

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FEDERAL AVIATION ADMINISTRATION
AND
THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION**

This Agreement is made by and between the National Air Traffic Controllers Association (“NATCA” or the “Union”) and the Federal Aviation Administration (“FAA” or the “Agency”), collectively known as the Parties. This Agreement represents the understanding of the Parties regarding the implementation of changes to FAAO 7210.3 and associated Orders regarding fatigue mitigation rules and policies.

Section 1. The following changes to FAA Order 7210.3DD are effective no later than the development of the 2025 Basic Watch Schedules as defined in Article 32 of the 2016 Collective Bargaining Agreement (CBA):

a. 2-5-1. BASIC WATCH SCHEDULES

c. Facility air traffic managers must ensure that air traffic control specialists (ATCS) assigned to a position of operation:

3. Have an off-duty period of at least 10 hours between watches.
4. Have an off-duty period of at least 12 hours preceding and following the midnight shift.

b. 2-6-7. BASIC WATCH SCHEDULE

4. Have at least a 10-hour break from the time work ends to the start of any shift. This requirement applies to all shift changes, swaps, and overtime to include scheduled, call-in, and holdover assignments.

5. Have an off-duty period of at least 12 hours preceding and following a midnight shift. (A midnight shift is defined as a shift in which the majority of hours are worked between 10:30 p.m. and 6:30 a.m.)

Section 2. The Parties will jointly develop and deliver education to the workforce that emphasizes the importance of recovery and being fully alert when returning to duty after a recuperative break. After receipt of the educational material, employees will be permitted to nap during an authorized recuperative break while working a midnight shift.

Section 3. For the 2025 BWS only: The Parties agree to the following for use in the development of the 2025 Basic Watch Schedule (BWS) and for the application and use for the period covered by 2025 BWS and will be sunset with the implementation of the 2026 BWS:

Article 34 WORKING HOURS.

Section 5. b. (1) (a) and (2) (a): A minimum of seven (7) hours core time each workday, except for the purpose of a fatigue flex-shift, then a minimum of six (6) hours core time on the shift immediately preceding a midnight shift. “Core time” means those designated hours and days during the biweekly pay period established by the Agency when an employee on certain flexible schedules must be present for work.

Section 4. The Parties agree to establish an Overtime Collaborative Workgroup (OCWG) that will develop and recommend limitations on the number of consecutive overtime assignments that an employee is eligible to work on their Regular Day Off (RDO) sets.

Section 5. Until such time as the OCWG’s recommendations are implemented, the Parties will collaboratively develop the procedures for volunteering and tracking overtime for the following limitation on the number of consecutive overtime assignments on RDO sets:

- a. The Agency has determined it will not require employees to work overtime (scheduled/called in) on their RDO on more than two consecutive sets of RDOs unless the employee volunteers to work a third consecutive overtime shift.

Section 6. If implementation of the provisions contained in this Agreement results in a reduction of available staffing during a shift, the Agency commits to ensuring traffic is mitigated to address the staffing reduction. In any facility where the Union believes the Agency has violated this Section, the NATCA Regional Vice President and the Service Area Director, or their designees, shall meet to review the data and if necessary, develop a plan to address the issue.

Section 7. The Agency commits to not reducing leave opportunities in the event implementation of the provisions contained in this Agreement result in reduction of available staffing. In any facility where the Union believes the Agency has violated this Section, the NATCA Regional Vice President and the Service Area Director, or their designees, shall meet to review the data and if necessary, develop a plan to address the issue.

Section 8. As soon as practicable, the Parties agree to jointly develop briefing materials that will be used to educate the operational workforce on the agreed upon changes for the 2025 BWS.

