


FIGHTING FOR STRONGER CONTRACT PATTERNS

Only 10 months have passed since ALPA's Board of Directors adopted the union's revised strategic plan. That group—local executive council officers from all of ALPA's represented pilot groups—identified critical areas that affect all airline pilots.

It's no surprise that collective bargaining and contract enforcement topped the list of priorities.

This issue of *Air Line Pilot* gives a thorough progress report on the work of BOD Delegate Committee 2 regarding ALPA activities related to pattern setting in key contract areas, boosting the importance of benefit issues, and coordinating them with other critical contract issues and contract enforcement enhancements—all with favorable results. 

By **Andrew Shostack**, Supervisor, Representation Department; **Russ Woody**, Senior Benefits Attorney, R&I Department; **Steve Hodgson**, Manager, R&I Department; **Liz Koby**, Senior Managing Attorney, R&I Department; and **Bruce York**, Director, Representation Department

PILOT NEGOTIATIONS OVERALL RESULTS FROM THE NEW BARGAINING CYCLE ARE POSITIVE

The bargaining cycle that started in 2006 has differed substantially from bankruptcy-era pilot negotiations. Negotiations during that period were hampered because contract patterns during the early part of the cycle (immediately following 9/11) were set by financially weaker airlines, and bankruptcy judges took control of the bargaining time line.

While the uncertain economy since then has made bargaining challenging, some aspects of the airline industry's performance have been favorable. Airline capacity continues to be constrained, and revenue metrics, until recently, had continued to increase.

Despite economic uncertainty, pilot contracts that have recently been negotiated continue to be positive, and new patterns are emerging. This is due, in

part, because pilot negotiations in this cycle started at Alaska, Hawaiian, and Southwest, along with negotiations at Continental and American—airlines that had performed better than their counterparts during the previous years.

The start of the cycle also included positive negotiating results at FedEx and UPS, and the cycle received a strong tailwind with single contract negotiations that took place as a result of the Delta/Northwest merger. Contract results at Alaska and the narrowly rejected tentative agreement at Southwest strengthen the conviction that pilot contract recovery is under way.

The single contract for Delta and former Northwest pilots includes, among other things, pilot equity in the new company of 6 percent of outstanding shares; enhanced job security

protection; pay rate increases that total approximately 17 percent over 4 years for Delta "South" pilots and higher percentages for Delta "North" pilots whose pre-merger rates were lower than Delta rates; and improvements to international pay, per diem, sick leave, premium pay, reserve, and other quality-of-life issues. In an important boost to both pre-merger pilot groups, benefit plans were harmonized and improved during the contract term.

In May, Alaska pilots approved a new 4-year contract that includes pay increases of nearly 12 percent for captains and up to 27 percent for first officers, preserves or improves important work rules, and gives pilots new options for protecting retirement benefits and enhancing retirement security.

Southwest pilots have turned down

Linda Puchala is a flight instructor, a former pilot, and a mediator. She is the newest member of the National Mediation Board (NMB) and is currently serving as the chair of the NMB's mediation panel. She has a wealth of experience in the aviation industry and is passionate about helping pilots resolve their disputes.

The NMB's Newest Member: Linda Puchala
There's No Substitute For Experience
By ALPA Staff

As the NMB's newest member, Linda Puchala brings a wealth of experience to the table. She has spent the last several years working as a mediator, helping pilots and airlines resolve their disputes. She is a former pilot and a flight instructor, and she has a deep understanding of the aviation industry. She is committed to helping pilots resolve their disputes and to ensuring that the NMB's mediation process is fair and effective.

She Was an ALPA Member, Too

Linda Puchala is a former member of ALPA and has been involved in the organization for many years. She has served on the ALPA board and has been a vocal advocate for pilots' interests. She is committed to the ALPA's mission and is proud to be a part of the organization.

Mediating the Difference

Linda Puchala is currently serving as the chair of the NMB's mediation panel. She is responsible for overseeing the mediation process and ensuring that it is fair and effective. She has a wealth of experience in mediation and is committed to helping pilots and airlines resolve their disputes.

To read ALPA's interview with Linda Puchala, the newest member of the National Mediation Board, go to www.alpa.org/puchala.

ALPA'S STRATEGIC PLAN

During its October 2008 meeting, ALPA's Board of Directors continued and strengthened past strategic planning efforts and adopted the union's revised strategic plan (see the November/December 2008 issue). The BOD sought to identify in the plan significant industry, economic, and political changes to ALPA's environment and to recommend goals, strategies, and programs to success-

fully represent its members.

The strategic plan covers diverse areas of the union's work, including (1) its structure and strategy on both the national and master executive council level; (2) collective bargaining and contract enforcement; (3) safety and security issues; (4) accounting, finance, and strike planning;

(5) communications, education, and public relations; (6) legal issues; (7) legislative matters; and (8) membership and organizing.

Members can review the Association's strategic plan and the progress on each initiative by going to Crewroom.alpa.org and clicking on We Are ALPA on the right-hand menu. 

