

# *Team Update - February 9*

Almost a month and a half into 2015 and the year is shaping up to be quite busy. The discussion and activity around the upcoming FAA Reauthorization bill, sequester and the transportation appropriations bill is constant. We are engaged in the dialogue wherever possible, and in many cases have refocused the discussion to the best course for the NAS, and subsequently for the dedicated membership we represent.

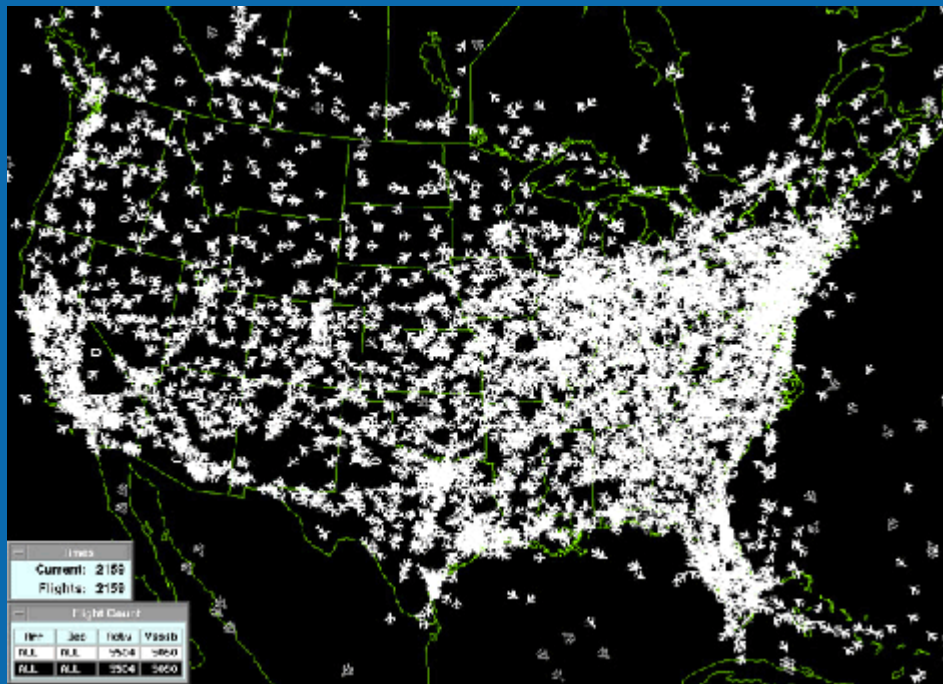
Stay tuned to what is happening and we will possibly need the membership to engage in the near future.

In solidarity,

Paul Rinaldi - NATCA President

Trish Gilbert - NATCA EVP





## Air Traffic Control Specialist Hiring

The first of two hiring bids for air traffic controllers is out until **February 18**, for experienced controllers (52 weeks former FAA CPCs, Military controllers, DOD controllers and Federal Contract Tower controllers). Applicants will not need to take the biographical assessment, and depending on their experience may not need to go to the Academy. Click here to [apply](#).

The second bid will be a general public open bid in March. Applicants will need to pass the biographical assessment (as revised), the ATSAT, and attend and pass the Academy. They will get their facility placement upon graduation as is current practice. There was a rumor that those who did not pass the biographical assessment on the February 10th, 2014 open bid could not apply again. That is not accurate and the Feb 10th, 2014 applicants may apply again for the March 2015 open bid.



## NATCA FLSA Lawsuit: Update from the NATCA Office of General Counsel

The lawsuit challenging the FAA's failure to provide FLSA overtime pay to certain NATCA members who accrued credit hours in excess of the 24-hour accrual cap prior to October 1, 2009 remains pending on remand before the U.S. Court of Federal Claims. This case began almost eight years ago as a challenge to the FAA's compensatory time and credit hours programs that were not expressly carried over in the FAA personnel reform statute that was implemented in 1996. After winning decisions from the Court of Federal Claims on the FAA's liability to the NATCA plaintiffs for maintaining these programs and on damage calculations for the NATCA plaintiffs, the U.S. Court of Appeals for the Federal Circuit overturned parts of the trial court decisions in March 2014. In contrast to the trial court, the appeals court found that that FAA personnel reform statute provided the FAA with the flexibility to maintain these programs and remanded the case back to the trial court for a decision instead on whether the FAA complied with the applicable statutory provisions with regard to its utilization of these programs after the implementation of personnel reform.

In a filing submitted to the trial court in December 2014, attorneys for the NATCA plaintiffs argued that the FAA failed to comply with the provisions on

the accumulation of credit hours and that the FAA continues to owe the NATCA plaintiffs a substantial amount of damages. In motions filed with the trial court in December 2014 and January 2015, the FAA has refuted any liability to the NATCA plaintiffs. One additional filing remains to be submitted in mid-February pursuant to the Court's scheduling order and then the Court will consider and render a decision on the competing claims put forth by the attorneys for the NATCA plaintiffs and the FAA. A decision from the trial court could come as early as this spring but is more likely to issue sometime later this year. NATCA will continue to keep the NATCA plaintiffs informed of developments in this litigation as they occur.

