

Team Update - December 15

Coming off a year of government shutdowns and across-the-board budget cuts known as sequestration in 2013, 2014 was positive and eventful for NATCA.

Dubbed the Year of Organizing, NATCA launched a 16-week organizing campaign, The NATCA Difference, and brought 800 new members into the NATCA family from throughout our diverse bargaining units. NATCA celebrated those new voices, as well as 95 facilities that had achieved or maintained 100% union membership, at our biennial convention held in Minneapolis this October.



During convention, delegates voted overwhelmingly on a dues restructuring, effective January 2015, that will stabilize the union's revenues and safeguard the future of our organization.

On Capitol Hill, NATCA enjoyed legislative success in June when Congress voted down a controversial measure within a larger spending bill that would have effectively ended union

representational work on duty time for all federal sector unions. The defeat of that measure would never have been possible without NATCA's strong lobbying efforts on both sides of the aisle.

2015 is sure to bring more challenges; NATCA may once again have to contend with sequestration cuts. In response, NATCA is participating in an ongoing conversation with our federal and industry partners to stabilize funding for the National Airspace System. Funding stabilization is crucial in order to adequately staff the system and continue the critical work on NextGen technologies that will allow the U.S. to maintain and enhance the safest, busiest, and most efficient airspace in the world.

Safe and Happy Holidays!!

Paul Rinaldi - NATCA President

Trish Gilbert - NATCA EVP



Funding Bill for the Remainder of FY15 Passes

After much drama and partisan wrangling, the House and the Senate passed a \$1.1 trillion funding bill for the remainder of fiscal year 2015 for most of the government. The Department of Homeland Security remains under a Continuing Resolution until February. In the funding bill is a 1% increase for government employees.



Executive Order Providing a Holiday on December 26, 2014

President Obama has issued an Executive Order (see below) providing for the Federal government to close its offices on Friday, December 26, 2014. Article 28 of the NATCA–FAA Collective Bargaining Agreements (CBA) provide that any other legally declared applicable Federal holidays apply to NATCA represented bargaining units.

The CBAs covering seven–day–a–week bargaining units contain language providing that when a holiday falls on a full–time employee's regular day off (RDO), they shall take specific days–in–lieu–of the actual holiday. Employees

and managers should follow those days for scheduling the days-in-lieu-of both Christmas Day, Thursday, December 25, and Friday, December 26.

For one group of employees, those who work a four-day workweek with RDOs of Wednesday, Thursday, and Friday, the contract provides that both Thursday's and Friday's day-in-lieu-of should be the preceding Tuesday. It is not possible to receive the same day twice as a day-in-lieu-of. Tuesday is the day-in-lieu of for one of the two holidays. The second day-in-lieu-of, in accordance with agency policy, should be the preceding workday, meaning Monday.

For another group of employees, those who work a four-day workweek with RDOs of Friday, Saturday, and Sunday, the contract provides that Friday's day-in-lieu of is the preceding Thursday. It is not possible to receive Christmas Day as a day-in-lieu of. That day in-lieu-of should be the preceding workday, meaning Wednesday.

For employees working split days off the application of the day(s)-in-lieu-of should be in accordance with the [attached table](#).

Pay for employees who work on a holiday or day-in-lieu-of a holiday is contained in Article 28, Section 3.

Please coordinate locally to ensure that all employees receive the full benefits of the Executive Order and the Collective Bargaining Agreement.

The White House
Office of the Press Secretary
For Immediate Release
December 06, 2014

Executive Order -- Closing of Executive Departments and Agencies of the Federal Government on Friday, December 26, 2014

EXECUTIVE ORDER

CLOSING OF EXECUTIVE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT ON FRIDAY, DECEMBER 26, 2014

By the authority vested in me as President of the United States of America, by the Constitution and the laws of the United States, it is hereby ordered as follows:

Section 1. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Friday, December 26, 2014, the day after Christmas Day, except as provided in section 2 of this order.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 26, 2014, for reasons of national security, defense, or other public need.

