

**AIRCRAFT CERTIFICATION SERVICE (AIR)
SAFETY REVIEW PROCESS (SRP)
FOR AIR PERSONNEL REPRESENTED BY NATCA
MEMORANDUM OF UNDERSTANDING**

1. **PURPOSE.** The Federal Aviation Administration (FAA) and the National Air Traffic Controllers Association (NATCA) are committed to improving aviation safety. Each party has determined that safety would be enhanced if there were a systematic approach for all AIR employees represented by NATCA to promptly identify and voluntarily report potential safety hazards. The SRP provides a process for a documented review of safety concerns raised by AIR employees. Its purpose is to provide an avenue for employees to resolve safety concerns without fear of retaliation and/or discipline. This MOU describes the provisions of the program.
2. **BENEFITS.** This program will foster a voluntary, cooperative, non-punitive environment for the open reporting of safety concerns. Through such reporting, all parties will have access to valuable safety information that may not be otherwise available.
3. **APPLICABILITY.** The FAA AIR MOU specifies the procedures between AIR and covered employees represented by NATCA while engaged in and supporting aircraft certification duties and only to safety events and concerns that occur while acting in that capacity. For the purpose of this SRP, the term “safety concern” is related to certification concerns regarding regulations, standards, policy, guidance, procedures, approvals, and continued operational safety (COS) concerns. Reports of events involving noncompliance with that are not inadvertent or that involve gross negligence, criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are excluded from the program.
4. **PROGRAM DURATION.** This is a Demonstration Program the duration of which will be eighteen months from the date this MOU is signed. If the program is determined to be successful after a comprehensive review and evaluation, the parties intend for it to be a continuing program. The termination or modification of the program will not adversely affect anyone who acted in reliance on the terms of a program in effect at the time of that action; for example, when a program is terminated, all reports and investigations that were in progress will be handled under the provisions of the program until they are completed.
5. **REPORTING PROCEDURES.** When an employee experiences a safety event or has a safety concern, the employee should document it in sufficient detail so that it can be evaluated by a third party using the SRP Report.
 - a. At an appropriate time during the duty day, the employee should enter the safety event or concern into the SRP SharePoint site created for this purpose. This is found at <https://avssp.faa.gov/avs/aircert/report/srp/Lists/submit/>. The employee should complete a separate form for each safety event and submit it within 72 hours after the end of the duty shift. Ongoing safety concerns may be reported to the SRP at any time.

- b. The information provided should include relevant background material such as past efforts to resolve concerns and relevant considerations in establishing an FAA position.
- c. If a covered employee submits a report involving possible noncompliance with FAA directives, the Oversight Board will review all available information to determine whether the covered individual knew or should have known about the possible noncompliance with FAA directives. If the Oversight Board determines that the covered individual did not know or could not have known about the possible noncompliance with FAA directives until informed of it, then the report will be included in SRP, provided the report is submitted within 72 hours after the end of the covered individual's duty shift and provided that the report otherwise meets the acceptance criteria of this MOU. If the employee knew or should have known about the possible noncompliance with FAA directives, then the report will not be included in the SRP.
- d. Non-reporting employees covered under this MOU. If an SRP report identifies another covered employee in an event involving possible noncompliance with applicable FAA directives and that employee has neither signed that report nor submitted a separate report, the Oversight Board will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible noncompliance with applicable FAA directives. If the Oversight Board determines that the employee did not know or could not have known about the apparent possible noncompliance with applicable FAA directives, and the original report otherwise qualifies for inclusion under SRP, the Oversight Board will offer the non-reporting employee the opportunity to submit his/her own SRP report. If the non-reporting employee submits his/her own report within 72 hours of notification from the Oversight Board, that report will be afforded the same consideration under SRP as that accorded the report from the original reporting employee, provided all other SRP acceptance criteria are met. However, if the non-reporting employee fails to submit his/her own report within 72 hours of notification from the Oversight Board, the possible noncompliance with applicable FAA directives by that employee will be referred to an appropriate office within FAA for additional investigation.

6. SRP STRUCTURE & RESPONSIBILITIES. The SRP is structured as delineated below:

- a. AIR Voluntary Safety Oversight Board (The Board)
 - b. Subject Matter Expert Panel (Panel)
 - c. SRP Process Manager
 - d. SRP Administrator (SRPA)
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- a. **AIR VOLUNTARY SAFETY OVERSIGHT BOARD.** The Oversight Board will be comprised of the two (2) AIR Managers and 2 NATCA representatives. The Board may appoint ad hoc members as SME (Subject Matter Experts) for a specific safety concern.

The Board will review and analyze reports received and determine the acceptance based on the criteria outlined in this MOU. All decisions made by the Safety Oversight Board will be made by consensus.

The Board may assign a safety concern reported in the SRP for disposition to a Subject Matter Experts (SME) Panel. When a safety concern is assigned to a SME Panel, they will have 60 days to respond to the request from The Safety Oversight Board.

The Board will determine the acceptability of the recommendations from the SME Panel. If the Oversight Board determines that the recommendations are not acceptable, they must provide the SME Panel with the rationale for rejecting SME Panel recommendations. The rationale must be clearly documented by the Board.