BOD meeting held last October.



a new contract that would have included, among other things, hourly pay increases retroactive to 2007 and further increases in 2010 and 2011.

Bargaining progress in this cycle extends to negotiations at the fee-for-departure carriers Mesa and Pinnacle, where a tentative agreement may be possible soon. The new agreement would increase hourly pay rates; provide signing bonuses; and achieve improvements in the areas of leg values, pay for deadheading, junior manning, cancellations, per diem, and scope/job security.

Pilot negotiations are reaching critical bargaining stages at AirTran, ALPA's newest pilot group; Hawaiian; Spirit;

and Trans States. Negotiations are also well under way at Continental and United, where the pilots' contract is amendable later this year.

Even with the uncertain global economy, ALPA believes that this bargaining cycle—with mediation efforts supervised by a new National Mediation Board that administers the Railway Labor Act fairly (see "The NMB's Newest Member: Linda Puchala," June/July, page 14)—will continue with positive results.

Benefits issues have been "mainstreamed"

ALPA has taken steps to raise the level of awareness about benefits bargaining to

make it a critical part of the bargaining equation. This renewed focus is consistent with the BOD's plan to address the unfairness of the bankruptcy era, which in many cases resulted in dramatic pilot benefits changes. BOD Delegate Committee 2 concluded that, unlike pay and work rules, some MECs have not always considered benefits bargaining as important or treated it the same as other cornerstone contract areas.

ALPA's national committees dealing with collective bargaining and retirement and insurance are now meeting regularly and planning for the future together. So that members can understand the importance of and fight for

gains in this area, benefits issues will be more prominently featured in ALPA communications (see the September 2008 issue).

The renewed focus on benefits issues had a positive effect at Delta/Northwest in the just-concluded single contract negotiations and at Alaska.

With the Joint Collective Bargaining Agreement (JCBA), pre-merger Delta pilots will see their company-funded defined contributions ramp up from 11 percent of pay in 2009 to 14 percent of pay beginning in 2012. Former Northwest pilots hired before Sept. 1, 2007, will see company-funded defined contributions increase from 6.5 percent of pay in 2009 to 14 percent of pay beginning in 2013. Former Northwest pilots hired after Sept. 1, 2007, will see similar improvements; but in contrast to the former Northwest pilots hired prior to Sept. 1, 2007, these contributions will not be made on a "targeted" basis. (The targeted approach to contributions for former Northwest pilots hired before Sept. 1, 2007, will be transitioned to a more standard flat percentage approach whereby all Delta pilots will receive the same flat contribution rate of 14 percent by 2014).

Delta will also be responsible for continued funding and administrative costs for the Northwest pilots' frozen defined-benefit plan, the Northwest pilots' frozen excess plan, and the Northwest pilots' long-term disability plan. Effective April 1, the Northwest money purchase pension plan and the retirement savings plan [401(k) plan], to which the above company contributions will be directed, were merged into the companion Delta pilots' defined-contribution plan and savings plan [401(k) plan].

Needless to say, the outcome of bankruptcy-era benefit negotiations at Delta and Northwest was turbulent. The outcome of the JCBA in the area of retirement helps navigate that storm and set the future course for a unified group of Delta pilots.

The recently ratified Alaska pilot working agreement (effective May 19) also went a long way toward establishing favorable contract patterns regarding retirement and insurance benefits

while balancing the needs of the parties and the desires of Alaska pilots.

Currently employed pilots will now be given the opportunity to elect among three retirement choices for their future accruals and contributions: the status quo, which includes both a defined-benefit plan and a smaller defined-contribution plan; a rebalanced retirement program with more evenly allocated retirement plans; or a more dramatically rebalanced retirement program driven primarily by defined contributions. This choice enables each pilot to determine the level

receive approximately \$264 million in additional pension benefits from the Pension Benefit Guaranty Corporation (PBGC) as a result of ALPA's recent work. Pilots will receive approximately \$116 million in additional benefits, and a larger group of non-pilot employees and retirees will receive approximately \$148 million in additional pension benefits because ALPA raised questions about the method the PBGC was using to allocate its bankruptcy recovery among the four United defined-benefit (DB) plans that were terminated during bankruptcy.

WHILE THE REVISED ALLOCATION IS SUBSTANTIALLY BETTER FOR PILOTS, IT DOES NOT GO AS FAR AS ALPA BELIEVES IT SHOULD. ACCORDINGLY, ON MAY 11 ALPA FILED WITH THE PBGC'S APPEALS BOARD TO CHALLENGE THE DETERMINATION. IF SUCCESSFUL, THE APPEAL WOULD ADD ANOTHER \$40 MILLION TO THE PILOT PLAN.

of risk he or she would be comfortable with in terms of the defined-benefit plan or defined-contribution plan coverage. Pilots hired after Jan. 1, 2010, will participate only in the defined-contribution plan.

Regarding health-care and disability coverage, the terms of the contract provide for a modest increase in pilot premiums for active health care, modest improvements in retiree health-care coverage, and significant improvements in short- and long-term disability coverage. Additionally, a 50 percent increase in employer-paid life insurance was obtained under the terms of the agreement.