Sec. 3. Friday, December 26, 2014, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 4. The Director of the Office of Personnel Management shall take such actions as may be necessary to implement this order.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA
THE WHITE HOUSE,
December 5, 2014.

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ATSAP Expands to Include ATO Region X Bargaining Units

A large-scale effort four years in the making to bring several Region X bargaining units into the Air Traffic Safety Action Program (ATSAP)

culminated recently with the signing of an MOU to officially launch the safety reporting program.

The program, called ATSAP-X, covers bargaining unit employees in FAA ATO units, including engineers, aviation technical system specialists, and flight procedures specialists.

To see the full MOU, please click [HERE](#).

NATCA is very excited to be expanding the ATSAP program to include these additional aviation safety professionals. Providing our members with a self reporting system that is collaborative, non-punitive, and confidential will only help to improve the remarkable safety standard that exists today within the NAS. NATCA looks forward to a successful implementation of this program and we look forward to bringing ATSAP to the remainder of the workforce we represent.

Coming next will be announcements about the reporting form and a training rollout.

Updated NATCA Constitution

The NATCA Constitution, Standing Rules and Policy & Position Statements, as amended and passed by the convention body in Minneapolis in October, is now available in electronic format on the NATCA members website. View and download the document [HERE](#).



**National Air Traffic
Controllers Association**

**National Constitution
Standing Rules
Policy & Position Statements**

Effective October 3, 2014



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency



70th Anniversary of the ICAO Chicago Convention

We joined IFATCA President Patrik Peters on Sunday and Monday, Dec. 7 & 8, to celebrate the 70th anniversary of the International Civil Aviation Organization (ICAO). Also in attendance were UN Secretary General Ban Ki-moon, Chicago Mayor Rahm Emanuel, Secretary of Transportation Anthony Foxx, FAA Administrator Michael Huerta, and many other senior U.S. and international officials. A special ceremony in the Grand Ballroom of Chicago's Hilton hotel commemorated the 1944 drafting and signing there of the Convention on International Civil Aviation (Chicago Convention).

Secretary Foxx posted a great blog post on Tuesday, Dec. 9, about the celebration of #ICAO70: "For those of us who grew up in a world of relatively easy and affordable international air travel, it's easy to take for granted what ICAO has helped build: a global community that's more connected, more open, and more developed than previous generations would have ever imagined. And the work that ICAO does today continues to be critical to the success of international aviation. We congratulate ICAO on its 70th anniversary and wish the organization even greater success in the years ahead."



**HAVE YOU
REGISTERED?**

◆ MARCH 2-4, 2015

◆ THE RIO, LAS VEGAS

◆ NATCACFS.COM

**COMMUNICATING FOR
SAFETY**
NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

Where Aviation Leaders Come Together

NATCA Communicating For Safety 2015 is open. Visit www.natcacfs.com to secure a spot at the aviation industry's leading conference!

Important Dates in 2015

- **January 12:** You must be on the national excused absence request list by this date. Local request forms should also be in by this time.
- **January 26:** Last day for online shirt ordering and refund requests for shirt orders.
- **February 1:** Online registration ends. Please email natcacfs@natca.net to register after this date. Unmatched members requesting a roommate will be randomly paired.

- **February 16:** Last day for refund requests, registration fees or extra Archie League Award tickets.
- **February 27:** The hotel cancellation policy of 72-hours goes into effect, based on a March 2 arrival.
- **March 2:** CFS 2015 begins at 12 p.m. PT. Please arrive before then to ensure you experience the entire conference.

Access important information about the conference, including the local facility attendance request form and frequently asked questions is available at natcacfs@natca.net.

First-Ever Media Speaker at CFS 2015

Tom Costello, the NBC News aviation correspondent based in Washington, D.C., will speak about reporting on aviation on the morning of Wednesday, March 4, 2015. Costello is a veteran reporter, and has covered many stories that include NATCA. He was also the first national correspondent to report on NATCA's Archie League Medal of Safety Awards.