Safety concerns and recommendations identified by the Board will be forwarded to the affected Directorate or Division manager for implementation or action. If the Directorate or Division manager make the determination not to implement or act upon the Board's recommendation they must document the reasons why to the Board.

- b. SUBJECT MATTER EXPERT (SME) PANEL (The Panel).** A SME Panel may be appointed by the Oversight Board to address specific safety concern.

The SME Panel may be comprised of management, NATCA representatives and experts from other AIR offices; however, participation in the Panel from offices outside of AIR will be requested by The Board. Board members will not participate in panel activities unless extenuating circumstances exist; however, interaction between The Board and SME Panel is recommended.

For each safety concern the SME Panel will select and appoint a lead person(s) to manage meetings or discussions, document panel recommendations, and forward the final recommendation to the Oversight Board for consideration.

SME Panels will meet via local meetings, teleconference, or other means in order to review and discuss the issues as needed. The Panel will review and analyze reports, consult with other SMEs as necessary, and propose closeout recommendations to the Oversight Board. These recommendations must be conveyed via email or internal memorandum.

The Panel will make its recommendation(s) based on consensus.

In order for the SRP to be effective, each panel member will be authorized by their organization to make decisions on the Organization's behalf within the context of the Panel discussions on a particular report.

The panel members will strive to reach consensus on how a reported concern should be addressed under the SRP and their recommended decision or action.

c. SRP PROCESS MANAGER. The Deputy Director, Aircraft Certification Service, AIR-2 is the SRP Process Manager and will manage and monitor the overall SRP for efficiency and effectiveness. AIR-2 will appoint an SRP Administrator to oversee the administration of the program.

d. SRP ADMINISTRATOR (SRPA).

The SRPA will:

- Receive initial reports
- Notify the Oversight Board of receipt of an SRP Report
- When requested by the Oversight Board, obtain SME panel members from the Oversight Board
- Track Report status through closure
- Provide final decision feedback to the individual who submitted the report
- Submit quarterly reports to AIR-2 and the NATCA Region X RVP or their designees.

7. ENFORCEMENT.

a. Criteria for Acceptance.

1. The covered employee must submit the report in accordance with the time limits specified under paragraph 5 of this MOU.
2. Self Reporting. Any possible noncompliance with FAA directives disclosed in the report must be inadvertent and must not involve gross negligence.
3. The reported event must not appear to involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving those events will be referred to an appropriate FAA office for further handling. The FAA may use the content of such reports for any action and will refer such reports to law enforcement agencies, if appropriate. If upon completion of subsequent investigation it is determined that the event did not involve any of the aforementioned activities, then the report will be referred back to the Board for a determination of acceptance under SRP. Back reports involving the aforementioned activities will be accepted under SRP provided they otherwise meet the acceptance criteria contained herein.

8. EMPLOYEE FEEDBACK. The program office will publish pertinent data and trend information derived from the reports. Any employee who submitted a report may contact the program office to inquire about the status of his/her report. In addition, each employee who submits a report accepted under SRP will receive individual feedback on the final disposition of the report, if appropriate.

9. CONFIDENTIALITY. The intent of the SRP is to protect the identity of the employee reporting a safety concern. Because of the small number of AIR employees at some AIR facilities, the parties agree that it is not possible to guarantee anonymity to a reporting employee. However, every effort will be made to maintain the employee's confidentiality,


and employee names and other identifying information will be redacted prior to review by The Oversight Board, SME Panel, or posting it on the website.

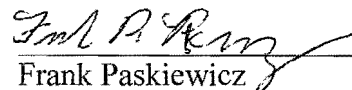
10. **CONSENSUS.** For the SRP consensus means voluntary agreement of all participating representatives of the Panel. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for the reported concern.
11. **INFORMATION AND TRAINING.** Guidance for use of the SRP will be made available on FAA Internet at the site listed above under item 5(a) of this MOU. This will include information about the SRP, clear and easy to follow directions on how to use the SharePoint page to submit a safety concern report and how the SRP Board will provide feedback and communicate with the submitter. Detailed information about the SRP Process will also be provided to all AIR Division and Directorate Managers for further distribution within their offices. The Resolution Report, which will be linked from the main system page, will be hosted on the AIR SharePoint site to ensure only AIR employees can access it.
12. **REVISION CONTROL.** Revisions to this MOU shall be documented using standard revision control methodology. Revisions to this MOU may be proposed by any party, will be conducted by the parties, and require a voluntary agreement between the parties before change can be affected.
13. **RECORDKEEPING.** The SRP Report, tracking status, and final recommendation document will be maintained by the SRPA.
14. **SIGNATORIES.** All parties to this MOU are entering into this agreement voluntarily.


NATCA AND FAA SIGNATORIES:

For NATCA:

For FAA Agency:


Michael MacDonald 12-12-14
NATCA Region X Vice President Date


Frank Paskiewicz 12-12-14
Deputy Director, AIR-2 Date


Steve Hansen 12/12/14
NATCA National Safety Committee Chair Date