Grievance #:**
13 **Union Grievance #:**
14

15 **THIS REMAND AGREEMENT** is made and entered into by and between the National
16 Air Traffic Controllers Association, hereinafter referred to as the "Union", and the Federal
17 Aviation Administration, hereinafter referred to as the "Agency", and collectively known as
18 the "Parties". This Agreement consists of (x) page(s) and represents the entire
19 understanding of the Parties for the issues herein addressed.
20

21 The Parties agree that the above referenced grievance(s) are hereby remanded to
22 Step 2 of the grievance procedure. If unresolved at Step 2, further processing shall be in
23 accordance with Article 9 Grievance Arbitration procedures.
24

25
26 **FOR THE AGENCY:**

FOR THE UNION:

27
28
29
30 _____
Labor Technical Liaison Office Date

NATCA Representative Date

31
32
33
34
35 _____
Labor Relations Specialist Date

NATCA Representative Date

1 NATIONAL AIR TRAFFIC CONTROLLERS
2 ASSOCIATION, AFL-CIO, (Region)
3 "Union"

4
5 vs.

6
7 FEDERAL AVIATION ADMINISTRATION,
8 (Region)
9 "Agency"

ABEYANCE AGREEMENT
Pre-Arbitration Review (PAR)
(Date)

10
11
12 **FAA Grievance #:**
13 **Union Grievance #:**
14

15 **THIS ABEYANCE AGREEMENT** is made and entered into by and between the
16 National Air Traffic Controllers Association, hereinafter referred to as the "Union", and the
17 Federal Aviation Administration, hereinafter referred to as the "Agency", and collectively
18 known as the "Parties". This Agreement consists of one (1) page and represents the entire
19 understanding of the Parties for the issues herein addressed.
20

21 The Parties agree that the above references cases are subject of National Grievance
22 number XXXXXXXXXXX. As such, the parties agree that the above referenced grievance(s)
23 are withdrawn from the PAR process and held in abeyance pending disposition of the
24 national grievance.
25

26 **FOR THE AGENCY:**

FOR THE UNION:

27
28
29
30 _____
Labor Technical Liaison Office Date

NATCA Representative Date

31
32
33
34 _____
Labor Relations Specialist Date

NATCA Representative Date

JOINT FAA/NATCA PAR Summary

Instructions for Completion

The attached PAR Summary Report is to be completed jointly by the Parties no later than 5 business days following the completion of each PAR. Regional AHR PAR representative(s) are responsible to e-mail completed forms to Shelly.Mlakar@faa.gov and NEARVP@Natca.com with a cc to the appropriate NATCA Regional Vice President and John.Covell@faa.gov. Any differences in the results are to be reconciled prior to sending the report.

- (A) **Cases Not Presented – Sustained:** Total number of grievances submitted to PAR and sustained by the Agency without presentation to the neutral.
- (B) **Cases Not Presented - W/D:** Total number of grievances submitted to PAR and withdrawn by the union without presentation to the neutral.
- (C) **Cases Not Presented - Settled:** Total number of grievances submitted to PAR and settled by the Parties without presentation to the neutral.
- (D) **Excluded unheard: Held Pending National Decision:** Total number of grievances submitted to PAR and held in abeyance in connection with a national grievance.
- (E) **Excluded unheard: Not Reached in Available Time:** Total number of grievances submitted to PAR, and not heard due to lack of time.
- (F) **No Opinion – Sustained:** Total number of grievances submitted to PAR and presented to the neutral evaluator but sustained by the Agency prior to an oral or written opinion by the neutral evaluator.
- (G) **No Opinion – W/D:** Total number of grievances submitted to PAR and presented to the neutral evaluator but withdrawn by the Union prior to an oral or written opinion by the neutral evaluator.
- (H) **No Opinion – Settled:** Total number of grievances submitted to PAR and presented to the neutral evaluator but settled by the Parties prior to an oral or written opinion by the neutral evaluator.
- (I) **Opinion: Agency Prevails – W/D:** Total number of grievances submitted to PAR and presented to the neutral evaluator but withdrawn by the Union after an oral or written opinion by the neutral evaluator favors the agency. Note: This is the category for cases where the neutral's opinion favors the Agency and both Parties circle "Accept" on the opinion form.
- (J) **Opinion: Agency Prevails – Settled:** Total number of grievances submitted to PAR and presented to the neutral evaluator but settled by the Parties after an oral or written opinion by the neutral evaluator favors the agency.
- (K) **Opinion: Agency Prevails – Union Rejects:** Total number of grievances submitted to PAR and presented to the neutral evaluator but the Union rejects an oral or written opinion by the neutral evaluator favoring the agency.

Joint FAA-NATCA Instructions for PAR Summary

- (L) Opinion: Union Prevails – Sustained:** Total number of grievances submitted to PAR and presented to the neutral evaluator where the agency accepts both the findings and the remedy (in whole or in part) of an oral or written opinion by the neutral evaluator favoring the union. Note: This is the category for cases where the neutral’s opinion favors the Union and both Parties circle “Accept” on the opinion form.
- (M) Opinion: Union Prevails – Settled:** Total number of grievances submitted to PAR and presented to the neutral evaluator where the agency accepts the findings of an oral or written opinion by the neutral evaluator favoring the union but negotiates a remedy with the union to close the grievance.
- (N) Opinion: Union Prevails – Agency Rejects:** Total number of grievances submitted to PAR and presented to the neutral evaluator but the Agency rejects an oral or written opinion by the neutral evaluator favoring the union.
- (O) Remanded:** Total number of grievances submitted to PAR and, at any stage of the proceedings, remanded to Step 2 by agreement of the Parties for further discussion. The Union’s right to appeal the grievance to arbitration in accordance with Article 9.8(i) is preserved if the local parties are unable to resolve the matter.
- Submitted to PAR:** Total number of Grievances submitted to PAR. This must be the sum of categories A through O as defined above.
- The attached summary sheet may be completed manually or by computer using the Excel-based PAR template workbook. Completing it on the computer automatically populates the summary sheet and computes the total number of grievances submitted. Either way, both Parties must endorse the tally, and it must be transmitted as described above. The neutral’s signature is not required.

Att.

Joint PAR Summary Reporting Instructions.Attachment (7)

Region: _____

Dates: _____

Total cases submitted to this PAR event:

Cases submitted for PAR: Event Results Tracking															Total cases submitted to PAR:
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Case Not Presented			Excluded		No Opinion			Opinion: Agency Prevails			Opinion: Union Prevails			Presented or not	
Sustained	W/D	Settled	Held pending national decision	Not Reached in Available Time	Sustained	W/D	Settled	W/D	Settled	Union Rejects	Agency Sustains	Settled	Agency Rejects	Remanded to Step 2	
Categorized results: (Green = closed; red = union may elevate; either way no further PAR.)															0
As percentage of all cases submitted:															
Subtotal of cases not presented: 0					Subtotal no opinion: 0			Subtotal opinion > agy: 0			Subtotal opinion > union: 0				

Names (printed)

Initials (endorsed on completion of PAR)

Agency Reps: _____

Union Reps: _____

Neutral: _____

(Neutral's endorsement not required)