Costello reports daily for the "Today Show," "NBC Nightly News," MSNBC, and CNBC. In addition to covering aviation for the network, his assigned beats include transportation, NASA, regulatory-related, and consumer-related issues.

Watch Costello's first news report on the Archie League Awards in 2005

NBC Nightly News Story on First Archie League Award
Winners, 5/16/05

his news report on two of NATCA's 2012 Archie League Award winners, and his report on a 2010 NATCA Archie League winner.

Nominations for the Archie League Medal of Safety Awards are now being accepted. All flight assists taking place this calendar year (January 1, 2014-

December 31, 2014) are eligible for a nomination.

Archie League Medal of Safety Awards - 2014
Promotional Video



NATCA Academy Schedule 2015

Basic Legislative Activism Class

There are still plenty of spots available for our next Basic Legislative Activism class. The class will be held January 26-27, 2015 (Mon-Tues) in Las Vegas.

Advanced Legislative Activism Class

The dates for Advanced Legislative Activism Class 2015 have now been set. The class will be held April 27-29, 2015 (Mon-Wed) at NATCA's National Office in Washington DC.

Training Review Board	January 21-22	Las Vegas, NV
Basic Legislative Activism Training	January 26-27	Las Vegas, NV
Arbitration Advocate Training I	February 2-5	Tampa, FL
Basic Representative Training	February 9-13	Las Vegas, NV
Basic Legislative Activism Training	April 7-8	Las Vegas, NV
Basic Representative Training	April 13-17	Las Vegas, NV
Advanced Representative Training	April 20-23	Las Vegas, NV
Advanced Legislative Activism Training	April 27-29	Washington, DC
Secretary/Treasurer Training	May 12-13	Las Vegas, NV
Drug/Alcohol Representative Training	May 27-28	Atlanta, GA
Occupational Safety & Health Rep.	May 27-28	Atlanta, GA
OWCP Representative Training	May 27-28	Atlanta, GA
Contract Tower Representative Training	June 2-3	Washington, DC
Arbitration Advocate Training II	June 8-12	Atlanta, GA
Basic Representative Training	June 15-19	Las Vegas, NV
Secretary/Treasurer Training	September 15-16	Las Vegas, NV
Training Review Board	September 15-16	Las Vegas, NV
<i>Arbitration Advocate Training I</i>	<i>Sept. 28 - Oct. 1</i>	<i>Tentative</i>
Advanced Representative Training	October 5-8	Las Vegas, NV
Basic Representative Training	October 19-23	Las Vegas, NV
Secretary/Treasurer Training	December 1-2	Las Vegas, NV
Basic Legislative Activism Training	December 2-3	Las Vegas, NV



NOTICE OF ELECTION & ELECTION RULES

FOR THE 2015 NATCA NATIONAL ELECTION

This document (mailed to all NATCA members) constitutes the Notice of Election and Election Rules for the election of the following officers of the National Air Traffic Controllers Association, AFL-CIO ("NATCA" or "Association"):

- NATCA President
- NATCA Executive Vice President
- Regional Vice President, NATCA Alaskan Region
- Regional Vice President, NATCA Central Region
- Regional Vice President, NATCA Eastern Region
- Regional Vice President, NATCA Great Lakes Region
- Regional Vice President, NATCA New England Region
- Regional Vice President, NATCA Northwest Mountain Region
- Regional Vice President, NATCA Southern Region
- Regional Vice President, NATCA Southwest Region
- Regional Vice President, NATCA Western Pacific Region
- Regional Vice President, NATCA Region X

Hereinafter, this election shall be referred to as the "2015 NATCA National Election." In accordance with Article VII, Section 3 of the NATCA National Constitution, the NATCA National Election Committee ("NEC") has established the following rules for the 2015 NATCA National Election.

Section 1 - General Provisions

A. Elections shall be held by referendum and all balloting shall be conducted by use of the secret ballot. Write-in votes shall not be permitted.

