

Senate Panel Looks At Deregulation's Darker Side

The bloom is off the rose as far as airline deregulation is concerned. Mounting consumer complaints and possible threats to air safety prompted Senate Commerce, Science and Transportation Committee Chairman Ernest F. Hollings (D-SC) to schedule three days of hearings on the effects of airline deregulation.

The first hearing focused on aviation safety; the remaining two will examine economic and service questions. At the opening of the October 15th safety hearing, Chairman Hollings displayed his concern over the impact of deregulation: "Plain and simple, the fact is economic pressures brought about by deregulation have eroded the margin of safety in the skies."

He also reacted bitterly to Administration suggestions that the current dearth of Controllers is the fault of the Congress as well. Sen.

Hollings said that Congress had to "force feed" Controllers to the Administration and lamented that "we have a shortage of policy, not money."

In its testimony before the Committee, NATCA contended that "deregulation is not in itself responsible for any decline in the margin of air safety. Rather, it is the Administration's response to deregulation that has caused the problems that bring us here today."

NATCA National Coordinator John F. Thornton and Washington Center Controller Larry Barbour argued that the Administration was trying to reconstruct the ATC System on the cheap. "And you just can't do it, especially when the new system has to be better than its predecessor because of the demands of deregulation."

The NATCA spokesmen added that a return to regulation is "drastic medicine from an ATC point of view." They argued for a dramatic buildup of FPL Controllers to meet the demands and stresses brought about by deregulation. "But if the penny-pinching continues, it seems inevitable that we will have to restrict flight levels so as not to compromise air safety."

NATCA also told the Committee that the recent dominance of FAA by DoT and the Office of Management and Budget has hurt the agency. "We are now under our third Administrator in seven years; much of the institutional memory

at the FAA is being lost; and public confidence in the agency's ability to act independently of DoT, especially on safety issues, has plummeted." They suggested that an independent FAA, dedicated solely to safety, could resurrect much of that lost confidence.

FAA Administrator McArtor told the panel that although deregulation has placed pressure on the ATC system, "the margins of safety have been preserved both by the FAA and the industry."

Mr. McArtor stated that he is focusing on the hiring, training and

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**NATCA National Coordinator
John F. Thornton**

**Washington Center Controller
Larry Barbour**

retention of Controllers and admitted there is a high washout rate. He contended that too much emphasis is placed on on-the-job training and argued for increased use of simulators.

When pressed by the Committee

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AIRLINE DEREGULATION

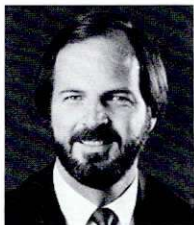
National Coordinator's Column

It has been almost five months since NATCA was certified and Controllers began signing up as members. A number of you have expressed an interest in what has been going on inside NATCA and what NATCA's plans are for the future.

As most of you receive this newsletter, NATCA's Board of Directors — made up of the nine regional representatives — will have met in Washington to schedule national elections and NATCA's second convention.

Information on nominations, balloting procedures, etc. will be discussed in the next newsletter and through information sent to your facility representative. I hope that all of you get involved in the election process. But remember, you can't vote or run for office unless you are a member.

NATCA now has approximately 4,000 members which the Board decided was the minimum needed to trigger an election. I think that is a fantastic figure for a union not even 6 months old.



John F. Thornton

NATCA is still in the thick of the organizational phase. We have devoted a great deal of our time and resources to recruitment and that job is only a third done. No one will take us seriously if we do not continue to grow.

However, NATCA is looking like a real union and the benefits to its members are genuine as shown by the recent grievance/arbitration procedure we won. Our foremost duty is to represent you before the FAA in every possible way. NATCA is also examining other more tangible benefits, such as credit cards and

loss of license insurance.

Even in this early phase, our presence is being felt on Capitol Hill and at the FAA. Some of you have testified before a congressional committee or have met with FAA officials. I am trying to get more and more Controllers involved in this process, especially on the regulatory side where your technical expertise is so valuable.

I think that the FAA has realized that NATCA is not the two-headed monster that some predicted it would be. Although we will have disagreements with the FAA, the agency wants a constructive relationship with the union.