Targeted communications dealing with benefits issues and the Alaska pilots' greater understanding of, and support for, these issues helped to bring about very positive results.

In addition to improvements negotiated in ALPA contracts and gains achieved on Capitol Hill, 2,700 active and retired United employees will

Although the pilots' DB plan accounted for approximately 27 percent of the total unfunded benefit liabilities of the four terminated DB plans (\$2.8 billion out of a total of \$10.2 billion), the PBGC was only proposing to allocate less than 9 percent, or \$138 million, out of its \$1.6 billion bankruptcy recovery to the pilot plan. Once the PBGC took its share of the \$138 million that it was entitled to under the Employee Retirement Income Security Act of 1974 (ERISA), that approach left only \$73 million that would actually be applied to benefit pilot participants.

The reason for the disproportionately small allocation to the pilot plan was because the PBGC decided to apply the recovery to pay claims for missed contributions in full, before applying any of the recovery to the claims for unfunded benefit liabilities. Since the pilot plan had no claims for missed contributions, that approach meant that the PBGC was going to use most of the bankruptcy recovery—\$1.15 bil-

BOD DELEGATE COMMITTEE 2

Delegate Committee 2 recommended and the BOD adopted resolutions that confirm and endorse the following principles:

- ALPA should identify and bargain favorable patterns in the “cornerstone” contract areas and enhance mutual support across pilot group lines.
- ALPA should “mainstream” retire-

ment and insurance benefit issues and fully coordinate them with other key issues such as pay, work rules, and job security based on their importance so that pilots understand and support these issues.

- ALPA should strengthen contract enforcement so that it is viewed strategically rather than seen as an administrative function to ensure that MEC work on grievances is consistent

with its overall goals and projects.

- ALPA should continue to develop and share information with Association leaders, MEC negotiating and benefits subject matter experts, and others—particularly regarding enhanced bargaining models, contract ranges, benefit recommendations, and activities that enhance the union’s pattern-setting efforts. 🌐



Committee 2 meeting at last year's BOD.

lion out of the \$1.6 billion—to pay in full all claims for missed contributions to the three non-pilot plans before the pilot plan received any share at all.

ALPA and its experts pointed out that application of the recovery to pay missed contribution claims was contrary to the rulings of the bankruptcy court and to the provisions of the settlement agreement between the PBGC and United, which the bankruptcy court approved in May 2005.

Consequently, the PBGC changed its allocation formula. Under the revised al-

location, only \$300 million of the \$1.15 billion in missed contribution claims is allocated to the non-pilot plans, and the amount of the bankruptcy recovery in which pilots are entitled to share increased from \$450 million to \$1.3 billion. The result is that the pilot plan’s share of the recovery will go up from \$138 million to \$358 million and the amount of the allocation that will actually benefit pilots will increase from \$73 million to \$189 million.

While the revised allocation is substantially better for pilots, it does not

go as far as ALPA believes it should. Accordingly, on May 11 ALPA filed with the PBGC’s Appeals Board to challenge the determination. If successful, the appeal would add another \$40 million to the pilot plan.

The additional amounts allocated to participants of the pilot plan will be allocated among those pilots who have benefits in ERISA Priority Category 3 in excess of the amount guaranteed by the PBGC, in proportion to their PC-3 benefits in excess of the guaranteed amount. 🌐

STRENGTHENING AND COORDINATING CONTRACT ENFORCEMENT


Contract enforcement is the mirror image of collective bargaining, and they both contribute to an MEC's overall goal completion. A critical element in goal completion is rigorous and continuous MEC strategic planning. That function, facilitated by ALPA's Representation and Communication Departments at the MEC's request, ensures that grievance handling is considered an important part of goal setting and completion rather than being treated as a routine administrative function.

This perspective requires grievance committee representatives to act less like "case processors" and to participate more strategically as part of a senior team to advance grievances that contribute to the pilot group's overall objectives. It requires much greater coordination among the MEC, the grievance committee, and other committees, such as negotiating, scheduling, and retirement and insurance, to look for different opportunities to solve problems and achieve goals.

ALPA has also taken steps to provide more resources than ever to pilot volunteers and staff. For example, the Representation Department organized and hosted ALPA's first-ever "Best Dispute Resolution Practices Roundtable" meeting in March. Unlike the grievance processing seminar held every year that provides lectures and concrete training, this meeting was constructed using a format that encouraged pilot grievance representatives and staff contract administrators to talk creatively about tools, practices, strategies, and techniques they have found effective in resolving disputes.

For example, roundtable participants

reviewed and compared grievance filing and tracking processes, strategies in handling initial and appeal hearings, successful use of System Board representatives, alternative dispute resolution methods, and technology that can make the grievance committee volunteer's job easier. Throughout the

day-and-a-half meeting, participants reviewed examples of these tools or practices. Following the roundtable, staff members compiled additional materials and forwarded a CD to participants and all contract administrators to help pilot groups implement these proven tools. 