B. Members shall have the option of voting electronically or by use of mail-in ballots, unless the NEC determines that electronic balloting shall not be used.

C. Electronic balloting, if available, shall be conducted via the Internet. Members shall be required to register online to vote electronically. The NEC shall provide all members with information on how to register for electronic balloting.

D. For balloting conducted via mail-in ballot, the following procedures shall apply:

1. The official number assigned to each member shall be printed on the face of the corresponding official ballot return envelope.

2. A list of the names of all members, together with their corresponding official numbers, shall be made available to the NEC for the purpose of checking the voting eligibility of the members whose ballots have been returned prior to the ballot count.

3. Notwithstanding any provision to the contrary as set forth herein, all ballots shall be returned to a predetermined depository to ensure the secrecy of the ballots, and the ballots shall be held there until the time designated for the counting of such ballots.

E. Except as otherwise specifically provided herein, any protest or challenge regarding the conduct of the 2015 NATCA National Election shall be made in accordance with Article VII, Section 7 of the NATCA National Constitution.

F. Any further appeals must be filed with the Secretary of Labor pursuant to 5 U.S.C. Section 7120 and applicable regulations.

Section 2 - Nominations

A. All nominations shall be made in accordance with Article VII, Section 2 of the NATCA National Constitution.

B. Nominations shall be in writing and delivered via UNITED STATES POSTAL SERVICE CERTIFIED MAIL to: National Election Committee c/o NATCA General Counsel, 1325 Massachusetts Avenue, NW, Washington, DC 20005. Nominations must be received at the Association Headquarters by 5:00 p.m. EDT on Tuesday, March 31, 2015.

C. To be a candidate for office, nominees must have been active NATCA members in good standing for at least one year prior to the close of nominations on March 31, 2015.

D. The Association Headquarters shall be charged with the safekeeping of all nominations, and shall turn them over to the NEC.

Section 3 - Nomination Acceptances

- A. No member may accept nomination to be a candidate for more than one office.
- B. Nomination acceptances shall be in writing and contain the following information:
 - 1. The candidate's full name and, if desired, any special name to appear on the ballot;
 - 2. The candidate's Facility, his/her home or mailing address, and the last four digits of his/her Social Security number;
 - 3. The title of the office for which the candidate is accepting nomination; and
 - 4. The following certification, completed, signed, and dated by the nominee:

"I hereby accept the nomination for the office of _____. I certify that I am not now, nor have been for the past 13 years, convicted of or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Labor-Management Reporting and Disclosure Act of 1959, as amended, or conspiracy to commit any such crime."

C. Nomination acceptances must be returned to the National Election Committee, c/o the NATCA General Counsel at the Association Headquarters, 1325 Massachusetts Avenue, NW, Washington, DC 20005. Nomination acceptances must be received at the Association Headquarters by 5:00 p.m. EDT on Friday, May 1, 2015. Nomination acceptances not received by this time and date shall be invalid.

D. The NEC shall determine whether each candidate has correctly submitted his/her nomination acceptance and whether the candidate possesses the necessary qualifications for the proposed office. The NEC shall prepare a report listing each candidate and the office for which he/she has accepted nomination. Each candidate shall be marked "qualified" or "disqualified" on the report, based on the findings of the NEC. If a candidate has been deemed "disqualified," the reason for disqualification shall be stated in the report. The report shall be signed by all five (5) members of the NEC and submitted to the NATCA National Executive Board.

E. The NEC shall notify any disqualified candidates, in writing and delivered by United States Postal Service certified mail, of the reason(s) for his/her disqualification. Disqualified candidates shall have the right to file a written appeal to the NATCA National Executive Board within ten (10) business days of the receipt of the disqualification notice. The NATCA National Executive Board shall review the appeal and issue a response within five (5) business days of receipt of the appeal.

