



Dear Brothers and Sisters,

Lawmakers are running short on time to avoid a government-wide shutdown, as the current government funding bill expires on Friday, Dec. 8. If no deal is passed by then the government, including the Federal Aviation Administration, will not be funded and shut down. Employees who continue to work would not be paid until the government is funded. Certain FAA employees would be furloughed and may not be paid at all.

With less than a week remaining until the deadline, we are closely monitoring the situation and tracking possible outcomes. Leaders of both parties have said they have no interest in a government shutdown. The good news is the House of Representatives has started moving forward on a Continuing Resolution (CR) to avoid a shutdown however the bad news is that it only goes through Dec. 22.

As Congress moves forward with a number of end-of-year bills including appropriations, it must deal with the Budget Control Act of 2011, which automatically implements spending cuts known as sequestration. In 2013, sequestration cuts caused the FAA to implement save money furloughs that affected all FAA employees, including those normally excepted from emergency shutdown furloughs. Other harms that the FAA had to implement to meet the sequestration caps included freezing hiring, closing the FAA Academy, and moving to a fix-on-fail maintenance program. The FAA also considered closing over 238 low activity FAA and Contract Towers. NATCA worked with others in the aviation industry to lobby Congress to pass the Reducing Flights Delays Act, which helped alleviate some of the potential harms of sequestration cuts. The hiring freeze and shuttering of the FAA Academy exacerbated our staffing concerns and helped create the staffing crisis we are in today. For the last four years, Congress has agreed to increase the sequestration caps, however, at this time it is unclear whether Congress will agree to increase the caps and to what level.

In the event that Congress does not pass a funding bill by Dec. 8, NATCA is working with the FAA on a procedural Memorandum of Understanding (MOU)

to accompany the existing Furlough MOU and Questions & Answers that appear in Appendix P-4 of the Slate Book. The Appendix P-4 MOU applies to all NATCA BUEs in the FAA regardless of contract. NATCA also is working with the FAA to ensure that the Agency's list of "excepted employees" who are not subject to furlough is as accurate and up-to-date as possible.

We will continue to update you as new information becomes available.

In Solidarity,

Paul Rinaldi, NATCA President
Trish Gilbert, NATCA Executive Vice President



*Far and away the best prize that life has to offer is the chance to work hard at work worth doing. **Theodore Roosevelt***



"No one is useless in this world who lightens the burdens of another." - Charles Dickens

A great amount of giving takes place during the holiday season as well as reflection on the past year. As you consider your options for giving, please keep in mind that our NATCA brothers and sisters affected by the recent hurricanes still need vital assistance.

After the storms, our Union provided vital assistance through the NATCA Disaster Relief Fund to over 140 members in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands. NATCA also has been able to send over \$25,000 in relief supplies to these areas. But even with this support, so much more need for help exists. Please consider a donation to the NATCA Disaster Relief Fund. 100 percent of donations to this Fund directly support our NATCA brothers and sisters in need.

Also, NATCA is making it easier for members to continue giving. In addition to donating through the existing [GoFundMe effort](#), **NATCA members now can spread out their contributions over multiple pay periods by donating through an [automatic payroll deduction](#).**

OTHER NEWS FROM HURRICANE AFFECTED AREAS

NATCA is proud of the resilience and dedication shown by our members in the Caribbean. San Juan Tower member Kyrandgel Rios recently shared an update about the state of Puerto Rico. He explained that minutes after Puerto Rico's governor announced that 50 percent power had been restored, power on the island once again was lost. Rios created a video to raise awareness about the situation in Puerto Rico and the essential services aviation safety professionals continue to provide during this crisis. See video below.

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NATCA's Critical Incident Stress Management (CISM) team members Kristine Mooso and Kristen Laubach recently traveled to Puerto Rico to assist our NATCA brothers and sisters. The following is their very sad first-hand accounts from their trip. Our heart aches for everyone who has been affected.

[Read Kristen Laubach's first-hand account of conditions in San Juan.](#)

[Read Kristine Mooso's first-hand account of conditions in San Juan.](#)

Thank you to everyone who has been so generous helping our NATCA brothers and sisters. Your commitment to each other matches your commitment to our Union, our profession, and the safety of the National Airspace System. It is inspiring.

In proud solidarity,

The National Executive Board



Convention 2018 Registration Open!

Philadelphia locals look forward to welcoming NATCA brothers and sisters

Don't miss the chance to explore the perpendicular streets of the nation's birthplace & labor's heartbeat during the 17th Biennial Convention in Philadelphia, April 17-20, 2018. Check out the new NATCA Convention page and [register today!](#)

To Submit Proposed Convention Resolutions or Amendments

Members should submit proposed resolutions or amendments by 11:59 p.m. EST on Dec. 18, 2017 to the NATCA Executive Vice President at tgilbert@natcadc.org.

Proposals will then be mailed to all members at least 60 days prior the convention. The National Convention body will then vote on all proposals that are in order and properly before the body.

If you have any questions please contact a Constitution Committee member.

**NOTICE OF ELECTION &
ELECTION RULES FOR THE
2018 NATCA NATIONAL
ELECTION**

*(A copy of the information below
will be mailed to every member's
home address, in accordance with
applicable law, during the first
week of January 2018.)*



This is 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

The election shall be referred to as the "2018 NATCA National Election." In accordance with Article VII of the NATCA National Constitution, the NATCA National Election Committee ("NEC") has established rules, contained herein, for the 2018 NATCA National Election.

Section 1 - General Provisions

- A. Elections shall be held by referendum and all balloting shall be conducted via secret ballot.
- B. Write-in votes shall not be permitted.
- C. Members shall have the option of voting electronically or by mail, unless the NEC determines that electronic balloting shall not be used.
- D. 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.