To this end I am working with the FAA to develop a joint training seminar for facility reps and facility managers on problem solving, communications and labor relations.

We are also being asked by the FAA and other organizations, such as ALPA, to participate in a number of forums and sit on various committees that will make important decisions about the ATC system and the workplace.

I would hope that in the very near future we can start formalizing our various committees, e.g. contract, safety, labor relations, technical and staffing so that we can be more responsive to negotiations, meetings, seminars and requests for comments and testimony. Please let your facility or regional representative know of your interests so that we can have a list of Controllers available.

As you know, earlier this year a questionnaire was sent out to all Controllers asking for their input on items to be included in the upcoming contract negotiations. The Board of Directors is playing a strong role in formulating NATCA's position before we go to the bargaining table.

We are also trying to beef up our communications program to the members. Starting at the end of October, the National Office began mailing out a weekly bulletin to all

facility representatives. And please remember that NATCA's HOTLINE (202) 783-2556 is updated every Friday evening.

I hope that this column has answered some of your questions and I look forward to a very productive winter for our members.

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that these were long-term solutions to current Controller shortfalls. Mr. McArtor stated that he was training at the maximum rate. He was not in favor of rehire and suggested using recently-retired Controllers at peak hours. The Administrator also complained of being forced to buy old equipment and not having enough work stations for the Controllers he now has.

Returning Retirees?

Mr. McArtor stated at the Commerce Committee hearing that he wants the ability to allow retired Controllers to return and perform ATC duties on a part-time basis. National Coordinator John Thornton wrote to Chairman Hollings taking issue with the proposal. He stated that it was ill-conceived and would adversely affect morale and undermine Controller teamwork.

He gave the Chairman three reasons: (1) retired Controllers working part time are not fully committed to the ATC system; (2) Controller early retirement legislation was enacted because ATC is a highly difficult and demanding task as demonstrated by the high rate of burnout; and (3) retired part-time Controllers will only work prime hours leaving evenings, mids and weekends for full-time ATCs.

Report From The NATCA General Counsel

As was reported in last month's legal column, NATCA entered into a Memorandum of Understanding with the FAA covering procedures for drug testing and also establishing a broad grievance/arbitration procedure. The following is a basic summary of the most important aspects of the new agreement.

I. With respect to the drug testing aspect of the Memorandum, the FAA is obligated to conduct urine sample collection and drug testing strictly in accordance with the DoT Order, the Health and Human Services guidelines and applicable law. Second, any disciplinary action under the drug testing program may be taken by the FAA only "for such just cause as promotes the efficiency of the service and in accordance with applicable provisions of law." Any deviation from these requirements is subject to challenge under the new grievance/arbitration procedures.

The drug testing procedures also require the FAA to reduce to writing the basis for "reasonable

suspicion" *before* administering drug testing on that basis, and to provide a written copy to the Controller and to NATCA. The Controller is entitled to NATCA representation at the time testing is ordered and also at any investigatory interview of the Controller concerning drug use, although the Controller *must* request NATCA representation. NATCA has already distributed copies of the Memorandum of Understanding to all facility representatives, together with instructions about providing effective union representation in the context of drug testing.



William W. Osborne Jr.

II. Perhaps even more significant to Controllers in the long run is the broad scope grievance/arbitration procedure negotiated together with the drug testing procedures. Under the procedures, Controllers may file a grievance "concerning any matter relating to the employment of any unit employee." The procedural steps in the grievance/arbitration encompass a series of twenty (20) day time limits. It is imperative that the relevant time limits be adhered to because a grievance can be lost if they are not. Only NATCA can decide to proceed with arbitration of a particular grievance. NATCA

and the FAA are in the process of establishing regional and national panels of permanent arbitrators.

The most unusual aspect of our new grievance/arbitration procedure is the alternative of expedited arbitration in appropriate cases. In disciplinary or adverse action cases, a final decision can normally be had under the expedited process within a month of the FAA's decision.