ALPA PLANNING, BARGAINING, AND CONTRACT ENFORCEMENT IS ON TRACK IN THE NEW ENVIRONMENT

Negotiating and enforcing ALPA contracts in the new bargaining cycle is well under way. ALPA's Collective Bargaining and Retirement & Insurance Committees are contributing to the success stories mentioned in this article by working to see that favorable contract patterns are identified and pursued, benefit issues are mainstreamed, and contract enforcement efforts are strategically applied.

"Having negotiated during the bankruptcy era and now in a differ-

ent bargaining cycle where improvements are possible, it's gratifying to recover some of the pay, work rule, and benefit levels that acknowledge our contribution to our companies. The Collective Bargaining Committee, pilots from other airlines, and ALPA staff are here to help MECs plan strategically and to help negotiating committees continue the progress that we've made," said ALPA's Collective Bargaining Committee chairman, Capt. Tim O'Malley (Delta).



The Collective Bargaining Committee met in ALPA's Washington, D.C., office in early July.

IMPLEMENTING NEW TECHNOLOGIES

ALPA's Representation Department will implement several new automated tools later this year to help grievance committees and ALPA staff. The first program, known as the Representation Case Management (RCM) System, went online earlier this summer and is designed to track all non-grievance casework handled by contract administrators—primarily FAA and Transportation Security Administration cases. The System allows staff members to quickly find similar examples of case outcomes of ALPA-represented pilot groups by searching on the type of violation or name of the administrative law judge presiding over a case. This database provides paralegals and attorneys with an up-to-date and focused library of materials to use when representing pilots.

The second system, which will soon begin beta testing, tracks arbitration hearing dates and notifies local representatives when an arbitrator's cancellation fee may be triggered. More importantly, when a case is settled and an arbitrator

becomes available, this information is automatically communicated internally to other local representatives who may need an arbitrator's services.

Thanks to ALPA's recent introduction of the Microsoft SharePoint Software System, the Representation


ly identify those arbitrators a pilot group may desire when provided a list of neutrals by the National Mediation Board. A third library contains all recent arbitration decisions in a format that includes a case digest, post-hearing briefs by

ALPA'S REPRESENTATION DEPARTMENT WILL IMPLEMENT SEVERAL NEW AUTOMATED TOOLS LATER THIS YEAR TO HELP GRIEVANCE COMMITTEES AND ALPA STAFF.

Department has assembled several new research libraries. One of these libraries, known as a "brief bank," contains hundreds of examples of pre- and post-hearing arbitration briefs and motions, which streamlines the legal research process by allowing a user to run keyword searches and sort briefs by case type, subject matter, and airline.

Another powerful ALPA research tool is a library containing arbitrator resumes, fee schedules, and reviews of those arbitrators by union-side labor attorneys. This tool helps local representatives find new arbitrators to add to an MEC's System Board panel, or to quick-

each party, when available, and the arbitrator's decision. These files may be sorted by airline, arbitrator, and subject matter, further speeding up the legal research process.

Automation tools now being developed will result in a state-of-the-art dispute tracking system. Roundtable meeting participants suggested a system that, besides administering grievances, would effectively track matters resolved by ALPA representatives or grievance committee volunteers even if that resolution was reached short of filing a grievance or going to arbitration. 

STRENGTH IN UNITY
ALPA's Grievance Roundtable
 Highlights Best in Union Contract Enforcement Practices

By John Portmann, Staff Writer

ALPA's Representation Department recently hosted a roundtable meeting to discuss the best practices in union contract enforcement. The roundtable was held on May 12, 2009, at the ALPA headquarters in Denver, Colorado. The meeting was moderated by John Portmann, Staff Writer, and featured several speakers, including ALPA Executive Director, John Portmann, and several ALPA representatives from various airlines.

The roundtable was a success, with participants providing valuable insights into the challenges of union contract enforcement and the best practices for addressing these challenges. The meeting was a great opportunity for ALPA representatives to share their experiences and learn from each other.

Expanding the Toolbox

ALPA's Representation Department is committed to providing the best possible support to our pilots. One of the ways we do this is by expanding our toolbox of resources. This includes providing access to a wide range of legal and administrative resources, as well as providing support in the form of training and education. We are also working to improve our communication and outreach efforts, so that our pilots can stay informed and engaged with the organization.

Roundtable as a group discussion

The roundtable was a group discussion of the best practices in union contract enforcement. The participants shared their experiences and insights, and discussed the challenges they face. The roundtable was a great opportunity for ALPA representatives to share their experiences and learn from each other.

Roundtable as part of the big picture

The roundtable was part of a larger effort to improve union contract enforcement. ALPA is committed to providing the best possible support to our pilots, and the roundtable was a key part of this effort. We are also working to improve our communication and outreach efforts, so that our pilots can stay informed and engaged with the organization.

The Representation Department organized and hosted ALPA's first-ever "Best Dispute Resolution Practices Roundtable" meeting in March (see Strength In Unity, "ALPA's Grievance Roundtable Highlights Best in Union Contract Enforcement Practices," May, page 32).

