
From: sam.samad@natca.net
Sent: Friday, May 22, 2009 10:35pm
To:
Subject: HR 915 Passed the House of Representatives

Brothers and Sisters,

As I was told on the Wednesday would probably happen, HR 915 passed the House of Representatives yesterday! It's timely passage was spurred by NATCAs Lobby Week activities by brothers and sisters from all the bargaining units, National Legislative Committee, and the efforts of Jose Ceballos and his fine Legislative Staff.

The language of the bill itself, with its straight-forward acknowledgement of the injustices inherent in the IWRs, and the FAA's realignment initiative, is a great victory for NATCA and our legislative allies!

The passage of this bill is a timely turning-point. It certainly shows how much difference even a few months can make when there is an administration in Washington working to support worker rights.

I have attached the press release from Transportation Trades Department, AFL-CIO.

Best regards,
Sam Samad

House-Passed FAA Bill Modernizes Aviation System, Advances Safety and Worker Rights

WASHINGTON, DC – *Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, issued the following statement after House passage of the Federal Aviation Administration reauthorization bill (H.R. 915):*

“The FAA bill passed by the House of Representatives today will bring Americans closer to the first-class aviation system they want and deserve.

“This legislation will invest in technology and our airports, create good jobs and strengthen worker rights. It will also make air travel safer for workers and the flying public and ensure that globalization of this industry doesn't erode safety standards or harm American jobs.

“We look forward to a Senate bill that tackles these issues with the same level of commitment.

“H.R. 915 is the result of an enormous amount of work and thoughtful leadership by Chairman James Oberstar and Subcommittee Chairman Jerry Costello. We applaud them for standing firmly with aviation employees and producing legislation that will help deliver a 21st century aviation system that Americans can be proud of.”

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The Transportation Trades Department, AFL-CIO, represents 32 member unions in the aviation, rail, transit, trucking, highway, longshore, maritime and related industries. For more information, visit www.ttd.org

From: sam.samad@natca.net
Sent: Thursday, May 21, 2009 12:52am
To:
Subject: HR 915 - THE FAA REAUTHORIZATION BILL IS ABOUT TO PASS THE HOUSE

Brothers and Sisters,

I am in Washington DC for lobby week, and there is big news.

I have just received, from a reliable source, that Congress is poised to pass HR 915 before they recess next week. It may be passed as soon as tomorrow.

HR 915 has some very exciting prospects. Section 601 of the bill has some provisions under which back pay may be authorized for groups who have been adversely affected by the IWRs. The bill allocates 20 million dollars to the subject. How far these issues may be pushed is unclear.

More generally speaking, the Federal Aviation Administration Reauthorization Bill will secure a stable long-term reauthorization for the Agency.

Most of the changes that were put into the bill with respect to the cancellation of the FAA's onerous Realignment proposals were taken from HR 2881, the Maxine Water's Amendment. HR 915 will proceed on to the Senate, where it will be given a new number. It is hoped that the language of the bill once, it is picked up by the Senate, will remain true to the House version.

S1300, the Senate version of HR 2881 did not pass. With the clear signs of support that it has received from the White House, however, the Senate version of HR 915 is expected to fare better. It is possible the Bill will pass the Senate and be presented to President Obama for his signature, as early as next month.

There is one issue we have been making the legislators aware of that is of immediate importance. We have been stressing that until HR 915 becomes law, Congress needs to put measures in place to prevent the current FAA management staff, many whom were selected during the Bush years, from making adverse changes that will hamper the incoming administration's efforts.

This all comes on the heels of yesterday's press release that mediation aimed at ending the ongoing dispute between the Agency and NATCA began on Tuesday. Jane Garvey, the former FAA Administrator, is going to head the mediation team. The following link takes you to the story on NATCA's web site.

<http://www.natca.org/mediacenter/press-release-detail.aspx?id=608>

This week's lobby week has been exciting, as everyone knows that change is just around the corner. The passage of HR 915 will be a giant step for the funding and agreements that will guide those changes, and make them possible!

In Solidarity,

Sam Samad

From: sam.samad@natca.net
Sent: Monday, May 4, 2009 4:33pm
To:
Cc: nrx-eb@list.natca.net
Subject: Re: [NRX-EB] Return to the Table

Brothers and Sisters,

This is an interesting and passionate internal discussion. Given its length, and some unfortunate language used in a couple places, it can't be sent in a "letter home" anytime soon, but you have undoubtedly produced a resource we all can draw from.