NATCA's negotiation of the Memorandum of Understanding demonstrates that your union has developed itself into an effectively functioning entity in several months' time. The Memorandum provides a procedure through which the Union can protect Air Traffic Controllers from any arbitrary or unfair FAA action. During the week after the Memorandum of Understanding was finalized, NATCA filed its first grievance over the proposed termination of a Controller who was unable to provide a urine sample at the time of random drug testing. Within several days after the grievance was filed, the FAA reinstated the Controller with full back pay and lost benefits.

Obviously, NATCA is in a much better position to represent Air Traffic Controllers today than ever before. Our ability to effectively represent Air Traffic Controllers in the future will depend upon how much time and effort you are willing to invest in making NATCA into an even more effective union.

GAO Wants Controller Work Force Redefined

The General Accounting Office has made public its study, "FAA's Definition of Its Controller Work Force Should be Revised." The report concludes that the FAA's

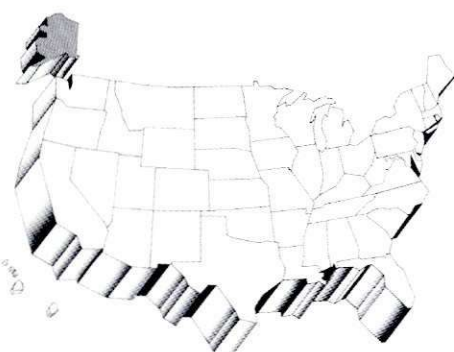
work force definition would be more accurate if it were changed to include only those who are responsible for separating and controlling air traffic.

The GAO's recommendation would require adding first-line supervisors and traffic management coordinators who spend part of their time controlling traffic. Persons who do not control traffic, such as ATAs, those undergoing

initial training and screening at the Academy, and those in special programs such as upward mobility would no longer be counted as part of the work force.

The GAO also concludes that "while reporting the number of FPL Controllers is a step in the right direction, FAA should establish annual staffing targets for this important controller work force subset."

Report From The NATCA Regions



Will Faville Alaska Region

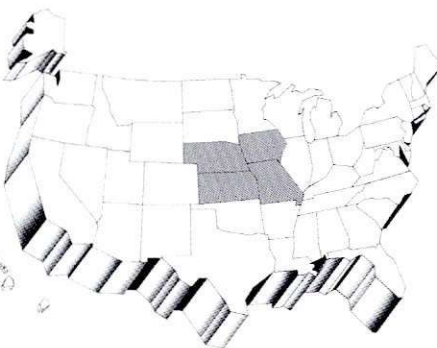
In an attempt to inform better all of our colleagues about the Alaska Region, I have asked Gordon Jones, NATCA Kodiak Tower Facility Rep, to tell us a little bit about his facility.

"Greetings from Kodiak Air Traffic Control Tower. We're a small facility located on what some people refer to as 'the island terrific in the North Pacific.' We have some of the best rod and reel fishing in the world.

Kodiak was decimated after the strike and as our facility restaffed, we realized that the conditions of our work environment, especially benefits, were in constant flux. Health insurance premiums kept going up at astronomical rates while coverage dwindled. Retirement seemed to change with every new political appointee. We realized that we needed a viable avenue of redress. We set up an HRC group and a tracking system and it worked well on the facility level but was 100% ineffective at the national level.

We have tried using the system internally, and it has failed us. On one hand we are told that the agency believes in participative management and on the other we are dealt programs like Random Drug Testing. It is this excessive attitude toward the employee that is at the crux of unionization. Most of the current FAA

managers are the same ones that dealt with the strikers. Some of them worked in almost unbelievable traffic situations due to the strike with nothing but an "atta boy" from the FAA. I sometimes wonder whether their bitterness and resentment developed during those hard times is being transferred onto the newer Controllers. We believe that NATCA is a necessary counter-balance to FAA management and will work for the benefit of all employees. As for myself, I am more than willing to give \$10 a pay period just for the protection that a union/congressional lobby will provide me after I am retired. I feel that this is not my right, but rather my responsibility."



Dan Brandt Central Region

Congratulations to Larry Clementz STL, Chip McAuliffe OMA, Sam Moore SUX, John Carr MCI and Bill Kinsella Omaha TRACON, all elected presidents of their NATCA Locals.

One of the great things about NATCA is our ability to try new and more effective ways of running our organization. Tradition is something to be learned from but we're not so entrenched in it that we can't change for the better.