THE PROOF IS IN THE PUDDIN'

While ALPA has always represented individual pilots vigorously and argued contract cases forcefully, recent case results—at legacy carriers, fee-for-departure airlines, and Canadian airlines—confirm that focusing and targeting the union's work as recommended by Delegate Committee 2 can pay big dividends. The following are just a few examples:

ONE In November 2008 Arbitrator Charlotte Gold ruled in favor of PSA pilots when she limited the scheduling of no more than three consecutive continuous duty overnight (CDO) assignments even when one month was ending and another was beginning. Management had argued that a new month started a new limitation and had tried to schedule more than three CDOs in a row at the end and beginning of months. The case went to arbitration after management ignored a ruling of the contractually required four-member Grievance Review Committee that had ruled in ALPA's favor.

2 Since the 1993 enactment of the Family and Medical Leave Act (FMLA), American Eagle had not required pilots to use their accrued vacation while on FMLA leave. When the airline changed its practice, ALPA filed a grievance. ALPA asserted that the law prohibited an employer from taking any action contrary to its collective bargaining agreement, and that the vacation provisions of the agreement only allowed the company to cancel vacation due to the needs of service. Arbitrator Daniel Nielson held that the Board did not have jurisdiction over the issue of forcing pilots to use vacation during FMLA leave because that would require a statutory interpretation. However, he concluded that it was improper for management to move a pilot's scheduled vacation to coincide with FMLA leave.

THREE On Dec. 1, 2008, Arbitrator John Flagler issued a decision in which he awarded virtually all of ALPA's claims related to back pay for an improperly discharged Trans States pilot. In addition to back wages, the pilot was awarded lost 401(k) matching contributions, the cost of additional airline tickets purchased for the pilot during the back pay period, the cost of medical insurance during the back pay period, expenses incurred in mitigating damages through employment at another carrier in 2007 (including commuting expenses, housing, meals, mileage expenses, and computer equipment compatible with his new airline's computer), and prejudgment interest of 9 percent per year (based on a Missouri statute). The Board rejected all of Trans States' claims that the grievant did not adequately mitigate his damages.

FOUR

ALPA challenged United's actions in (a) not building known charter trips into pilots' lines and (b) not awarding those charter trips to senior pilots who bid them and instead assigning that flying to more junior pilots. The Association argued that the contract was violated because withholding these trips did not satisfy the requirement that "all" flying be made available for bid. Management argued that language pertaining to charter flying afforded it the ability to withhold certain trips from the monthly schedule bid based upon the desires of the charter customer. Arbitrator Dennis Nolan held that the contractual language was unambiguous when it required that "all" pairings be made available for bidding. Management was directed to make grievants whole by giving them time off with pay for the same amount of flying they would have had.

SIX

Earlier this year, Arbitrator Joshua Javits ordered Spirit management to cease committing contract violations by shortchanging the number of days off that pilots receive after a scheduled sequence of trips. In accordance with the collective bargaining agreement, pilots are entitled to receive up to 5 days off (but no less than 4) after concluding a sequence of trips with no intervening days off. More commonly known to Spirit pilots as the 5/4 Rule, this contract provision allows pilots to spend more time with their families, and quality-of-life issues were a priority bargained by pilots during two-and-a-half years of negotiations.

FIVE

The hours of service provision in the Spirit Airlines contract covered only domestic operations by its terms.

When the company expanded into flag flying in the Caribbean, management claimed it was only bound by the limits in the federal aviation regulations and not the contract. Arbitrator Frederic Horowitz rejected this claim both because the contractual hours of service rules were developed when the company had only domestic operations, and because management had unsuccessfully sought in negotiations to obtain a separate contractual provision governing flag flying. Horowitz ordered management to cease and desist from applying hours of service rules to flag destinations that conflict with those in the pilots' agreement.

SEVEN

In three 2008 arbitrations at Air Canada Jazz concerning the wrongful assignment of WDO opportunities (voluntary overtime) out of seniority on an ongoing basis, Arbitrator Kaplan ruled that the company must pay the full cost of all three hearings, pay for ALPA representatives to monitor company compliance with the assignment of WDOs until such time as management could persuade the arbitrator that its assignment procedures were operating appropriately, pay four named grievants, provide the Association with 54 "ALPA days" to allocate in its discretion, and pay the Association \$25,000. [▶](#)

CONGRESS RINGS A WAKE-UP CALL FOR AIRLINES

ALPA'S PRESIDENT TESTIFIES BEFORE BOTH HOUSES OF CONGRESS ON NEEDED CHANGES IN SCREENING, HIRING, TRAINING, AND MENTORING OF AIRLINE PILOTS-AND ENSURING THEY'RE RESTED • **By Jan W. Steenblik**, Technical Editor

During the 80-plus years of the airline industry, certain accidents have been the catalysts for sweeping, long-overdue changes in safety regulations, equipment, and procedures. Among the once significant causes of fatal accidents that have been nearly eliminated among the airlines of developed nations are midair collisions, microburst windshear, and controlled flight into terrain—and for each there was an accident that finally moved lawmakers to tell regulators, “Enough!”