Members with questions about the case may contact NATCA General Counsel Marguerite Graf ([mgraf@natcadc.org](mailto:mgraf@natcadc.org)) or the D.C. law firm representing the NATCA plaintiffs, Woodley & McGillivray (202-833-8855).



## NATCA Long-Term Disability Insurance Program: Open Enrollment Now Through April 30

All members are eligible to participate in the UNUM Group Long-Term Disability (LTD) program. Open enrollment began on Feb. 1 and runs through April 30, 2015.

UNUM offers a number of premium savings options from which to choose. In addition to the 90-day elimination period (the traditional claims waiting period), you can now choose a 180-day or 360-day elimination period. It's your choice.

To learn more or enroll, please visit [natcadisability.com](http://natcadisability.com).

In addition, there are three contests, if you need more reasons to enroll:

**Early Enrollment Individual Member Contest:** All members who enroll between Feb. 1 until March 3, 2015, will be entered into a raffle. The winner will be chosen at Communicating for Safety in Las Vegas (March 2-4).

**Regional Contest:** Be part of the region that gains the most participants by percentage. The region that wins will have a check for \$5,000 donated to the NATCA Charitable Foundation on its behalf at NATCA in Washington 2015.

**Individual Local Incentive:** The local of any member who refers another member who then joins the LTD program will receive a \$10 gift certificate.

## *NATCA 101: Interactive GoToMeeting*

February 19 at 1:00pm EST

To sign up for the class please use the NATCA members portal at [portal.natca.net](http://portal.natca.net)

Click [here](#) for a flyer for posting!

Learn more about NATCA 101 and NATCA Reloaded at [www.natcareloaded.com](http://www.natcareloaded.com)



## **The NATCA Scholarship Deadline is Coming Soon!**

[The NATCA Scholarship Program:](#) March 1 is the deadline to submit an application. The program is open to spouses, children, stepchildren, and legally-adopted children of active, retired, and deceased NATCA members. The member must have two years of continuous good standing active union membership prior to submission of the application. The applicant must be enrolled in an accredited college or university.

Click [here](#) to apply.







**Registration is now CLOSED!!** If you are interested in attending you must email us at [natcacfs@natca.net](mailto:natcacfs@natca.net).

- **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.

Communicating For Safety [Agenda](#).

Access other important information about the conference at [cfs.natca.org](http://cfs.natca.org).



## *NATCA Academy Schedule 2015*

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

**Partnership for Safety**





# **Partnership for Safety Debuts Monthly Safety Awareness Discussions**

**Partnership for Safety is implementing monthly, face-to-face Safety Awareness Discussions for air traffic controllers and managers as part of the new Order, effective Feb. 1.**

**The discussions are a way to elicit conversations about nationally and locally identified safety trends and will include briefing sheets from the Air Traffic Safety Action Program, Fully Charged fatigue education and Quality Assurance.**

**These discussions are organized through the Local Safety Council, but facilities may designate another collaborative facilitator to complete the conversations.**

**The discussions range between 15 and 30 minutes and are mandatory for all operational personnel.**

**Watch the Safety Awareness Discussion video featuring ATO and NATCA leaders explaining the importance of these crucial conversations.**

**March Safety Awareness Discussion topics will be announced on the following Partnership for Safety webinars:**

- **Tuesday, February 24, 2015, at 1 p.m. EST**
- **Wednesday, February 25, 2015, at 1 p.m. EST**

**For questions regarding the monthly webinars, visit [www.facilitysafety.org](http://www.facilitysafety.org) or email the program office**

at [9-aji-ask-pfs@faa.gov](mailto:9-aji-ask-pfs@faa.gov).



## **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 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.

Paul started the week with the 2016 convention committee at their kick-off meeting. He then spent the latter part of the week in DC at the FAA in meetings and in the quarterly ENO Transportation meeting.

Trish had several industry meetings in DC as well. On Tuesday, she headed to Puerto Rico to visit ZSU, SJU and the two new NATCA-represented contract towers BQN and SIG.



Top (L-R) Thierry Nakoa (BQN Controller), Ramon DeJesus (BQN Facrep), Second Row - from Miguel Perez (ZSU VP), Trish, John Bratcher (FSM-Organizing Committee Chairman), Bottom Row -Victor Santore (NSO RVP), Kyrandgel Rios (SJU Facrep), John "Woody" Camp (ZSU Facrep)



Victor Santore (NSO RVP), Trish, Carlos Barreto (SIG Facrep), John Bratcher (FSM-Organizing Committee Chairman)

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NATCA, 1325 Massachusetts Ave NW, Washington, DC 20005

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