Section 4 - Balloting Procedures

- A. The NEC shall ensure the proper and timely preparation of ballots without partiality as to candidates. The names of the candidates for each separate office shall appear in alphabetical order based on the candidates' last names. Ballots shall contain voting instructions consistent with the provisions established herein.
- B. The ballots prepared at the direction of the NEC shall be the only official ballots. No other ballots may be used. The NEC shall maintain a record of the ballots distributed.
- C. Members shall return ballots via mail to a predetermined depository, which shall be paid for by NATCA, to ensure secrecy. No signature of the voter or other distinguishing mark may appear on the ballot. A signed or marked ballot shall automatically be ruled ineligible.
- D. No member's ballot shall be counted unless the member is in good standing as of fifteen (15) days immediately preceding the close of the balloting.
- E. Ballots shall be distributed to the membership on Tuesday, June 30, 2015. Ballots must be completed electronically or, for mail-in ballots, received at the predetermined depository, by 11:59 p.m. EDT on Thursday, July 30, 2015. Ballots not completed electronically or received in the depository by this time and date shall not be counted.
- F. Each member shall be entitled to a duplicate ballot and receive same, provided that he/she notifies the NEC by Thursday, July 23, 2015. Envelopes used for duplicate ballots shall be marked "Duplicate Ballot" and shall be a different color than the envelopes used for the original ballots. Duplicate ballots shall be counted unless the original and duplicate ballot mailed to a member are both cast, in which case only the duplicate ballot shall be counted.
- G. If a member casts both an electronic ballot and a mail-in ballot, only the electronic ballot shall be counted.
- H. The NEC shall supervise the conduct of the election and take the measures it deems necessary to ensure a fair and impartial election.

Section 5 - Ballot Collection and Tally Procedures

- A. On the morning of Friday, July 31, 2015, a member of the NEC shall proceed to the depository and obtain all the ballots. Ballots shall be retained in the custody of the NEC until such time as they are checked and counted.
- B. The NEC shall tally all ballots and prepare a report detailing the results of the election, including a complete account of all ballots and a reconciliation of the ballots with rosters and verification lists of the membership. The report shall clearly detail any discrepancies discovered and include recommendations for the treatment of such discrepancies. All members of the NEC shall sign the report without prejudice.
- C. The NEC shall commence the counting of the ballots on July 31, 2015 (the same day that the ballots are collected) and shall complete this work as quickly as possible.

The report of the NEC shall be filed with the Association Headquarters no later than forty-eight (48) hours following the completion of the count.

Section 6 - Runoff Procedures

A. In the event of a runoff election, the NEC shall supervise the distribution of ballots. The ballots shall be distributed no later than sixteen (16) days after the NEC has ruled on challenges or protests of the election or, if there are no challenges or protests, within sixteen (16) days following the submission of the NEC's report.

B. Any runoff elections shall be conducted in accordance with Section 4, herein. Ballots shall be distributed to the membership and shall be due back to the predetermined depository within thirty (30) days of the date of distribution. In the event that the thirty-day deadline falls on a weekend or holiday, the next regular business day shall be designated as the deadline for the receipt of returned ballots. The NEC shall meet the following day to tabulate ballots and announce the results of the runoff election.

Section 7 - Installation of Officers

A. New officers shall take office on September 1, 2015. In the event of a runoff election, such officers shall take office thirty (30) days after the results of the runoff election are finalized.



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MRA + 30 Comparison

We been looking at the interplay between ATC retirement provisions and the Minimum Retirement Age and 30 years of service (MRA + 30) retirement provisions for some time.

While there are potential annuity gains for some members if they are allowed to work until their Minimum Retirement Age eligibility, it is not always a straight forward benefit. Those who retire under the MRA provisions do not receive COLA until age 62.

We have [attached](#) a detailed comparison that will also be used at the NATCA retirement seminars.

On occasion we have been asked by members why we aren't seeking a change in the law on the issue. The answer is given the current Congressional environment the benefit to a few is far outweighed by the great risk to the vast majority of NATCA's members. There is a significant interrelationship between advocating for additional eligibility for the MRA retirement and the risk of increasing or eliminating the mandatory retirement requirements for ATCs, and thus eliminating the increased annuity altogether. In recent years the only proposed changes to Federal retirement have been to weaken benefits

and increase the contributions of active and/or future federal employees.



