



## LEGISLATIVE UPDATE



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## Hatch Act Advice from the NLC Chair

**By Richard Kennington, Chair, National Legislative Committee**



By now, we know that we are subject to the Hatch Act, which means we may not engage in political activity while on duty or in the workplace. Political activity is defined as, “activity directed toward the success or failure of a political party, candidate for a partisan political office, or partisan political group.” For that reason, we are not allowed to display political signs or wear T-shirts with political messages or slogans, make comments, or engage in social media that are for or against a candidate while on duty. When an individual is no longer a candidate, these restrictions no longer apply.

But the office of president isn't so straight forward. On Election Day, voters choose their state's electors for president and vice president, who meet later in the year and cast their ballots for president and vice president. After the state electors cast their votes, the outcome of the election is declared by the president of the Senate, who, in the presence of the entire Congress, counts the votes. Neither the president nor the vice president is elected until the conclusion of that procedure, which takes place on the sixth day of January following Election Day. Therefore, all candidates for president and vice president retain their status as candidates until the electors' ballots have been tallied and certified or until the candidate withdraws from the election.

**Here's the key question for you: When does a presidential candidate stop being a candidate, so I can finally start wearing hats, T-shirts, or socks to work indicating support of my preferred candidate?**

The Office of Special Counsel, which is tasked with determining what constitutes a Hatch Act violation, issued the following guidance that answers that question. “...After Election Day, activities supporting or opposing a presidential candidate will not affect the result of the election for that office, as the only individuals left to cast their votes are the members of the Electoral College. Thus, after Election Day, activities like wearing campaign T-shirts or displaying candidate pictures do not constitute political activity, even while on duty or in the federal workplace.” So,

even if CNN's Anderson Cooper says it's too close to call on Nov. 3, you go ahead and get that neck tattoo of your favorite candidate.

Now, a word of caution: Just because it's legal one day doesn't mean it's legal the next. Campaign items will be prohibited by the Hatch Act if and when a former candidate again becomes a candidate for re-election. If your T-shirt says 2020 on it, it will still be illegal in 2022 if that individual were to declare their candidacy. This would also apply to neck tattoos so you may want to rethink that one.

One last thing to keep in mind: We said that political activity also includes activity directed at the success or failure of a political party or partisan political group. Therefore, even after Election Day, the Hatch Act still prohibits federal employees, while they are on duty or in the federal workplace, from wearing or displaying items that show support for or opposition to a political party or partisan political group. For example, a federal employee can never wear or display a political party T-shirt. Items with a slogan such as "Democrats for Biden" or "Republicans for Trump" are always prohibited.

My advice to you would be to not push the boundary on the Hatch Act. Play it safe and wear an AC Milan soccer jersey like me because, after all, even God loves the Red Devils.

## Why Are You Voting in the 2020 Elections?

See why your NATCA brothers and sisters are voting in the election, Nov. 3.



Visit the Member Voter Center, Your

# One-Stop-Shop for All Information to Register & Vote

NATCA has a Member Voter Center at [www.natca.org/vote](http://www.natca.org/vote). It's our Union's one-stop-shop for all the information you'll need to register and vote in your state. We recently added links to enable our members to track the status of their mail-in ballot. We have also added links to find your polling place should you choose to vote on Election Day.

Our Union can't support those who support us in the NATCA Majority and make decisions that affect us if NATCA members don't participate in the electoral process. Participation starts by ensuring that you, your family, and your friends are all registered to vote. Just as important, especially during the pandemic, is understanding your state's process for remote voting and early voting. This will allow you to participate in this year's election and ensure your safety. We encourage you to check out these voting resources.



## HAVE A VOTING PLAN

- ✓  Verify that you are registered to vote
- ✓  Know the voting options in your state
- ✓  Vote early, stay safe!

**VISIT**

**[NATCA.org/vote](https://natca.org/vote)**

**"Someone struggled for your  
right to vote.**

**USE IT."**

- Susan B. Anthony



**NATCA  
VOTES**

**NLC Welcomes Newest Regional Rep**



# Robert Kindred

Anchorage Center (ZAN) FacRep Robert Kindred has recently accepted a new position, as the National Legislative Committee Alaskan Regional Rep. Kindred has worked at ZAN for 15 years and has been a member of NATCA since 2005. He has served in various roles within our



Union, but first became involved in 2010 as an Area Rep at ZAN. Says Kindred, "It was a very different time, as we had just come out of the White Book and into the Red Book. We were starting to see things change for the better, and I was excited to get involved. Seeing how things were corrected through the legislative process, and ensuring that we wouldn't have imposed work rules forced on us really got me interested in the legislative process."



