



## **FAA WORKERS' BARGAINING RIGHTS UNDER SIEGE**

Instead of committing to a fair and balanced approach in negotiating outstanding collective bargaining agreements with its workers, the Federal Aviation Administration (FAA) appears intent on using a misguided interpretation of the law to allow the agency to unilaterally impose the terms and conditions of a contract. For thousands of FAA employees – members of the National Air Traffic Controllers Association (NATCA), the Professional Airways Systems Specialists (PASS) and the American Federation of State, County and Municipal Employees (AFSCME) – this means they are confronted with an FAA management wedded to a “scorched earth” strategy that will only harm workers and the flying public.

Specifically, the FAA is taking the indefensible position that it can simply stonewall and delay negotiations with its unions and then notify Congress that it cannot reach an agreement and 60 days later unilaterally impose the terms and conditions of the contract under which it wants to operate. When Congress gave the FAA the flexibility to institute personnel reform, it expected the agency to sit down and negotiate agreements with its workers – just like businesses in the private sector. But unilaterally imposing an “agreement” is not negotiating. If that is what Congress expected from the FAA, it never would have given the employees the right to negotiate over terms and conditions in the first place. The FAA unions are simply asking that when an impasse has been reached, that the outstanding issues be submitted to the Federal Service Impasses Panel (FSIP) for arbitration. This process would provide a fair and timely way to settle contract disputes, yet the FAA insists that it has the right to simply decide what the contract should look like without any third party arbitration.

Not only is this process fundamentally inconsistent with the principles of collective bargaining, but it is contrary to the clear will of Congress. Under the 1995 personnel reforms, FAA employees were at first removed from coverage under most of Title 5 which governs the federal personnel system. However, Congress specifically reinstated Chapter 71 rights which includes collective bargaining and a process for resolving bargaining impasses utilizing the services of the FSIP.

The FAA has already notified Congress that it has stopped bargaining with one unit of NATCA employees and will unilaterally impose a contract in 60 days. While the FAA continues to negotiate with PASS, the bargaining process is of course skewed by the FAA’s position that in the end, it really does not have to bargain. Notwithstanding this reality, we urge the FAA to negotiate in good-faith with PASS and all its unions and to come to an agreement without using the draconian approach that is being employed against NATCA. We also urge the FAA to honor and implement immediately a contract that the agency has already agreed to with AFSCME.

Both NATCA and PASS are in the process of challenging the FAA's assertion that the agency has the right to unilaterally impose contracts. At a minimum, the FAA should wait for the courts to decide this issue before unilaterally implementing any new contracts. If the FAA proceeds with its plans to impose new contracts, and the courts subsequently decide that the agency does not have the authority to make these changes, it will be difficult and costly to go back to another personnel system.

American workers are suffering in an era when their bargaining rights are under assault at every turn. Certainly, for the last three years transportation workers have grown accustomed to an Administration that has run rough shod over our laws and has purposefully skewed the bargaining process in management's favor. And now, for FAA workers, the message seems to be more of the same – that the agency has no intention of bargaining responsibly and that it is more than willing to thwart any hope for labor-management collaboration. This is especially troubling at a time when the FAA faces the daunting challenge of implementing the most massive technological modernization in U.S. aviation history. Transportation labor urges the FAA to cease and desist this blatant attempt to use Congress as cover in an obvious campaign to sabotage the bargaining process and unilaterally impose new contracts on FAA workers.

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