



10-02

December 24, 2010

Union 101—Influencing Our Careers on Capitol Hill

Executive Summary

- ALPA has the credibility, technical expertise and political capital to influence decisions made in Washington.
- ALPA also has the responsibility to its members to actively engage in this process.
- ALPA has no legal mandate to be a part of the bureaucratic process; our participation is purely at the discretion of the agencies involved and has been earned over time.
- ALPA's participation enhances the acceptance of the outcome by other interested parties; once we decide to publicly work outside the legislative process, we lose much of our ability to affect the outcome.

Background

Recently, there have been two high profile instances of the FAA proposing changes to the FARs in a way that can dramatically influence our careers. These are the Flight Time/Duty Time regulations and the proposed flight hour minimums for Part 121 operations. ALPA has played a key role in developing both of these proposals and continues to work to influence the final regulations.

Details

There's an old adage that says "*Laws are like sausages; it is better not to see them being made.*" There's a lot of wisdom in that adage if you are a citizen, or in the case of the FARs, a line pilot, but the reality is that ALPA has a responsibility to its members to be aggressively involved in shaping legislation that affects its members, and pilots deserve to better understand *why* and *how* their union is involved. It is not enough to simply stand on the sidelines creating sound bites that pander to a seemingly popular sentiment. Indeed, doing that is one of the surest ways to become irrelevant and to be excluded from the decision making process altogether.

ALPA provided seven members of the Aviation Rule-Making Committee (ARC), including the co-chairman for the Flight Time/Duty Time regulations. The committee was determined to replace the current but outdated rules, which are based in large part on *economic* considerations, with a set of rules based on the *science* of fatigue research. This committee made a comprehensive recommendation to the FAA for a Notice of Proposed Rule Making (NPRM) on September 1, 2009. At the same time, several organizations, many with competing interests, made their own recommendations. It should come as no surprise that those competing recommendations included proposals that would allow substantially more duty time and flight time, in most cases, than current regulations.

The FAA published their NPRM* on September 14, 2010. Some of the proposals tightened current regulations while others were less restrictive than current rules, but the NPRM did not include *any* of the parties' recommendations in total. Last month, ALPA submitted its comments† to the FAA, which included a detailed, scientific analysis of the NPRM. The final regulations are due to be published no later than August 1, 2011. It is important to note that many of our flight and duty time restrictions are *already more restrictive than the current FARs and those restrictions would remain in place no matter the outcome of the NPRM*. In cases where the new FARs are more restrictive than our contract, then those more restrictive rules would take precedence.

ALPA also provided four members of the ARC involved in setting new experience requirements for commercial pilots, primarily the minimum flight hours required for

* http://www.faa.gov/regulations_policies/rulemaking/recently_published/media/FAA_2010_22626.pdf

† http://www.alpa.org/portals/alpa/committees/FTDT/NPRM_11-15-10.pdf

Part 121 operations. This committee was formed as a result of legislation passed by Congress mandating that the basic requirements to fly Part 121 operations include an ATP, which requires a minimum of 1,500 flight hours. However, this legislation specifically allowed for the FAA Administrator to reduce minimum flight time requirements as a result of receiving *qualified flight instruction*. It was therefore important to remain in the process to shape guidelines that would consistently apply. ALPA's technical expertise was critical in guiding the committee to specific recommendations on both the *quality* of instruction required to reduce required flight experience, and the *amount* of flight hours that could be waived as a result of qualified classroom training.

Conclusion

In both of these cases, there were some proposals that ALPA recommended and was satisfied with, and there were some proposals that ALPA was less than satisfied with. Other groups and individuals chose to react with public statements condemning the parts of the proposed regulations they were unhappy with. Some ALPA pilots were upset that ALPA did not engage in the media firestorm but instead remained fully involved in the process, continuing instead to work behind the scenes to influence the final product.

And that brings us back to the sausage. It is vital that ALPA be continually involved in any rulemaking process that affects our profession. The FAA has no legal mandate to involve ALPA in their rule making process, but regardless of political party changes in Washington, ALPA is included because we have credibility and technical expertise, expertise that is not available in any other pilot organization, to add to the discussion and because our participation enhances the acceptance of the outcome by other interested parties. Once we decide to publicly step outside of the process, we lose much of our ability to affect the outcome. Like the temper-tantrum throwing athlete who storms off the field of play, while the exit might *feel* good for a while, we'll no longer be in the game.

There can be little argument that the Delta pilots and the entire profession are best served by having pilots' viewpoints front and center in the debate. A public outburst might satisfy some short term frustrations, but will eliminate or at the very minimum, diminish our voice and leave others, who may not have our interests at heart, as the only voices left to influence the final outcome.

MEC Chairman Base Visits

In November, the Delta MEC elected its new slate of officers for the two-term beginning January 1, 2011.

- Captain Tim O'Malley was elected as chairman.
- Captain Jim Van Sickle was reelected as vice-chairman.
- Captain Kingsley Roberts was reelected as treasurer.
- First Officer Kevin Guilfoyle was elected as secretary.

Captain O'Malley intends to visit all Delta pilot bases during the next few months, usually in conjunction with an LEC meeting. This month, he visited SLC and LAX, and spoke at their respective LEC meetings. Tentative scheduled visits are:

- NYC Council 66 on January 13th
- ATL Council 44 on February 1st
- DTW Council 20 on February 3rd
- MSP. Council 1 on February 11th

Captain O'Malley is working with other LECs to schedule visits to the remaining bases. He also plans to visit the AMS and NRT layover hotels as well as the ATL training hotel later in the year. As each of these visits is finalized, information will be published in the weekly Code-a-Phone. Please make every effort to attend.

Touch & Gos is a product of the Delta MEC Communications Committee. It is intended to provide you with short updates on items of recent interest and newsworthy items that may not lend themselves to separate, standalone coverage. We also intend to provide you with additional information about your union and its resources.