As the NLC Rep for the Alaskan Region, Kindred wants to continue strengthening the relationships in Congress that the previous reps and members in the region have built. "Aviation is such a big

part of Alaska, so it is very important that we keep Congress informed on issues that we face while safely keeping the traffic moving," he says. "As for anyone else wanting to get involved, don't wait for someone to ask you if you are interested. Put yourself out there and show interest and there will be something that comes up. Get involved on your local e-board or anything that sounds interesting to you."

He says his proudest moments as a NATCA member have been nominating colleagues for the Archie League Medal of Safety Award and seeing them accept their awards at Communicating For Safety. "Knowing that we work with so many different aviation safety professionals throughout the system makes me proud of all of them," he says.

Kindred and his wife Janene have been married for 22 years and have four kids. Outside of work, he likes to spend time at his family cabin, enjoying both summer and winter activities there. Kindred also spends lots of time at the hockey rink with his two younger daughters. Together with his family, he enjoys lots of different outdoor activities,



including camping, fishing, boating, jet skiing, and riding snow machines.

## Government Affairs Update

The following is an update from NATCA's Government Affairs Department:

### Congressional Schedule

The House and Senate are now in recess until after the elections. The Senate remained in session longer than anticipated to advance the U.S. Supreme Court nominee Amy Coney Barrett. In the unlikely event that a vote is scheduled on COVID relief legislation, the House and Senate could be called into session for votes.

After the elections occur, Congress will enter what is known as a "lame duck" session for the rest of the calendar year. This period of time refers to a Congress that meets after its successor is elected but before the new Congress convenes. Some lawmakers who return for this session will not be in office for the next session of Congress. The outlook for the lame duck will depend on the results of the presidential election and Senate races. Several big-ticket items remain on the agenda for consideration during the lame duck, including the annual National Defense Authorization Act and a government funding bill.

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### New Government Funding Deadline: December 11

A short-term continuing resolution (CR) was enacted at the end of September to avoid a government shutdown on Oct. 1. The CR funds the government through Dec. 11, at which point another government funding bill will have to be negotiated during the lame duck session to avoid a government shutdown. NATCA will continue to advocate for a long-term stable, predictable funding stream for the National Airspace System (NAS) as lawmakers negotiate the next government funding bill.

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### NATCA Secures Critical Funding for the Airport and Airway Trust Fund

NATCA was successful in obtaining a critical technical correction to address a shortfall in the Airport and Airway Trust Fund (AATF) in the continuing resolution. The technical correction, which NATCA aggressively advocated for, transfers \$14 billion from the general fund to the AATF, allowing it to continue to meet the Federal Aviation Administration's (FAA's) obligations. The AATF funds operations of the NAS as well as facilities and equipment, research, engineering, and development, and grants-in-aid to airports. Previously, the trust fund had been at a critical level due to reduced demand for airline tickets and the aviation excise tax holiday that began in March with the passage of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act. Without a fix, the FAA would have been forced to cancel or delay programs or activities, and potentially furlough employees.

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## COVID and Airline Worker Relief Remain Elusive

Despite lack of progress, both chambers of Congress and the White House continue to negotiate on a COVID relief package. Without a consensus on a broader package, several partisan, slimmed-down versions of aid packages have advanced through the legislative process in both chambers from both parties. However, no additional relief packages have been enacted and it is doubtful that a bill will be enacted into law before Election Day.

As you know, the House-passed HEROES Act (H.R. 6800, also known as “CARES 2.0”) contains many provisions that would help protect NATCA’s members during the pandemic. The House also passed a smaller version of that legislation in September, known as “HEROES 2.0.” However, neither bill has advanced beyond the House.

In addition to seeking COVID relief legislation, NATCA continues to stand in solidarity with our aviation union sisters and brothers as thousands of furloughs and layoffs went into effect earlier this month in the absence of a coronavirus relief deal. Just before the Sept. 30 deadline in which airline worker relief expired, House Transportation Committee Chairman Peter DeFazio, D-Ore., tried to bring a stand-alone aid bill (H.R. 8504) for airline workers to the House floor, which NATCA strongly supported. Unfortunately, it was ultimately not considered and thousands of aviation workers remain subject to layoffs. Similarly, on the Senate side, Sens. Roger Wicker, R-Miss., Chairman of the Committee on Commerce, Science, and Transportation, and Susan Collins, R-Maine, Chairwoman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, introduced the Air Carrier Worker Support Extension Act of 2020. The legislation would, if enacted, extend the airline worker Payroll Support Program (PSP) through March 2021.

NATCA continues to advocate on behalf of our members in order to ensure a safe and efficient NAS, and we will continue to support our brothers and sisters in the aviation industry as they face the dire results of inaction on airline worker relief.

