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FAA REAUTHORIZATION EXTENDED AGAIN; HOUSE APPROVES ITS VERSION OF LEGISLATION

PASS Pivotal in Defeat of Amendment to Eliminate Official Time

As the latest extension of the FAA reauthorization expired on March 31, Congress passed another extension to keep federal aviation programs running through May 31. The extension will extend certain taxes that fund the Airport and Airway Trust Fund in addition to the authority for the FAA to spend money from the fund for its operations. With the new extension in place, the House began debate on its version of the FAA reauthorization legislation (H.R. 658), which was passed by a vote of 223 to 196 on April 1. The bill would authorize $12.2 billion for airport planning and development and noise compatibility programs, $10.5 billion for air navigation facilities and equipment and $36.9 billion for operations for FY 2011 through FY 2014.

During debate on the House floor, amendments were offered on a variety of important subjects. PASS successfully launched an aggressive campaign against an amendment offered by Rep. Phil Gingrey (R-Ga.) to eliminate the use of “official time” for representational activities in the FAA. Under the Civil Service Reform Act of 1978, all federal employees throughout the federal government are granted the use of official time for representational activities. PASS representatives use official time for such vital activities as attempting to resolve labor-management disputes at the lowest organizational level and providing input into air traffic control modernization programs. “Official time is designed only for resolving workplace disputes and for performing other valid representational activities and cannot be used for internal union matters, such as organizing union members or engaging in political activities,” said PASS National President Tom Brantley in a letter to members of Congress in the House. “PASS representatives use official time to negotiate collective bargaining agreements that address issues critical to our workforce, such as providing workplace safety protections, procedures for efficient travel and training of employees.” House Aviation Subcommittee Ranking Member Jerry Costello (D-III) led the effort against this amendment. With lawmakers opposed to the amendment on both sides of the aisle, and with swift action on the part of PASS members who answered the call to action to contact their member of Congress in the House, the amendment was defeated on the House floor by a vote of 227 to 195. PASS members are encouraged to go to http://clerk.house.gov/evs/2011/roll212.xml to see how your House representative voted on the Gingrey amendment. If your House representative voted against the amendment, please contact them and thank them for their support.

In addition, a bipartisan amendment was offered by Reps. Steve LaTourette (R-Ohio) and Costello aimed at preventing the implementation of a provision in the legislation that would reverse fair union election rules for airline and rail workers. The controversial measure in the House bill would change union election rules and count any non-vote by an eligible employee as a “no” vote. Unfortunately, the amendment failed and the language is included in the legislation passed by the House. The provision raised the concern of the administration, who issued a statement saying that if the provision was included in the final legislation, the president’s “senior advisers would recommend that he veto the bill.”

The Senate passed its version of the FAA reauthorization legislation (S. 223) on February 17 and the bills will now go to conference in order to resolve the differences between the two versions (see Legislative Update, February 25, 2011). The two bills contain some major discrepancies, including the length of the authorization and whether to raise certain taxes to pay for air traffic control modernization expenses. There has also been strong opposition to the House funding levels, which rolls back funding to FY 2008 levels. The funding cuts prompted Costello to call the bill “a threat to the safety of the flying public” and Rep. Michael E. Capuano (D-Mass.) to say that the bill would not “create jobs, it will destroy them.” “One thing we should all be honest about right now – this is not a jobs bill,” echoed House Transportation and Infrastructure Committee Chair Nick
Rahall II (D-W.Va.), “You cannot cut funding so dramatically without destroying tens of thousands of jobs: Federal jobs, state jobs, local jobs, public and private sector jobs. In addition to costing jobs, the bill’s funding cuts would cause delays to air traffic control modernization – meaning more delayed flights – a reduction of FAA’s safety workforce and delays to FAA safety rules.”

Regarding PASS’s issues, PASS is encouraged that both versions of the legislation include language that incorporates binding arbitration before a neutral third party for contract disputes, providing for a fair collective bargaining process between the FAA and its unions. In addition, both versions direct the National Academy of Sciences to examine staffing needs of the technical workforce. Both bills also include language regarding the FAA inspector staffing model. However, as opposed to the Senate language that makes staffing according to this model a requirement, the House language includes a qualifier stating that it must be done “to the extent practicable and in a cost-efficient manner.”

There are also differences between the two versions of the legislation that PASS will be targeting as the bill moves to conference. For instance, the House legislation has removed language that requires union involvement in FAA modernization initiatives, while the Senate version requires the FAA to collaborate with FAA unions. The House language also does not include stakeholder input into the realignment and consolidation of facilities. In addition, the House version does not mandate that all FAA-certificated foreign repair stations be inspected at least twice a year and includes considerably weaker language regarding the use of non-certificated repair stations. While both versions of the FAA reauthorization legislation contain language encouraging third parties to develop, test and maintain flight procedures, the House language actually requires the FAA to use third parties. PASS will be working with lawmakers to remove this portion of the language from the final legislation. PASS will also work to eliminate the language in the House version on a pilot program for airport or airport sponsor takeover of terminal area air navigation equipment. There will also be a push to ensure inclusion of the Senate language stating that the FAA make no distinction between public or privately owned equipment, systems or services used in the National Airspace System when determining certification requirements.

As the legislation moves to conference, all PASS members should be on alert for updates and calls to action as PASS works to make sure the final legislation contains provisions important and beneficial to PASS members.

SENATE REPUBLICAN INTRODUCES LEGISLATION TO ELIMINATE FEDERAL PENSIONS

Employees Hired Starting in 2013 Would Be Affected

Yet another piece of legislation has been introduced that takes aim at federal employee pay and benefits in an attempt to decrease the deficit. On March 17, Sen. Richard Burr (R-N.C.) introduced the Public-Private Employee Retirement Act of 2011 (S. 644), which seeks to eliminate the defined benefit annuity under the Federal Employees Retirement System (FERS) for federal employees hired starting in 2013.

According to the legislation, existing federal employees will not be affected and the cuts would not impact federal employees’ Thrift Savings Plan (TSP), leaving intact the five percent employer match. However, under the legislation, future retirees and survivors would not be eligible to participate in the Federal Employees Health Benefits Program (FEHBP). Currently, federal employee retirees and survivors must be annuitants to receive health insurance under FEHBP. With the elimination of the FERS annuity, there will cease to be a FERS survivor benefit, which many retired federal employees and spouses rely upon to make ends meet.

The bill currently has 12 cosponsors, including Sens. Saxby Chambliss (R-Ga.), Tom Coburn (R-Okla.), John Cornyn (R-Texas), John Ensign (R-Nev.), James Inhofe (R-Okla.), Ron Johnson (R-Wis.), Jon Kyl (R-Ariz.), Mike Lee (R-Utah), John McCain (R-Ariz.), Jeff Sessions (R-Ala.), John Thune (R-S.D.) and Pat Toomey (R-Penn.). While a House companion bill has not been introduced yet, PASS will continue to monitor this bill and work to oppose it and any future anti-federal employee legislation.