Sticking strictly to the basics of the pay issue, I agree with our brothers and sister Carmella that the Multi-Units are shabbily treated. Larry also has some good arguments. Except for the Core Compensation issue, the multi-unit contract is presently superior to all others. Still, I feel we definitely need some redress, while aiming for the common solution that Pat's letter indicates may be possible under the Obama Administration.

We have a lot of positive things going on. The multi-unit pay teams are working hard to prepare our arguments for the upcoming negotiations. HR 915 has some very exciting prospects. Because it is of interest to everyone, I have extracted and attached Section 601 of HR 915. That's the section that starts on page 183, pertaining to the "Federal Aviation Administration Personnel Management System". In HR 915 we may have a vehicle for righting at least some past wrongs, depending on how broadly subsections "b" and "d" in HR 915's Section 601 are applied.

Subsection "b", "APPLICATION", on page 187, basically rescinds IWR pay imposed on or after July 10, 2005. Subsection "d", "BACK PAY", on page 189, offers back pay for employees defined by Subsection "b" as affected by the IWRs, to the level of compensation they would have had under the pay system they were subject to prior to the IWRs. It has the stipulation the back pay may be pro rated by the Administrator and NATCA, if not enough money for full back pay is available. Article (2) of Subsection "d", on page 190 says that 20 million dollars has been allocated. If this is not applied, we can boost our other legislative efforts in our upcoming Lobby Week.

Fairness is always a foremost issue in everybody's mind. At the same time, I want to clear up apparent misunderstandings. There is a sunset on the E&A's advantage. It ends this year, in 2009. After this year, until future contract negotiations come up, E&A employees will be in the same position as the Multi-Units concerning SCI (see attached Article 36 Sections 2 and 3 of the Black Book). We will all be in the same boat very soon.

To move away from the basics of the pay issue to Brother Tomaso's arguments, the 787 discussion is very big. The Agency might argue it was a particularized instance of abuse. They might also argue that the system was not ideally implemented, and it was not, as Brother Scott and others have pointed out, but that they (the Agency) might be able to make it work.

It would stand to reason, however, that there are even more situations out there where SCI's potential to link pay to untimely/unrealistic or unattainable goals has watered down the quality and honesty of work. To use that angle to argue against the SCI, however, we would need input from the Multi-Unit BUEs on the subject. It would have to be an anonymous survey, and verification of such instances would raise serious ethical concerns for all. Hopefully it won't come to that.

I think the biggest challenge now is for us to unite as a single group, and work together to decide upon what would be a common equitable system of pay for all of us in the future.

In Solidarity, Sam

1 for the airports that the Port Authority operates as of No-
2 vember 2, 2009. In undertaking the study, the Port Au-
3 thority should pay particular attention to the impact of
4 noise on affected neighborhoods, including homes, busi-
5 nesses, and places of worship surrounding LaGuardia Air-
6 port and JFK Airport.

7 **TITLE VI—FAA EMPLOYEES AND** 8 **ORGANIZATION**

9 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-** 10 **SONNEL MANAGEMENT SYSTEM.**

11 (a) DISPUTE RESOLUTION.—Section 40122(a) is
12 amended—

13 (1) by redesignating paragraphs (3) and (4) as
14 paragraphs (5) and (6), respectively; and

15 (2) by striking paragraph (2) and inserting the
16 following:

17 “(2) DISPUTE RESOLUTION.—

18 “(A) MEDIATION.—If the Administrator
19 does not reach an agreement under paragraph
20 (1) or the provisions referred to in subsection
21 (g)(2)(C) with the exclusive bargaining rep-
22 resentative of the employees, the Administrator
23 and the bargaining representative—

24 “(i) shall use the services of the Fed-
25 eral Mediation and Conciliation Service to

1 attempt to reach such agreement in ac-
2 cordance with part 1425 of title 29, Code
3 of Federal Regulations (as in effect on the
4 date of enactment of the FAA Reauthor-
5 ization Act of 2009); or

6 “(ii) may by mutual agreement adopt
7 alternative procedures for the resolution of
8 disputes or impasses arising in the negotia-
9 tion of the collective-bargaining agreement.