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## Update on Paid Parental Leave for FAA Employees

NATCA's Government Affairs staff continues to work to ensure that 12 weeks of paid parental leave for FAA employees is codified in law for both current and future FAA workforces. Specifically, NATCA is seeking a technical correction to fix the loophole that inadvertently excluded FAA employees and five other federal employee workforces from the 12-week paid parental leave proposal enacted last December as part of the National Defense Authorization Act for fiscal year 2020 (FY 20 NDAA; P.L. 116-92). NATCA has successfully secured the technical correction in the House version of the FY 2021 NDAA bill, which is now headed to “conference” with the Senate version of the legislation. A final NDAA bill must be agreed upon in Congress before being signed into law by the President. Separately, NATCA's Government Affairs staff is advocating for bipartisan compromise legislation being led by Sens. James Lankford, R-Okla., and Gary Peters, D-Mich., that would also provide 12 weeks of paid parental leave for FAA employees.

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## Aircraft Certification Legislation Advances in Congress



NATCA represents FAA employees who are involved in the certification of aircraft. Lawmakers on Capitol Hill are seeking changes to the safety culture at the FAA and the process that certifies aircraft following the Boeing 737 MAX accidents. As such, legislation has been introduced in both chambers relating to aircraft certification reform. The House Transportation & Infrastructure Committee passed a bipartisan bill (H.R. 8408) on Sept. 30, which NATCA supports. The Senate Commerce Committee has introduced its own version of certification reform legislation, S. 3969, which NATCA also supports. The committee has not yet advanced the legislation. NATCA will continue to provide feedback to lawmakers as they work to address the issues.

## Virtual Grassroots in Local Districts

### ALABAMA



Birmingham ATCT (BHM) Legislative Rep and Alabama State Legislative Coordinator Antwan Acree attended a Zoom meeting with Alabama Congresswoman Terri Sewell. “She immediately noticed my bright yellow NATCA T-shirt and acknowledged my attendance,” said Acree. “She touched on many topics during the meeting, including the upcoming election, voting rights, the coronavirus pandemic, and funding the government. She thanked NATCA for keeping the skies safe over Alabama. I thanked her for always working with NATCA when it came to issues and legislation concerning aviation.”

### ARIZONA

Phoenix TRACON (P50) Secretary Carlton Wickstrom participated in a virtual meeting with Arizona Congresswoman Debbie Lesko. “I reiterated NATCA’s position on FAA funding, and emphasized the importance of it now more than ever in light of the ongoing pandemic,” said Wickstrom. “I





think our goal of building relationships with Congress is vital for our Union, and having bipartisan relationships in Congress, will help us in future endeavors.

"Also, I think being the 'odd duck' at these meetings is key. The rest of the participants were surprised to see a union member listening and engaging with union insight to the issues at hand. If anything, it may convince them to look at us favorably as well."



## COLORADO



National Legislative Committee Northwest Mountain Regional Rep and Denver Centennial ATCT (APA) member Jenny Benjamin attended a virtual meeting with Colorado Congressman Ed Perlmutter. "The Congressman provided us with pertinent updates, including the COVID bill and work that is being done in Colorado," she said. "I was able to thank the him for all his hard work and support

of federal employees and NATCA. He in turn thanked us for always keeping the skies safe.”

## GEORGIA



Atlanta Center (ZTL) member and National Legislative Committee Southern Region Rep Jenny Chhetri, ZTL member and Georgia State Coordinator Christopher Smith, and Atlanta Tower (ATL) member Blake Locke met virtually with Georgia Congressman Drew Ferguson.

“We thanked the congressman for supporting NATCA over the years, including co-sponsoring H.R. 1108 and H.R. 5885,” said Chhetri. “As a member who used to sit on the House Committee on Transportation and Infrastructure, and who is currently on the Committee on Ways and Means, Congressman Ferguson always talks about the budget and brings up what happened to our workforce during the 35-day government shutdown. We discussed the long- and short-term effects of stop-and-go funding, and also talked about the importance of intellectual honesty in Congress. The Congressman wanted us to know that he thinks highly of our organization and respects the way we carry ourselves. In closing, he said that he always enjoys meeting with us.”

## KENTUCKY



Greater Cincinnati ATCT (CVG) FacRep and Kentucky State Legislative Coordinator John Buonadonna attended a virtual meeting with Kentucky Congressman Hal Rogers. “The Congressman gave us a brief update on things happening in Congress,” said Buonadonna. “I thanked him for his support and for always having an open-door policy with us.”

## NEW YORK

New York Center (ZNY) Legislative Rep and National Legislative Committee Alternate Eastern Region Rep Dave Romano attended a Zoom meeting with New York Congressman Max Rose. “Congressman Rose spoke about national issues facing our country,” said Romano. “I was able to thank him for his support right after being sworn in during a government shutdown; he listened to our issues and co-sponsored H.R. 1108.”