Now the crash of Colgan Flight 3407,

a Dash 8-Q400 turboprop, during a night IMC approach to Buffalo, N.Y., on February 12 may prove to be such a catalyst, forcing the FAA and the airline industry, working in partnership with other stakeholders, including ALPA, to resolve some longstanding but recently exacerbated aviation safety issues.

The NTSB public hearing on the Colgan accident (see “NTSB Hearing on Colgan 3407 Casts Harsh Light on Regional Pilot Pay, Training, Fatigue,” June/July, page 35) triggered public hearings by both the U.S. Senate and

the House of Representatives. On June 11, Capt. John Prater, ALPA's president, testified before the House Aviation Subcommittee (“Regional Air Carriers and Pilot Workforce Issues”); on June 17, he testified before the Senate Aviation Subcommittee (“Aviation Safety: The Role and Responsibility of Commercial Air Carriers and Employees”).

ALPA: Economics dictate airline practices

In his oral testimony, Prater commended each committee for holding the hearing to look more closely at several critical issues affecting airline pilots. Some of the issues—pilot screening and hiring standards, training, and mentoring—were at the top of the agenda at the FAA's “Call to Action” summit in which ALPA participated between the two hearings, which were less than a week apart.

“While [the Call to Action] meeting was a critical first step toward developing solutions to these problems,” Prater declared, “we encourage the FAA to take a more structured approach in working with the airlines and labor to establish an agreed-to implementation plan for all parties to adopt.”

Prater laid out some of the background that led to the current situation: The regional sector of the U.S. airline industry has grown dramatically in recent years as major airlines ▶▶▶



WILLIAM A. FORD

On June 11, Capt. John Prater, ALPA's president, testified before the House Aviation Subcommittee, and on June 17 he testified before the Senate Aviation Subcommittee. In his oral testimony, Prater commended each committee for holding the hearing to look more closely at several critical issues affecting airline pilots.

To view archived videos of the entire hearings, visit <http://transportation.house.gov/hearings/hearingDetail.aspx?NewsID=932> and <http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.AudioVideo>.

ALPA TO HELP DRAFT PROPOSED NEW FAA FLIGHT/DUTY TIME RULES

In late June, the FAA announced an aggressive schedule for tackling head-on several perennial airline safety issues. Topping the list was the agency's announcement of plans to form an Aviation Rulemaking Committee (ARC)—in which ALPA will be an active participant—to develop new standards for pilot flight and duty time limits and rest requirements. The FAA wanted to begin meeting with airlines and pilot unions by July 15 to develop recommendations for FAA rulemaking by September 1.

Capt. John Prater, ALPA's president, said the FAA announcement was "extremely encouraging in the decades-long push by ALPA to modernize the regulations as a fundamental step to address pilot fatigue.... ALPA stands ready to work with the airlines and the regulators to create the innovative solutions we need to make a safe industry even safer."

FAA "Call to Action"

Prater and nine other ALPA representatives participated in a closed-door, by-invitation-only meeting in Washington, D.C., on June 15 that FAA Administrator J. Randolph Babbitt convened as a "Call to Action." The ALPA reps included pilots from American Eagle, Continental, Delta, ExpressJet, Mesa, and United, plus the Association's Executive Air Safety Chairman, Capt. Rory Kay (United), and Jerry Wright, manager of the Safety and Security section of ALPA's Engineering and Air Safety Department. Also present was Transportation Secretary Ray LaHood.

ALPA strongly supports Babbitt's challenge to the airline industry to strengthen safety in other initiatives that, like the flight/duty time ARC, were a result of the Call to Action meeting:

- By July 15, FAA inspectors were ex-

pected to complete a focused review of airline procedures for finding and tracking pilots who fail checkrides or show a repetitive need for extra training.

- Beginning in July, the FAA and the airline industry were planning to hold at least 12 safety forums throughout the United States to (1) open dialogue with as many airlines as possible, (2) solidify commitments to the Call to Action initiatives, and (3) discuss additional best practices.

"ALPA STANDS READY TO WORK WITH THE AIRLINES AND THE REGULATORS TO CREATE THE INNOVATIVE SOLUTIONS WE NEED TO MAKE A SAFE INDUSTRY EVEN SAFER."

-CAPT. JOHN PRATER, ALPA PRESIDENT

- In a June 24 letter, Babbitt asked all U.S. airlines to immediately adopt a policy to ensure that pilot applicants release all FAA records to the hiring airline while the FAA works with Congress to update the Pilot Records Improvement Act of 1996.
- Babbitt also urged all airlines that do not already have flight operations quality assurance (FOQA) and Aviation Safety Action Program (ASAP) programs to establish them "and develop data analysis processes to ensure effective use of this data."
- Babbitt wants mainline carriers who have contracts with regional airlines to "seek specific and concrete ways to ensure that the partner carriers adopt and implement the most effective practices for safety," and that for regionals that develop FOQA and ASAP programs, the majors have periodic meetings with the regionals "to review the data and to constantly emphasize their shared safety philosophy."