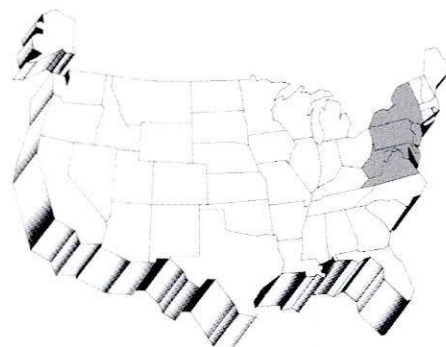
One of the changes that is being proposed to make us a modern progressive and more efficient organization is the chief executive officer concept as opposed to national officers of president/vice president.

It's a very intriguing idea. No more time consuming or costly national campaigns for president/vice president. No more divisive political fighting with

winners and losers.

What you will have is a 9-member elected executive board directing professional leadership that is responsive to its membership. A national leader dedicated to the whole organization and not just narrow idealism. A professional representing professionals.

It's certainly an idea that demands more thought and debate and if deemed superior to past practices, an idea whose time has come.



Steve Bell Eastern Region

These are heady times for NATCA. The House and Senate are considering and passing bills that will decide the course the FAA shall travel. NATCA is along for the ride. The ability of NATCA to navigate and influence the future depends on how well we Organize today.

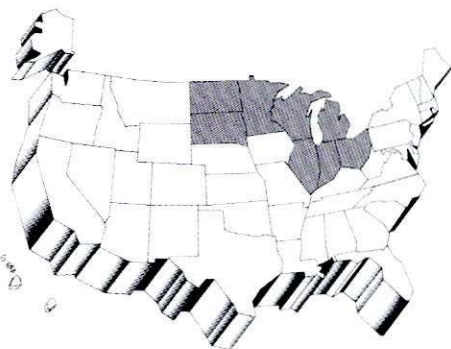
The big "O." It all comes down to this. We started out with this purpose in mind. At first we wanted to get Organized. Then NATCA became an Organization. Now is the time to develop Organizational goals. The big "O."

Within every region, there are people who are devoting all their energy to NATCA's 3rd phase. However, they cannot accomplish the task by themselves. No matter how hard they work a few cannot Organize for the majority. The few call upon you to help us develop, institute, and run a strong, well-defined Organization.

In the next few months, the major thrust and direction NATCA will take shall be decided. Don't sit back. This is

no time to become a spectator. Take the time to put your ideas down on paper, discuss them with your fellow workers, and insist that your leaders consider your views. This is the reason we banded together. To share, to comfort, to involve ourselves in the support and enrichment of our profession. We are proud of being Controllers.

The big "O." It all comes down to this. To have the Organization you want, you must become involved in your organization. Do it! You might even find out that it's fun.



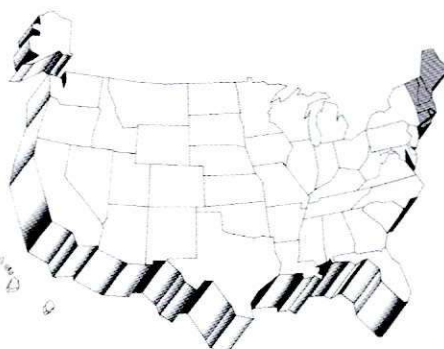
Fred Gilbert **Great Lakes Region**

There has been much more activity in the region over the past month. People are asking questions about what NATCA is doing for them, where the money from dues is going, and when are we going to have our national convention? These concerns have been and continue to be presented to the National Board of Directors, and the Board is beginning to take action. We are continuing to press for meeting our commitments made since we began organizing. It's not been an easy road, but anything worthwhile isn't necessarily going to be easy. In the long run, it will be worth the effort.

We have had some disappointments with how the Regional Office is conducting business with NATCA. But we have had some positive changes made due to NATCA's presence. This is an active region, and that is good. Controllers here keep their leadership on their toes, and we wouldn't want it any other way. Involvement is what will

keep NATCA strong and on the straight and narrow.

NATCA Great Lakes members, remember to vote this month for the individuals you want to represent you on the Great Lakes Board of Directors.