10 “(B) BINDING ARBITRATION.—

11 “(i) ASSISTANCE FROM FEDERAL
12 SERVICE IMPASSES PANEL.—If the services
13 of the Federal Mediation and Conciliation
14 Service under subparagraph (A)(i) do not
15 lead to an agreement, the Administrator
16 and the exclusive bargaining representative
17 of the employees (in this subparagraph re-
18 ferred to as the ‘parties’) shall submit
19 their issues in controversy to the Federal
20 Service Impasses Panel. The Panel shall
21 assist the parties in resolving the impasse
22 by asserting jurisdiction and ordering bind-
23 ing arbitration by a private arbitration
24 board consisting of 3 members.

1 “(ii) APPOINTMENT OF ARBITRATION
2 BOARD.—The Executive Director of the
3 Panel shall provide for the appointment of
4 the 3 members of a private arbitration
5 board under clause (i) by requesting the
6 Director of the Federal Mediation and
7 Conciliation Service to prepare a list of not
8 less than 15 names of arbitrators with
9 Federal sector experience and by providing
10 the list to the parties. Within 10 days of
11 receiving the list, the parties shall each se-
12 lect one person from the list. The 2 arbi-
13 trators selected by the parties shall then
14 select a third person from the list within 7
15 days. If either of the parties fails to select
16 a person or if the 2 arbitrators are unable
17 to agree on the third person within 7 days,
18 the parties shall make the selection by al-
19 ternately striking names on the list until
20 one arbitrator remains.

21 “(iii) FRAMING ISSUES IN CON-
22 TROVERSY.—If the parties do not agree on
23 the framing of the issues to be submitted
24 for arbitration, the arbitration board shall
25 frame the issues.

1 “(iv) HEARINGS.—The arbitration
2 board shall give the parties a full and fair
3 hearing, including an opportunity to
4 present evidence in support of their claims
5 and an opportunity to present their case in
6 person, by counsel, or by other representa-
7 tive as they may elect.

8 “(v) DECISIONS.—The arbitration
9 board shall render its decision within 90
10 days after the date of its appointment. De-
11 cisions of the arbitration board shall be
12 conclusive and binding upon the parties.

13 “(vi) COSTS.—The parties shall share
14 costs of the arbitration equally.

15 “(3) RATIFICATION OF AGREEMENTS.—Upon
16 reaching a voluntary agreement or at the conclusion
17 of the binding arbitration under paragraph (2)(B),
18 the final agreement, except for those matters de-
19 cided by an arbitration board, shall be subject to
20 ratification by the exclusive bargaining representa-
21 tive of the employees, if so requested by the bar-
22 gaining representative, and approval by the head of
23 the agency in accordance with the provisions re-
24 ferred to in subsection (g)(2)(C).

25 “(4) ENFORCEMENT.—

1 “(A) ENFORCEMENT ACTIONS IN UNITED
2 STATES COURTS.—Each United States district
3 court and each United States court of a place
4 subject to the jurisdiction of the United States
5 shall have jurisdiction of enforcement actions
6 brought under this section. Such an action may
7 be brought in any judicial district in the State
8 in which the violation of this section is alleged
9 to have been committed, the judicial district in
10 which the Federal Aviation Administration has
11 its principal office, or the District of Columbia.

12 “(B) ATTORNEY FEES.—The court may
13 assess against the Federal Aviation Administra-
14 tion reasonable attorney fees and other litiga-
15 tion costs reasonably incurred in any case
16 under this section in which the complainant has
17 substantially prevailed.”.

18 (b) APPLICATION.—On and after the date of enact-
19 ment of this Act, any changes implemented by the Admin-
20 istrator of the Federal Aviation Administration on and
21 after July 10, 2005, under section 40122(a) of title 49,
22 United States Code (as in effect on the day before such
23 date of enactment), without the agreement of the exclusive
24 bargaining representative of the employees of the Adminis-
25 tration certified under section 7111 of title 5, United

1 States Code, shall be null and void and the parties shall
2 be governed by their last mutual agreement before the im-
3 plementation of such changes. The Administrator and the
4 bargaining representative shall resume negotiations
5 promptly, and, subject to subsection (e), their last mutual
6 agreement shall be in effect until a new contract is adopt-
7 ed by the Administrator and the bargaining representa-
8 tive. If an agreement is not reached within 45 days after
9 the date on which negotiations resume, the Administrator
10 and the bargaining representative shall submit their issues
11 in controversy to the Federal Service Impasses Panel in
12 accordance with section 7119 of title 5, United States
13 Code, for binding arbitration in accordance with para-
14 graphs (2)(B), (3), and (4) of section 40122(a) of title
15 49, United States Code (as amended by subsection (a) of
16 this section).