ALPA "fully compliant"

In a separate letter to airline pilot unions, Babbitt asked the unions to implement a code of ethics, form pro-

fessional standards peer groups, and support periodic safety risk management meetings between the FAA and mainline and regional airlines to include periodic review of FOQA and ASAP data with an emphasis on finding ways to improve training programs.

Prater noted, "ALPA was founded on the 'Schedule with Safety' motto, and we are proud to verify that we are already fully compliant with the

FAA's requests. Today we are asking all ALPA pilots to review our existing Code of Ethics and rededicate themselves to the highest professional standards that form the bedrock of our profession." ALPA adopted its Code of Ethics in 1956, and the Code has guided the Association's work ever since.

Moreover, among ALPA's formally chartered committees is the Professional Standards Committee, devoted to ensuring that all pilots maintain the highest standards of professional conduct. This key ALPA group, composed of dedicated pilot volunteers supported by full-time professional staff, coordinates ALPA's professional standards activities at member pilot groups. It also provides training and interaction with airline and industry professional standards practitioners.

Finally, ALPA has long maintained that voluntary, non-punitive safety reporting systems such as FOQA and ASAP are critical to bettering our already outstanding airline safety record.—*Jan W. Steenblik, Technical Editor*

BABBITT'S 'SAFETY CALL TO ACTION'

Below is an abridged version of the challenge to all stakeholders in the U.S. airline industry that FAA Administrator J. Randolph Babbitt gave in opening his agency's "Safety Call to Action" on June 15 in Washington, D.C. To read the full text of Babbitt's speech, visit http://www.faa.gov/news/speeches/news_story.cfm?newsId=10604.

"Some of the things I've seen and heard about practices in the regional airline industry are not acceptable.... We are absolutely not here to point fingers, nor are we here to say, 'Well, my outfit's OK...'"

"We've learned several lessons over the past few weeks. We know, for example, that we need to know more about pilot performance during checkrides over a pilot's entire career. We know that prospective employers need to have as much information as they can about the pilots they're hiring. And that information should be accurate, complete, and easily accessible.

"That's why we are updating our advisory circular on pilot records, setting the expectation that airlines request all records that are available from the FAA and previous employers when they hire a new pilot. And I want a recommendation today about asking Congress to expand the scope



of the Pilot Records Improvement Act to give employers access to all of the records available in a pilot's file.

"Beyond that, I want you to devise similar actions—tangible, constructive actions—that will make an immediate difference in how we operate and how we fly. Let me be clear here. We need to make moves that we can adopt right away....

"Training—good, effective training—has to be at the top of our list. We need to take steps to make sure that we're meeting and exceeding the standards. There's a difference between *quality* and

quantity of training. Training has got to be more than just checking the box. The fundamentals of quality training are clear and direct, as in: We did it, and they got it.

"One of the quickest ways to spread excellence is to cross-pollinate. As an industry, we need to share so that we're all at the highest level possible.

"Good ideas can't stay on the shelf. They need to get from concept to cockpit as quickly as we can get them there. Likewise, we need to get to the heart of carrier management and union responsibilities for crew education and support.

"I know some carriers, because of your long history, have developed effective ways to transmit professionalism, and we need to talk about those programs today.

"...We know ... that [training] review boards are an effective eye on training failures and performance.

"We need to deliver a plan by the end of this session today that will lay out a process for senior captains to mentor pilots who are building experience. Then, I want a commitment from each of you that we will make that process work.

"But what we need most of all is for each of us to *weigh* in and *stay* in. This is our profession, and today, we need to take responsibility [for it]." 🌐

have come to rely heavily on codeshare arrangements with regionals to connect large, midsized, and small cities in the United States, Canada, and Mexico to their international hubs. At the same time, the majors put a lot of pressure on the regionals to provide their lift at the lowest possible cost.

The majors, Prater asserted, "control ticket pricing and schedules, and regularly move flying between their regional partners. Some major airlines have even begun outsourcing their flying to regionals and laying off their own pilots, losing decades of experi-

ence in the process. These experienced pilots cannot afford to work for one of these so-called regional airlines as a first officer."

As a result, Prater pointed out, "Some of the smaller regional airlines hire pilots at the FAA minimum standards and do not employ adequate screening processes during hiring to find the 'ideal' candidate."

Eroded quality of life

The NTSB hearing on the Colgan Flight 3407 accident, and the many news stories that followed, highlighted the fact

that many pilots who fly for regional airlines are not getting adequate training or enough rest. As Prater explained, airlines are requiring pilots to work longer days and more days each month. Moreover, fleet and base changes are forcing pilots to decide between commuting and possibly taking a huge pay cut to train on new aircraft.

"The consequences," Prater declared, "are that the quality of airline pilot 'careers' has been greatly diminished, and the severe erosion of benefits and quality of life are motivating experienced pilots to move to other professions."