Howie Barte **New England Region**

New England NATCA has now surpassed 40% membership, and we expect to be the first region in the nation to reach and exceed the magical 50%. Our contract committee has completed tabulation of the regional contract questionnaire, and those results have been sent to Washington for inclusion in the national contract proposal package.

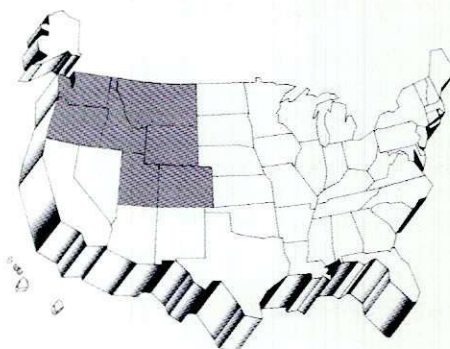
Three New England facilities have already voted to abolish bargaining unit member participation in their respective HRCs. This was done for various reasons. It is important to note that only Controller participation was abolished; the HRCs might continue to exist where there is sufficient staff to support them.

Facility reps are now in place in every New England facility except one. We are planning a number of area meetings in the near future. One item being explored with FAA ANE is a joint NATCA-FAA labor management seminar, where managers and facility reps will receive the same information at the same time. This would help reduce varying interpretations of laws and regulations.

The last New England NATCA Update has been sent to most FAA facilities. It was a beacon for the unionizing effort for over 3 years, and

we expect the last edition to become a collector's item. If you have not seen a copy, please write me at P.O. Box 446, Mapleville, RI 02839, or call collect at 401-568-7828, and I will send you one copy.

New England NATCA wishes to congratulate John Thornton, NATCA National Coordinator, for winning the indefinite delay of the FAA's "Stand Up" Test, and a negotiated grievance/arbitration procedure which is not only better than anything we had before, but was achieved far in advance of a finalized negotiated contract. Thank you, John.



Gary Molen **Northwest Mountain Region**

The Northwest Mountain Region is working on our membership drive. Our structure is now starting to take form but moving slowly because of the tremendous distances involved and the number of facilities that have to be taken into consideration. Our relationship with management is about the same. There is antagonism developing between Controllers and management and we don't seem to be working well together yet because we are still trying to figure out the rules. Training in labor relations would help.

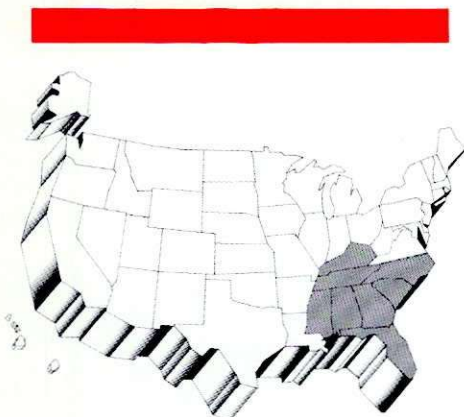
We tried to work out something at the Denver Center on the region's decision to do away with the early mid-shifts. Neither side could agree, so we filed a

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ULP to let an arbitrator decide. We have the feeling that this region is like Scrooge when it comes to spending money on such things as overtime and shift differential. What they don't appear to realize is that safety should take precedence over saving money. I don't understand the logic of spending money on a little flashing electric sign in the control room with the menu of the day when they can't spend the money for a book on aircraft nomenclature; or sending a group of bureaucrats traveling around the country to see how we like our jobs and not spending the money to replace a Controller who takes sick leave. It really is a matter of how you perceive things.

I hope it will get better as we progress toward a contract that will spell out the rules. As we have seen lately, rules seem to work only for certain people and our Green Book is only a guideline to be enforced when it benefits management.



Dennis Delaney Southern Region

The following locals have held elections and here are their new representatives/presidents:

Atlanta Center - Gary Stevens; ABY Tower - Doria Snigowski; AVL Tower - Robert Page; FLL Tower - Scott Keller; JAX Center - Robert Draughon; LEX Tower - Charlie Jennette; MIA Center - Timothy Leonard; MIA Tower - James Call; MEM Center Billy Sisco; NMM Tower - Pete Blackburn; OPF Tower -

Gail Cannon; PNS Tower - Steve Bouchard; SDF Tower - Mike Hankins; and VRB Tower - Jim Keeling.