## PUERTO RICO





San Juan CERAP (ZSU) FacRep Woody Camp met with Puerto Rico Congresswoman Jennifer González Colón via Zoom. “She immediately asked questions about the FAA’s response to the health and safety of the employees at ZSU,” said Camp. “I briefed her on the success achieved through collaboration with reduced staffing and scheduling, cleaning supplies, personal safety supplies, and revamped cleaning schedules. Additionally, we discussed local shore power restoration issues that she has been assisting our facility with since the hurricanes of 2017 occurred, as well as the Federal Emergency Management Agency (FEMA) assistance for damaged service roads that access our support equipment.”





Charlotte Douglas ATCT (CLT) FacRep Anthony Schifano attended a virtual event with South Carolina Congressman Ralph Norman. During the event, Schifano gave the congressman an update on facilities in the National Airspace System as well as an update on the impact of COVID-19 to air travel. “Congressman Norman has been looking forward to the opening of the new tower at CLT and mentioned once again about coming to the new facility once it is officially opened,” said Schifano. “In closing, Congressman Norman thanked all the aviation safety specialists for the meticulous work we’ve done throughout this pandemic.”

## TENNESSEE



Nashville ATCT (BNA) Zac Hedrick participated in a virtual meeting with Tennessee Congressman Chuck Fleischmann. “The meeting went very well,” said Hedrick. “He thanked our workforce for their hard work. I in turn thanked him for always supporting us and supporting H.R. 1108. I expressed to everyone on the call how awesome it is that Congressman Fleischmann is a huge supporter of aviation safety.”

**Boots On The Ground Program Update**



The Boots On The Ground (BOTG) program, led by Program Manager and Retired NATCA Active Volunteers (RNAV) Executive Committee Chair Tom Thompson (retired, Indianapolis Center) allows mostly retired NATCA members to participate in the labor-to-labor outreach and education program of the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations). NATCA “Boots” members and other union members reach out to fellow labor members to educate them about candidates in upcoming elections.

This program has been one of NATCA’s most effective political activities, since its inception in 2008, at getting the word out to the labor community regarding candidates’ records and positions. During each election cycle, a comprehensive grassroots NATCA program is developed and implemented in states designated by NATCA within the AFL-CIO’s labor program, focusing on the Presidential election and targeted U.S. Senate races.



The BOTG 2020 program consists of 27 members in 12 states. Boots members have been working with the AFL-CIO as full time staff since early July.

“The members of NATCA’s Boots program have worked tirelessly to ensure the union members in their state are fully informed on where candidates stand on the matters important to working families,” said Thompson. “The pandemic has created unique challenges on how best to accomplish this safely, but through phone banks, text banks, no-contact literature drops, handwritten postcards, and digital media, we have been able to deliver the information our union members need.

Through providing union members the information needed and getting out the



vote, union members will be the difference makers in many key races.”

For more information on the Boots On The Ground program, contact Tom Thompson at [thomas.thompson@natca.net](mailto:thomas.thompson@natca.net).

## NATCA Academy Virtual Learning: Upcoming Legislative Classes

We have an upcoming legislative class scheduled as part of our NATCA Academy Virtual Learning program:



### **Money in Politics: A Necessary Evil?**

*Nov. 20, 1 p.m. EST*

**Course Description:** Do you think there is too much money in politics? Have you wondered why the Supreme Court allowed super PACs? These questions and others will be explored in this class. We will dispel myths surrounding this topic and participants will be able to explain why the system is the way it is.

**NOTE:** *This course is not Hatch Act friendly. Please do not attend this course while on duty or in a federal workplace.*

**To register for this class and many others in the NATCA Academy:** Please go to [portal.natca.org](http://portal.natca.org). Once you have logged in, select “List of Events” from the Events menu tab. Then, select “NATCA Academy Virtual Learning.”

For a full list of all upcoming Academy Virtual Learning classes, [please click here](#).

## NATCA in Washington 2021 Date Change

Every year, NATCA hosts its NATCA in Washington legislative conference where activists meet with members of Congress to further our relationships and educate those Congressional members and their staff on issues that are important to our Union.

Unfortunately, we had to cancel the 2020 conference and postpone the 2021 conference. NATCA in Washington 2021 is now planned for Oct. 4-6 at the Marriott Marquis Washington, D.C. Attendees can expect to fly in on Oct. 3 and leave Oct. 6.

We hope you can participate as we welcome back the NATCA Majority and begin developing relationships with the freshmen members of Congress. Registration information will be released approximately June 2021.



## Legislative Resources

**Ballotpedia:** [Click here.](#)

**National Legislative Committee:** Roster, contacts, information - [Click here.](#)

**State Legislative Coordinators contact list** [Click here.](#)

**U.S. Senate:** Numbers of facilities, members, and bargaining unit members in each state - [Click here.](#)

**U.S. House of Representatives:** Facilities and numbers of members in each congressional district - [Click here.](#)

**NATCA in Washington 2021:** [Click here.](#)

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