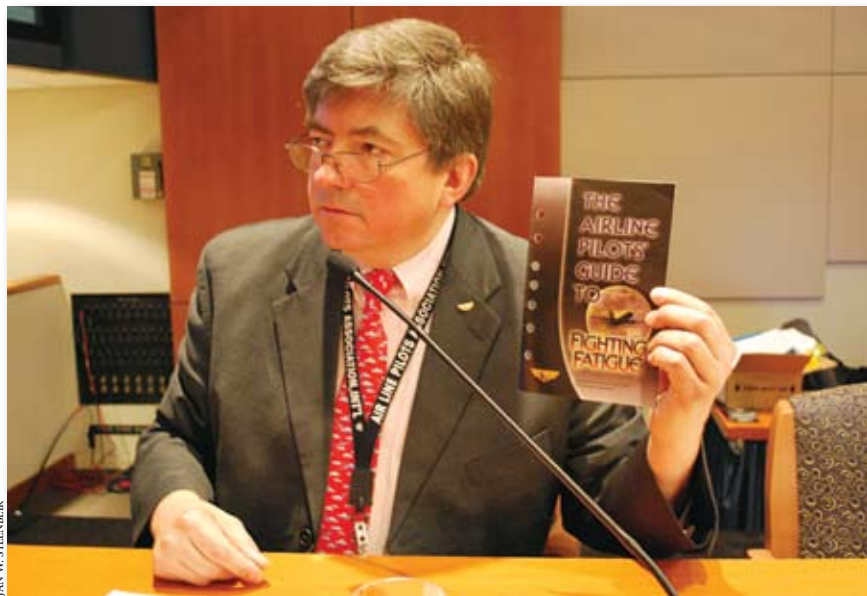
Pilot screening and training

As any pilot knows, flight experience and pilot capabilities cannot be measured by mere flight hours. Therefore, Prater said, screening processes should be established before initial pilot hiring to ensure that new-hire airline pilots are indeed the best and the brightest as far as abilities, airmanship, professionalism, and performance are concerned.

In addition, he warned, "Current training practices do not take into account the drastic change in pilot applicants' experience. Instead, they assume that pilots are far more experienced than they may actually be." ALPA wants to see "a new focus on standardization and even on some fundamental flying skills," he added.

Prater urged

- airlines and other training providers to develop training methods that account for lack of experience and for the source and experience level of a new pilot entering initial training, and to train for judgment,
- the FAA to set more stringent academic requirements for commercial and airline transport pilot certificates,
- the FAA to develop and implement a structured, rigorous ground school



Capt. Rory Kay (United), ALPA's Executive Air Safety Chairman, testified at the NTSB public hearing in May on the Colgan Flight 3407 accident as an expert witness on pilot fatigue.

and testing procedures for pilots who want to qualify to fly for FAR Part 121 airlines, and

- airlines to provide specific command and leadership training courses for new captains, and mentoring programs for both captains and first officers who are new in their positions.

FOQA and ASAP

Another way to enhance safety and improve airline operations, Prater said, is to strengthen and make better use of data collection and analysis programs such as flight operations quality assurance (FOQA) and Aviation Safety Action Programs (ASAPs). But "in order to allow these programs to grow and make the reports more readily obtainable," Prater warned, "additional legislative protections must be put in place that will limit the use of ASAP and FOQA data in civil liability cases.

"Restrictions also need to be strengthened to ensure the data is used for safety purposes only," he added. "Many major airlines have implemented these types of programs. We want them to spread and be protected.

"The best safety device on any airplane is a well-trained, well-rested, highly motivated pilot," Prater emphasized. "A strong safety culture must be instilled and consistently reinforced from the highest levels within an airline and among its codeshare partners. This type of organizational safety culture will encourage the highest levels of performance among professional pilots, improve airline operations, and, most importantly, advance aviation safety." 🌐

FAA TO HOLD SAFETY MEETINGS

Beginning in July, the FAA was slated to hold the first of 12 safety meetings in the United States regarding the agency's "Call to Action" on airline safety and pilot training. The purpose of the road shows is to brief the airline industry on the outcome of the FAA's June 15 Call to Action meeting and to ask for additional comments and recommendations from pilots.

Although the focus of FAA's Call to Action began in the aftermath of public and congressional scrutiny on recent airline accidents, the scope has broadened to include operational considerations at all FAR Part 121 airlines in the following areas: crew education and support, professional standards and flight discipline, training standards and performance, mentoring, and management and pilot responsibilities.

Three team leaders will lead the dis-

cussions at each event—one each from the FAA, the airlines, and pilot organizations. ALPA's president, Capt. John Prater, will represent airline pilots as the ALPA team leader at the kick-off meeting to be held in Washington, D.C., on July 21. In addition to the D.C. meeting, these non-public meetings were scheduled to be held, as of press time, in the following cities:

- July 30—Dallas/Ft. Worth
- July 30—Chicago
- August 4—Seattle
- August 6—Minneapolis/St. Paul
- August 6—Atlanta
- August 6—Anchorage
- August 20—Miami/Ft. Lauderdale
- August 20—Denver
- August 20—St. Louis
- August 27—Las Vegas
- August 27—Boston 🌐