17 (c) SAVINGS CLAUSE.—All cost of living adjustments
18 and other pay increases, lump sum payments to employ-
19 ees, and leave and other benefit accruals implemented as
20 part of the changes referred to in subsection (b) may not
21 be reversed unless such reversal is part of the calculation
22 of back pay under subsection (d). The Administrator shall
23 waive any overpayment paid to, and not collect any funds
24 for such overpayment, from former employees of the Ad-

1 ministration who received lump sum payments prior to
2 their separation from the Administration.

3 (d) BACK PAY.—

4 (1) IN GENERAL.—Employees subject to
5 changes referred to in subsection (b) that are deter-
6 mined to be null and void under subsection (b) shall
7 be eligible for pay that the employees would have re-
8 ceived under the last mutual agreement between the
9 Administrator and the exclusive bargaining rep-
10 resentative of such employees before the date of en-
11 actment of this Act and any changes were imple-
12 mented without agreement of the bargaining rep-
13 resentative. The Administrator shall pay the employ-
14 ees such pay subject to the availability of amounts
15 appropriated to carry out this subsection. If the ap-
16 propriated funds do not cover all claims of the em-
17 ployees for such pay, the Administrator and the bar-
18 gaining representative, pursuant to negotiations con-
19 ducted in accordance with section 40122(a) of title
20 49, United States Code (as amended by subsection
21 (a) of this section), shall determine the allocation of
22 the appropriated funds among the employees on a
23 pro rata basis.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated \$20,000,000
3 to carry out this subsection.

4 (e) INTERIM AGREEMENT.—If the Administrator and
5 the exclusive bargaining representative of the employees
6 subject to the changes referred to in subsection (b) reach
7 a final and binding agreement with respect to such
8 changes before the date of enactment of this Act, such
9 agreement shall supersede any changes implemented by
10 the Administrator under section 40122(a) of title 49,
11 United States Code (as in effect on the day before such
12 date of enactment), without the agreement of the bar-
13 gaining representative, and subsections (b) and (c) shall
14 not take effect.

15 **SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-**
16 **EES.**

17 Section 40122(g)(3) of title 49, United States Code,
18 is amended by adding at the end the following: “Notwith-
19 standing any other provision of law, retroactive to April
20 1, 1996, the Board shall have the same remedial authority
21 over such employee appeals that it had as of March 31,
22 1996.”.

23 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

24 (a) STUDY.—

From: sam.samad@natca.net
Sent: Friday, May 22, 2009 11:16pm
To:
Subject: Three more winning confirmations!

All,

I am attaching 3 more press releases from our Brothers and Sisters in the Transportation Trades Department, AFL-CIO. They celebrate, respectively, the Senate Confirmations of Randy Babbitt as FAA Administrator, Peter Rogoff as FTA Administrator, and Linda Puchala as a member of the National Mediation Board (NMB).

As you can see from the language used in the press releases, great things are expected to come from the "changing of the guard"!

Best regards,

Sam

FOR IMMEDIATE RELEASE

May 22, 2009

CONTACT: Jenifer McCormick
202-628-9262
jeniferm@ttd.org

Transportation Unions Applaud Senate Confirmation of Randy Babbitt as FAA Administrator

WASHINGTON, DC – *Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, issued the below statement following Senate confirmation of Randy Babbitt as Administrator of the Federal Aviation Administration:*

"With confirmation of Randy Babbitt as its leader, the Federal Aviation Administration begins the important work of reforming itself and re-energizing efforts derailed in the Bush era to expand and modernize our aviation system.

"Administrator Babbitt inherits an agency still reeling from years of mismanagement and a lack of strategic vision and direction. In recent years, FAA leadership chose ideology over sensible policy, evaded tough decisions, and employed scorched earth tactics with its workforce that inspired the worst labor-management relations in a generation. Under Randy Babbitt that era ends today.

"Babbitt's confirmation comes as renewed negotiations are under way with air traffic controllers and as crucial funding, technology, safety, job and worker rights issues are at stake in pending FAA reauthorization legislation.

"We look forward to working with Administrator Babbitt and Transportation Secretary Ray LaHood on the challenges of building the next generation aviation system that supports good middle-class jobs and meets the needs of our nation."