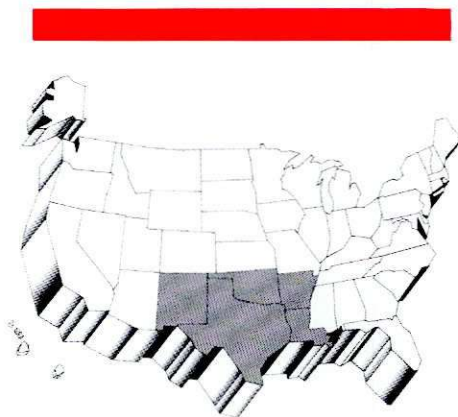
IMPACT 88

Executive Board member Fred Spencer was one of 3 NATCA reps selected by NATCA to take part in what Administrator McArtor calls Impact 88. Thirty Air Traffic Controllers who were randomly selected also participated.

The group of Controllers attended the meeting in Atlanta on October 27 through October 30. They were briefed by FAA and Washington officials on such subjects as budget, research and development and the proposed NAS System.

Fred Spencer, Scott Lawless (Great Lakes Reg.) and Donna Barte (New England Reg.) were able to meet with Mr. McArtor briefly.

Fred Spencer offered this comment to NATCA, "Mr. McArtor made it a point to talk to all the Controllers present at Impact 88. McArtor seems determined to get feedback from the Controllers at the front line. We (the NATCA reps present) got the impression that Mr. McArtor wanted to see the FAA and NATCA become partners in professionalism, and my opinion is that Mr. McArtor is interested in unedited feedback. If programs like Impact 88 continue it will be good for both the FAA and NATCA."



Ed Mullin Southwest Region

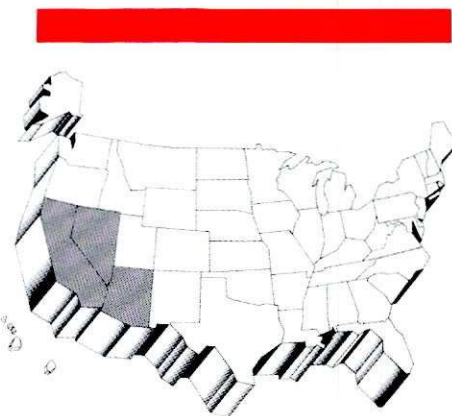
On August 20, 1987, two months after certification, NATCA filed suit in U.S. District Court, Washington, D.C., in an attempt to block the most intrusive

elements of the DOT random drug testing program. This action was initiated on behalf of *all the nation's Air Traffic Controllers*. We lost that decision, and I contend that drug testing is now law because we did not have most of you as members.

The impact of this decision might never affect you. But then again it has most definitely affected some already. You might not be overly concerned with the constitutional questions involved, but understand one point: there now exists a distinct career liability for *you* and thus for *your family*. The fact that you abhor drug use might not always be the key question, or even a question asked. Welcome to the program!

You have an Association "for" Air Traffic Controllers. It can "do business," efficiently, effectively, *only* with support — *your support*. Excuses like, "I think that I'll wait and see," "I don't want to spend the money," "I like what you're trying to do but I'm in for a transfer or promotion" all translate to: *limited support = limited expectations*. There is a definite reason why regional pilot associations in the conservative Southwest maintain a 99% membership quotient. It's strictly a matter of "business!"

NATCA is just not going to disappear. We can argue, litigate, negotiate, arbitrate communicate, from points of strength or weakness. *You choose!*



Karl Grundmann Western Pacific Region

NATCA's position on drug testing has always been that we agree with the need for a drug-free work place but

disagree with DoT's methods. Our major concerns focus on the protection of a Controller's rights and the credibility of the random drug testing program.

This hit home recently in a case involving two Controllers at SNA Tower who had been falsely implicated for drug use. The Controllers were told that the incident would be expunged from their personnel records and the matter was dropped — or so we thought.

When DoT began its random drug testing program, it became quite apparent that the test was far from random and that the Department wanted to test the above two Controllers. The testers went out of their way to have the Controllers present which is in clear violation of drug testing procedures.