Section 9. The Parties agree to establish a Fatigue Collaborative Workgroup (FCWG) within thirty (30) days from the execution of this Agreement that will work with the Scientific Expert Panel on Air Traffic Controller Safety, Work Hours, and Health to collaboratively:

- a. Identify strategies that address the fatigue factors affecting the counterclockwise rotating 2-2-1 schedule. The strategies will include alternatives to the counterclockwise rotating 2-2-1 schedule to eliminate the use of the schedule. The schedule design alternatives must meet staffing and workload requirements and incorporate sleep and circadian principles, and employee work-life needs and preferences. Jointly develop briefing materials that will be used to educate the operational workforce, and jointly develop a roll-out plan of the agreed-upon strategies.

- (1) The workgroup leads will deliver and brief the recommendations, to include the identified strategies that address the fatigue factors affecting the 2-2-1 counterclockwise rotating schedule, to the FAA Administrator and the NATCA President no later than December 31, 2024. Upon acceptance of the recommendations by the FAA Administrator and the NATCA President, the FAA and NATCA will collaboratively develop a strategy to implement the mutually agreed upon recommendations beginning with the 2026 BWS.
- b. Develop a policy that specifies a minimum duration for recuperative rest breaks for day, evening, and midnight shifts so that controllers can obtain a guaranteed rest duration that also allows time for recovery from the break. This will include permitting employees to nap during the recuperative rest break, staffing and workload permitting, and providing education on ensuring full alertness prior to returning to duty.
- (1) The workgroup leads will deliver and brief the recommendations to the FAA Administrator and the NATCA President no later than December 31, 2024. Upon acceptance of the recommendations by the FAA Administrator and the NATCA President, the FAA and NATCA will collaboratively develop a strategy to implement the mutually agreed upon recommendations within sixty (60) days.
 - (2) Upon implementation of the recommendations adopted in paragraph b. (1) the following is effective:
 - i. The Agency agrees that any Agency order, policy, or practice that prohibits employees from sleeping on break while outside the operational area where the control and separation of aircraft occurs does not apply to bargaining unit employees covered by the 2016 CBA.
 - (3) Upon implementation of the recommendations adopted in paragraph b. (1) the following changes to FAA Order 7210.3 are effective:
 - (a) **2-5-4. RELIEF PERIODS**
 - d. Personnel performing watch supervision duties must not condone or permit individuals to sleep within operational areas where the control and separation of aircraft occurs. Any such instance must be handled in accordance with applicable Agency policy and the applicable collective bargaining agreement, or applicable corporate policy (for FCFSS contract facilities).
 - (b) **2-6-6. RELIEF PERIODS**
 - c. Personnel performing watch supervision duties must not condone or permit individuals to sleep within operational areas where the control and separation of aircraft occurs. Any such instance must be handled in accordance with applicable Agency policy and the applicable collective bargaining agreement.

Section 10. The Parties agree to revise the ATO Fatigue Risk Management System Fatigue Safety Steering Committee (FSSC) Charter to add an additional management designee, an additional NATCA designee, and one external expert on sleep, circadian, and fatigue factors in operational settings. The Parties will mutually select the external expert on sleep. The FSSC will brief the FAA Administrator and the NATCA President at least twice annually on its efforts and opportunities to further mitigate sleep, circadian, and fatigue risk factors for employees.

Section 11. The Parties agree to jointly review the opportunities identified in the Assessing Fatigue in FAA Air Traffic Operations Report (Apr. 19, 2024) and collaboratively identify items to be addressed by the FSSC, or by establishing a Collaborative Workgroup(s).

Section 12. This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation, or the Parties' CBA on behalf of either Party.

Section 13. Unless otherwise specified, this Agreement shall remain in full force and effect for the duration of the Parties' CBA unless modified by mutual agreement of the Parties.


Signed this 19th day of July 2024.

For NATCA:

For the Agency:



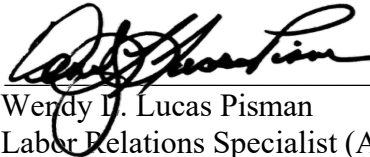
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