Collective Action Lawsuit on OT during Shutdown of 2013

Martin et. al. v. The United States

Members have begun asking NATCA's National Office about NATCA's opinion regarding *Martin, et. al v. the United States of America*, a lawsuit brought by federal employees working for the Bureau of Prisons over a claim that the government violated the Fair Labor Standards Act when it did not pay the minimum wage or overtime pay in a timely manner for the first five days of the government shutdown, October 1-5, 2013. The substance of the case is not that the federal employees failed to ultimately receive the appropriate pay for work performed during the shutdown, but that the federal government committed a technical violation of the FLSA's minimum wage and overtime pay requirements by delaying that pay and that, as a result, the employees are entitled to liquidated damages for not having use of those funds during the delay.

It has been reported in the media that the case has recently been certified as a collective action and that similarly situated employees of other federal agencies who are eligible to opt into the case will receive notice shortly, probably via electronic mail, of their eligibility and the opt-in process. That notice is likely to be delayed, though, because many departments, including the Department of Transportation, have not yet determined whether their FLSA non-exempt employees excepted from the shutdown furloughs worked October 1-5 and were not paid on their regularly scheduled payday. It is not known whether FAA and/or DOT will advise the court that the default e-mail notification is not sufficient to provide notice to air traffic controllers.

The court has not yet ruled on the issue of whether the government is actually liable to pay liquidated damages. The case will have to go through a discovery phase prior to a trial on this issue. If the plaintiffs

prevail on the minimum wage claim, each would be entitled to a maximum of \$290 before 20% attorneys' fees, additional litigation expenses, and taxes are subtracted. If the plaintiffs prevail on the overtime claim, liquidated damages would be equal to the amount of overtime pay received during October 1-5 minus the 20% attorneys' fees, additional litigation expenses, and taxes. It should also be noted that employees who worked on September 29 and 30 would have to have an annual salary of less than approximately \$37,800 in order to qualify on the minimum wage claim. Employees who worked either September 29 or 30 would have to have an annual salary of less than approximately \$75,600 in order to qualify on the minimum wage claim. This is because they would have received at least \$290 in wages for the 40 hours in the workweek covering October 1-5.

NATCA will not be recommending whether or not to opt-in to this lawsuit. Each member must make that decision for him or herself. NATCA is not a sponsor of this lawsuit nor do we have any relationship with the case or the counsel handling the case on behalf of the plaintiffs. NATCA will not be bringing a similar case on behalf of our members. We do expect litigation over this matter to go on for many years before final resolution is reached.



**First NATCA Partnership Event Brings Together Aviation Friends,
Promotes Discussions**

NATCA was excited to welcome over three dozen guests from the aviation community on Monday, Dec. 1, at its first Partnership Event at the National Press Club in Washington, D.C. NATCA created the event to both thank its current corporate members and invite others to join as partners and corporate members.



Margaret Jenny - President RTCA, Inc



Dina Jimenez Earl - Business Development Manager SkyOne



John Glynn - President Union Labor Works

Paul spoke on an panel on Sequestration and the upcoming FAA Reauthorization panel at an ALPA Event last week. Trish spoke at an Aviation Safety Conference - FlightGlobal in London the same week.



While in Chicago for the ICAO Anniversary event (see article above) Paul briefly left to visit ZAU. That evening Trish joined the Chicago area members at the Holiday Party.

On Friday, December 12th NATCA joined many in government, aviation industry and manufacturing for the annual Wright Memorial Dinner where Bob Hoover was recognized for his many accomplishments in aviation.

Below is a picture of the Aero Club of Washington Board of Governors (of which Trish serves on) that hosts the Wright Dinner.



NATCA: Working Together With Our Industry
Partners to Make NAS Safe, Efficient

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