The situation became even more bizarre when one of the Controllers in question could not for physical reasons provide a full specimen. It was then decided at a higher level to begin termination proceedings because the Controller would not comply. Unbelievable? Unfortunately not.

This is when NATCA stepped in. Because of our newly-won grievance/arbitration procedures, that Controller is now back at work, has been made whole financially and the whole situation has been dropped.

So the next time someone asks you, "What is NATCA going to do for me?" you need only point to one small incident in Southern California and say, "Maybe save your job."

Heartfelt thanks to SNA Tower Rep Jim Wing, NATCA General Counsel Bill Osborne and NATCA National Coordinator John Thornton. Without their participation and efforts we might not have been as successful as we were.



Capitol Hill Wrapup

Fight Fails On Random Drug Tests



Sen. Daniel K. Inouye

Efforts to block random drug testing for private transportation workers failed on October 29th when the Senate adopted by a voice vote a drug testing

amendment to the airline consumer bill. The House-passed bill has no such language.

The amendment offered by Sen. John Danforth (R-MO) requires preemployment, periodic recurring, random and post-accident drug testing for private or contract employees in the various transportation industries. Those in aviation to be tested include: airmen, crewmembers, airport security, training personnel and other employees responsible for "safety sensitive" functions.

Sen. Daniel K. Inouye (D-HI), who fought unsuccessfully to kill the amendment, raised many of the same arguments that NATCA voiced during its ongoing fight against random drug testing. He said that concerns over drug abuse do not justify violating the constitutional right of privacy of employees who would be subject to testing without reasonable suspicion. He said: "I cannot agree with the rationale that only those employees who are drug abusers would fear or find such testing repulsive."

Senate Passes DoT Funding Bill

The Senate has passed an \$11.1 billion fiscal year 1988

appropriations bill for the Department of Transportation. Included in the measure is \$4.7 billion for the FAA, including \$1.2 billion for purchase of Air Traffic Control equipment and \$3.2 billion for operation of the ATC system. The bill requires that the FAA have by September 30, 1988 a total Controller work force of at least 15,800, of which 10,450 must be FPLs. Earlier in the year, the House recommended a Controller work force of 15,900 of which 10,350 had to be FPLs. Senate and House Conferees will meet later to resolve the differences.

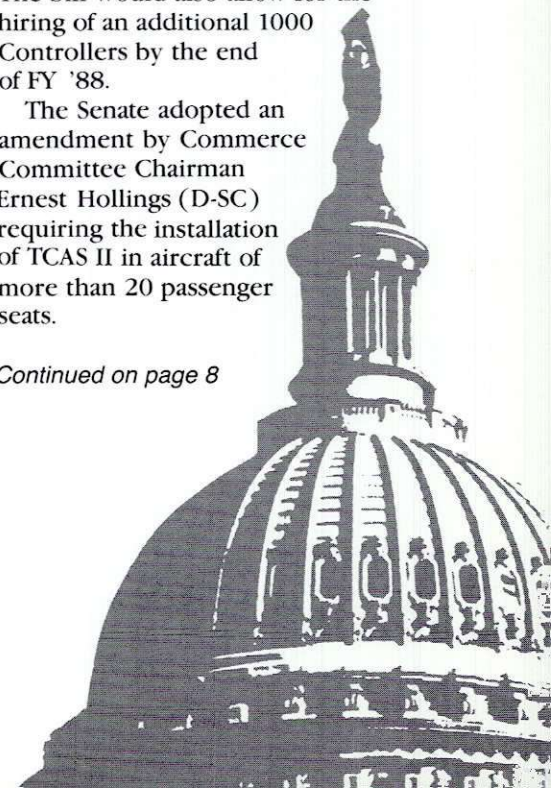
Prior to taking up the appropriations measure, the Senate passed the Aviation Reauthorization Bill. It authorizes \$15.6 billion



though FY 1990, including \$5.1 billion for both FAA operations and the Airport Improvement Program. The bill would also allow for the hiring of an additional 1000 Controllers by the end of FY '88.