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FOR IMMEDIATE RELEASE

May 22, 2009

CONTACT: Jenifer McCormick
202-628-9262
jeniferm@ttd.org

Workers Praise Confirmation of Peter Rogoff as FTA Administrator

WASHINGTON, DC – *Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, issued the following statement in reaction to U.S. Senate confirmation of Peter Rogoff as Administrator of the Federal Transit Administration:*

“As we enter into new era of public transportation in America, a new champion for mass transit has arrived. Transportation unions congratulate Peter Rogoff, a leader with the right experience at a time when the future of our federal transit and highway programs is being debated in Washington.

“Mass transit agencies across the country face counterintuitive budget shortfalls despite the fact that ridership is at a record high. Rogoff’s many years of experience in the field of transit funding and finance will be invaluable as transit systems and their employees navigate these difficult times and seek ways to prevent damaging service and job cuts.

“Transportation labor looks forward to working together with Peter Rogoff and the FTA to deliver first-class mass transit service for the American people.”

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FOR IMMEDIATE RELEASE

May 22, 2009

CONTACT: Jenifer McCormick
202-628-9262
jeniferm@ttd.org

Puchala Confirmation for National Mediation Board Will Return NMB to its Mission

WASHINGTON, DC – *Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, issued the following statement upon U.S. Senate confirmation of Linda Puchala as a Member of the National Mediation Board:*

“This is an important day for rail and airline workers in this country. With the confirmation of Linda Puchala as a member of the National Mediation Board (NMB), the three-member board will again live up to the mission for which it was created: to uphold the rights of workers to bargain collectively and form and join unions.

“Unlike the Bush NMB era of hostility toward the rights of workers, we look forward to a National Mediation Board that fosters productive collective bargaining relationships and rejects employer conduct aimed at thwarting the rights of employees to unionize. With this appointment, President Obama has again demonstrated his belief that the right to form unions and bargain collectively is critical to rebuilding the economy and a strong middle class.

“Puchala is a true professional in the field of labor-management relations. Transportation unions look forward to not only her vast experience but her dedication to inspiring labor and management to resolve their disputes at the bargaining table.”

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From: sam.samad@natca.net

Sent: Sunday, March 1, 2009 3:47am

To: NRX-EB@list.natca.net, pforrey@natcad.org, prinaldi@natcad.org, neb@natca.com, hghaffari@natca.com, mgraf@natcad.org, mshapiro@natcad.org, jceballos@natcad.org, xonatca@aol.com, atcmel@gmail.com, ncnct@yahoo.com, natcalax@earthlink.net, gthompson@natca.net

Subject: IMPORTANT: Agency Letter Concerning Security Breach

Brothers and Sisters,

I received a letter today concerning the February 1st computer security breach from David Bowen, our Assistant Administrator for Information Services and Chief Information Officer. I don't believe I am alone. The hacker took personally identifiable information (PII) of more than 45,000 employees and former employees that day.

The 27- Question & Answer sheet attached to the letter is the same document that the Agency posted about a week ago. This time, however, the letter mentions that in addition to names, social security numbers, and dates of birth, "other payroll-related data such as salary, pay grade, and education" was also compromised.

How my level of education is "payroll data" is not clear to me. The letter did not claim to include a complete list of what data items were hacked. It makes me wonder what other "payroll data" items may have been stolen.

The biggest file that was taken contained data on employees, who were employed by the Agency during first week in February, 2006. A large number of our former Brothers and Sisters may have retired since then. How the Agency is finding them? The letter I received had no registration or return-receipt attached to it. Are former employees who have moved being properly notified? I believe we have a responsibility to ask how the welfare of our former BUEs is being protected in this matter.

This is an unprecedented situation. If we don't care for our retirees now, who might watch out after our interests if this should happen to us? I believe NATCA's prestige and credibility is on the line in this matter. We should press the Agency for answers concerning the notification of former employees.

The Agency states its offer of free credit monitoring insurance for a year has a 90-day eligibility limit to it. It is to the advantage of the Agency to establish firm deadlines to limit its obligations. There should be a process, however, by which individuals who can reasonably prove they were not contacted during a 90-day period, can enroll at a later date.

This breach represents a life-long threat to the welfare of our BUEs. As part of accepting its responsibility in this matter, the FAA should obligate itself to somehow poll those affected for an additional year after the expiration of the free credit protection plan. The Agency should monitor if there is a sudden upswing in identity theft once the credit protections have been lifted. Our BUEs should be informed if such an upswing occurs.

We may want to discuss among ourselves if NATCA should address other issues suggested by the Agency's limited response as it is described in this letter.

Best regards,

Sam Samad