- E. With respect to mail-in ballots, 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 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.
- F. Except as otherwise specifically provided herein, any protest or challenge regarding the conduct of the 2018 NATCA National Election shall be made in accordance with Article VII of the NATCA National Constitution.
- G. Any further appeals must be filed with the Secretary of Labor, pursuant to 5 U.S.C. Section 7120 and applicable regulations.
- H. With respect to campaigning for office in the 2018 NATCA National Election, candidates shall comply with the Labor-Management Reporting and Disclosure Act of 1959 and any NATCA rules. Candidates may not seek or accept endorsements from individuals or entities outside of NATCA.

Section 2 - Nominations

- A. All nominations shall be made in accordance with Article VII 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 Friday, March 30, 2018.
- C. To be eligible for candidacy, nominees must have been active NATCA members in good standing for at least one year prior to the close of the nominations period (March 30, 2018).
- 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. Nominees shall not accept candidacy 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 Monday, April 30, 2018. Nomination acceptances not received by this time and date shall be declared 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.

F. Once the nomination acceptance period has closed, a candidate may not withdraw from the race.

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. To have his or her ballot counted, a member must be in good standing as of fifteen (15) days immediately preceding the close of the balloting.

E. Ballots shall be distributed to the membership on Monday, June 25, 2018. Ballots must be completed electronically or, for mail-in ballots, received at the predetermined depository, by 11:59 p.m. EDT on Monday, July 30, 2018. 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 Monday, July 23, 2018. 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 Tuesday, July 31, 2018, 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.

C. The NEC shall commence the counting of the ballots on Tuesday, July 31, 2018 (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, 2018. In the event of a runoff election, such officers shall take office thirty (30) days after the results of the runoff election are finalized.



Fair Labor Standards Act Case

Update from Office of General Counsel on FLSA Suit - November 7, 2017:

In a disappointing development, the Department of Justice filed a notice of appeal on November 2 in the FLSA lawsuit covering the NATCA plaintiffs (Abbey v. United States). The filing of the notice of appeal sends the case back to the U.S. Court of Appeals for the Federal Circuit for another review. The Government's brief is due to the appeals court on or before January 5, 2018.

The case was already brought before the appeals court once before after decisions from the trial court in 2008 and 2011 that were in favor of the NATCA plaintiffs and a trial in 2012 to

determine damages. The 2014 review by the appeals court resulted in a decision that overturned part of the trial court's earlier rulings and a remand of the case back to the U.S. Court of Federal Claims for additional consideration. On remand, the Court of Federal Claims ruled that the Government violated the applicable federal law when it allowed the NATCA plaintiffs to accrue credit hours in excess of twenty-four hours during the statutory recovery period. The Court of Federal Claims also ruled that the Department of Justice and FAA were prohibited from introducing additional evidence in the case at this late stage of the litigation. On September 1 of this year, the parties filed a joint stipulation of damage awards that were revised to reflect the decisions on remand and listed the new damage amounts for the 7,912 NATCA plaintiffs in the case.

The DOJ's decision to pursue another appeal in this litigation is a frustrating turn of events for the NATCA plaintiffs who have prevailed in the trial court on numerous occasions and have been waiting for resolution of this case for more than ten years. Counsel for the NATCA plaintiffs intend to vigorously defend the decisions of the trial court and continue to push for the overdue resolution of this case. Members with questions about the status of the case should contact NATCA General Counsel Marguerite L. Graf (mgraf@natcadc.org).



NATCA Academy - 2018 Schedule

Representative Training 1 (RT1)	March 5-9	Las Vegas
Representative Training 1 (RT1)	April 9-13	Las Vegas

Representative Training 1 (RT1)	Sept. 24-28	Las Vegas
Representative Training 1 (RT1)	Dec. 3-7	Las Vegas
Federal Contract Tower (FCT)	June 12-13	National Office, Washington, D.C.
LEAP	March 5-7	Glen Rose, Texas
LEAP	Oct. 2018 (Dates TBA)	Airlie, Va.
Training Review Board (TRB)	April 24-26	Las Vegas
Training Review Board (TRB)	Sept. 11-13	Las Vegas
Legislative Activism (LAT)	Feb. 21-22	Las Vegas
Legislative Activism (LAT)	Sept. 11-12	Las Vegas
Adv. Legislative Activism (ALAT)	Nov. 27-29	National Office, Washington, D.C.
Secretary/Treasurer (STT)	April 10-11	Las Vegas
Secretary/Treasurer (STT)	Sept. 11-12	Las Vegas

NATCA Academy Legislative Class Change

An Advanced Legislative Activism Training (ALAT) class has been added to the NATCA Academy Legislative Class schedule in 2018. The Basic Legislative Activism Training (LAT) class originally scheduled for Nov. 28-29, 2018 in Las Vegas, has been replaced with an ALAT class on Nov. 27-29, 2018 in Washington, D.C. at the NATCA National Office.

ALAT is an involved, 2 1/2-day course with guest speakers from the Office of Special Counsel, NATCA's Government Affairs Staff, and Special Counsel to NATCA's President.

NATCA Academy Courses are available for sign up on the [NATCA Membership Portal](#) (except for LEAP, which is by invitation only).

Once you have logged in, select "NATCA Academy" from the quick links. Then, select "2018 courses." If you need any help with registration, contact the Coordinator for your region. Registrants will be notified within 35 days from the course start date of their status for the course.

If you have any questions, please contact NATCA's Training Coordinator, Carolyn Kamara, at ckamara@natcadc.org.

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NATCA, 1325 Massachusetts Avenue, NW, Washington, DC 20005

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