The Senate adopted an amendment by Commerce Committee Chairman Ernest Hollings (D-SC) requiring the installation of TCAS II in aircraft of more than 20 passenger seats.

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8 Controller Input Needed On Staffing Study

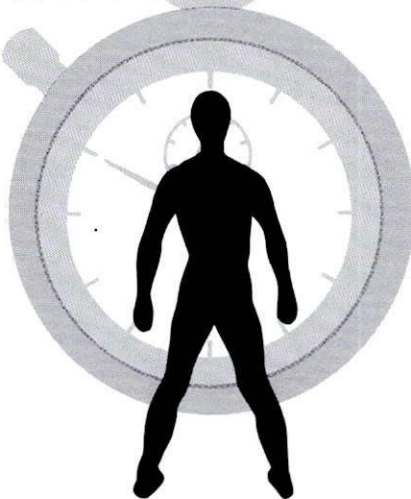
The FAA Terminal Staffing Work Group met last month in Washington to help determine new staffing standards for Terminal facilities.

NATCA O'Hare TRACON Representative Joseph M. Bellino attended the two-day session at FAA headquarters. He told the NATCA Newsletter that the FAA will be using the same staffing formula for Terminals as it did for Centers.

The formula involves recording Controller functions, such as looking a strip or the scope and assigning time values, i.e. aircraft minutes to them. The observer watches a Controller on position and records each of these functions over a 13-minute period.

If all of these functions and their corresponding time values add up to more than 15.01 aircraft minutes, the formula states that an additional Controller is needed for that job. However, the converse also holds: if Controller functions at a position add up to 15 aircraft minutes or less, no additional Controller is called for.

Joe Bellino believes that it is important to hear from Center Controllers on how well the formula worked in their facilities. "If the formula did not work for the Centers, this is our chance to change it for the Terminals." Please send any comments to Joe Bellino c/o the NATCA National Office.



NATCA NATIONAL HEADQUARTERS

John F. Thornton
National Coordinator
202/347-4572

William W. Osborne Jr.
General Counsel
202/429-1900

NATCA REGIONAL REPRESENTATIVES

ALASKA REGION

William A. Faville Jr. (ZAN) 907/337-2580
8241 Majestic Anchorage, AK 99504

CENTRAL REGION

Daniel L. Brandt (OFF) 402/331-1219
1012 Conestoga Rd. Papillion, NE 68046

EASTERN REGION

Steve Bell (N90) 516/348-1330
182 Parkside Avenue Miller Place, NY 11764

GREAT LAKES REGION

Fred Gilbert (ZAU) 312/897-4881
P.O. Box 26 N. Aurora, IL 60542

NEW ENGLAND REGION

Howie Barte (PVD) 401/568-7828
P.O. Box 446 Mapleville, RI 02839

NORTHWEST MOUNTAIN REGION

Gary Molen (ZLC) 801/561-0440
7906 South 450 East Sandy, UT 84070

SOUTHERN REGION

Dennis Delaney (PNS) 904/994-0147
400 Sheridan Dr. Pace, FL 32570

SOUTHWEST REGION

Edward Mullin (DAL) 214/248-2920
4748 Old Bent Tree Ln. #1202 Dallas, TX 75252

WESTERN PACIFIC REGION

Karl Grundmann (L90) 213/545-0208
125A Gulf St. Manhattan Beach, CA 90266



NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, MEBA/AFL-CIO
Suite 800 444 North Capitol Street Washington, D.C. 202/347-8585

Capitol Hill Wrapup

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More FPLs On Horizon?



Rep. Jack Buechner

Rep. Jack Buechner (R-MO) has introduced H.R. 3425, the Air Traffic Controller Act of 1987 which is aimed at bolstering the number of Full Performance Level

Controllers.

The bill would require that four years after enactment, the FPL work force must equal the sum of the greatest number of FPLs employed by the FAA during 1981 plus any additional FPLs which the DoT Secretary determines to be appropriate as a result of air traffic increases since 1981.

H.R. 3425 would appropriate/authorize \$400 million from the Aviation Trust Fund to carry out the hirings. Rep. Buechner stated: "Today, seven out of ten Controllers have been trained to so-called full performance level compared to the pre-1981 level of 81 percent."

