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August 11, 2005

David Minsky
Wage and Hour Division, Rm S3502
U.S. Department of Labor
Washington, DC 20210

Re: NAATS/FAA Wage Determination
Request

Dear Mr. Minsky:

I write on behalf of the National Association of Air Traffic Specialists ("NAATS") to renew its Request for Review of the SCA Wage Determination for 29011 Air Traffic Specialists submitted on October 22, 2004. Although NAATS had, more recently, suggested that there might be no need for your office to issue a new wage determination in the event the FAA's Office of Dispute Resolution for Acquisition ("ODRA") were to sustain its then-pending protest of the FAA's decision to privatize Flight Service and award Lockheed Martin a contract for its performance, ODRA recently denied NAATS' protest.¹ Accordingly, there is now a pressing need for the Department to proceed expeditiously to issue a new wage determination prior to October 4, 2005, the date on which Lockheed Martin is scheduled to assume responsibility for the performance of this contract.

As I recollect, for various reasons your staff suggested that we furnish an updated job description for the FAA's Air Traffic Controllers employed in its Automated Flight Service Stations ("AFSS") who are about to be RIFed. It turns out that there are no records to support the existing 29011 classification and job description that were mysteriously adopted many decades ago in spite of the fact no government contract has ever been awarded for the performance of that work. Moreover, the job has changed significantly in the intervening years, primarily as a result of the FAA's having automated the job roughly 15 years ago, and adopted a variety of sophisticated technologies that Flight Service controllers must now master. Hence, the Department's current classification, job description, or wage determination essentially need to be scrapped. Accordingly, I am enclosing a draft that may assist your staff in formulating a new job description.

¹ In his decision, Special Master Edwin Neill merely took cognizance of the fact the parties had filed wage determination requests; he did not address or resolve NAATS' and the FAA's respective claims that the other party had violated their ODRA Settlement Agreement when communicating with your office.

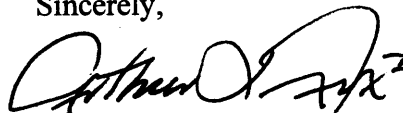
In addition, I believe that your staff may have been looking for a Federal Grade Equivalent. While understandable, this line of inquiry is highly problematic. Part of the problem lies with the fact that most federal jobs that have historically been contracted out have been relatively unskilled and at the lower end of the GS scale where equivalencies exist. Flight Service, on the other hand, is highly sophisticated work that requires the exercise of considerable judgment; and there are no other employees anywhere in the country, in either the public or private sectors, who perform this work. The only closely related or comparable jobs are those of the FAA's other Air Traffic Controllers assigned to the "Tower" and "Center" options. While there is substantial overlap between their jobs and the job of a Flight Service Controller, and while they are involved in what is known as the "separation of live aircraft," as demonstrated in NAATS' Request for Review, their jobs are far more linear, predictable and repetitive and do not require the mastery of, and ability to draw spontaneously upon, nearly as large a body of knowledge when discharging the much wider range of responsibilities assigned to Flight Service Controllers who must also work in an unpredictable environment..

Another part of the problem is that, as a result of Congress' enactment of the FAA Revitalization and Personnel Reform Act in 1995, the FAA abandoned the GS classification and compensation system and adopted instead what are known as "Pay Bands" for all but a handful of its employees. As a consequence, I submit that your staff will have little choice but to rely on other criteria contained in your regulations, most importantly the wages actually paid by the FAA to its Air Traffic Controllers pursuant to collective bargaining agreements, both with NAATS and NATCA (National Air Traffic Controllers Association), that were furnished to your office by NAATS, together with an electronic data base of the wages actually paid to all AFSS employees, broken down geographically, as of October, 2004.

I recognize that it will be a challenge for your staff to come up with, and issue, a reliable and valid wage determination for the AFSS controllers in the few short weeks prior to their being RIFed by the FAA and Lockheed Martin's assumption of responsibility for Flight Service pursuant to its contract with the FAA. Hopefully, given that NAATS' Request was originally submitted nearly 10 months ago, they will have, by now, made substantial progress on that task.

Once again, on behalf of NAATS, I want to extend our offer to be of any assistance whatsoever. Please do not hesitate to contact me with any questions or requests for information.

Sincerely,



Arthur L. Fox, II

Encl.

cc: Alfred B. Robinson, Jr.
William Gross
David M. Nadler, Esq.

JOB DESCRIPTION:

29011 -- AIR TRAFFIC CONTROL SPECIALIST (AFSS)

Air traffic control specialists at automated flight service stations (AFSS) must:

Brief pilots with whatever information and assistance as may be necessary for planning and executing a safe flight.

Develop the ability to discern a pilot's experience and competency and to tailor individual briefings accordingly.

Assist pilots to select routes and altitudes from point of origin to destination, and file flight plans on behalf of all general aviation pilots.

Master and be able to recall instantly knowledge of the capabilities of a wide range of aircraft, and to make flight computations and safety assessments based upon each aircraft's capabilities.

When necessary, obtain proper clearances for pilots to fly in controlled airspace.

Develop, disseminate and monitor Notices to Airmen (NOTAMs) with information concerning significant aeronautical conditions and flight restrictions.

Accumulate and master massive amounts of meteorological data that can affect flying conditions, including the causes, effects and dynamics of weather systems covering extensive geographic areas and their potential impact a wide variety of different aircraft, gather and analyze anecdotal weather observations from pilots, and brief pilots, both pre-flight and in-flight, vis a vis existing and projected en route weather conditions that could affect flight safety of their particular aircraft.

Develop proficiency on a variety of new, complex, developing micro-computer and weather radar systems, and stay abreast of rapidly evolving technologies.

Achieve skill in determining pilot capabilities and communicating tactfully, clearly and precisely with pilots of widely varying experience levels and in stressful, emergency situations, along with the ability to exercise sound independent judgment and to make rapid decisions in emergency, life-and-death situations, while remaining calm and objective.

Assist airborne pilots who are lost or in an emergency situation by use of navigational aids, radio direction finding equipment, radar, and/or reference to topographical features to reorient lost pilots, and directions to the nearest facility where the particular aircraft in distress can be safely landed -- a function that requires extensive and detailed, working knowledge of the locations and performance characteristics of navigational aids, the capabilities of a wide variety of aircraft, and the operational features of a large number of public and private airfields and landing areas that vary significantly in terms of services, obstructions, runway lengths, configurations, and lighting, together with the topographical features and landmarks, within a wide geographic area; in addition, the controller must be able to assess the skill level of pilots and communicate concisely and effectively with pilots of all levels of experience in a variety of situations, some very stressful.

Initiate and coordinate search and rescue operations for all aircraft that have not landed in accordance with flight plans by calling and directing airport personnel, police, fire, military and Coast Guard on an as-needed basis.

Remotely operate lighting at distant airfields, provide advisory services to pilots operating into or out of remote facilities where there is no air traffic control tower or during periods when the tower is closed, including information concerning other aircraft in the vicinity of, and conditions at, these remote facilities visual take-off and landing clearances.

Develop comprehensive knowledge of International Civil Aviation Organization rules and procedures when assigned to International Flight Service Stations, together with knowledge of procedures and requirements of the U.S. Customs Service and Drug Enforcement Administration and relay information to those agencies.

Relay information about military flights to destination facilities.