



LOCAL 200

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AFGE Local 200 Testimony for Submission to the House Subcommittee on Aviation

March 22, 2007

FAA Collective Bargaining Process Leads to Imposed Work Rules and Pay Plans on FAA Bargaining Units

Good Day Chairperson Costello, Ranking Member Petri, and Distinguished Members,

AFGE Local 200 represents approximately 250 Federal employees at the William J. Hughes FAA Technical Center. Those employees perform essential technical support of electronic systems that are used to control air traffic in the FAA's National Airspace System (NAS). The systems used by Air Traffic Control personnel rely on us for the deployment of new and improved NAS products and on expert repair and restoration services when systems fail.

We are writing to bring attention to the plight of all FAA Bargaining Units with regards to Federal Aviation Administration (Agency) Collective Bargaining law. As Congress is well aware, the current law allows working conditions to be imposed by the Agency with no third party analysis and/or 'sanity checks'. The Unions have no right to strike and therefore must work under imposed rules and pay.

Members of the Subcommittee, as a matter of urgency, our Local is the next Bargaining Unit in line to be imposed upon. Our own experience with this process shows that the FAA has no incentive to negotiate on contested issues. After the Agency imposed working conditions on two large Bargaining Units, it was clear that, not only did they not concede on any issue under contention, but regressed and/or rescinded previous written Agency proposals. Our bargaining team signed three Management proposals, returned them across the table and was promptly told that "things had changed" since the proposals were delivered. The Agency then regressed and took the position that the articles were not needed in the contract at all.

Further proof of the Agency's lack of incentive to negotiate serious issues follows. Throughout negotiations on work rule articles, it was repeatedly stated by the Agency Chief Negotiator that the existing Agency Team did not have the authority to negotiate budgetary issues nor pay. At the conclusion of work rule negotiations, the Agency would commit other negotiators to the process for that purpose. Upon entering discussions on these issues, the Agency rescinded its position and committed no persons with the authority to negotiate budgetary or pay issues to the process. Even upon initiation of the Mediation process, no agency representatives were present or consulted with on those issues under contention. The Agency simply believed there was no need because their proposal can be forced upon us.

The Reality Of 'Mediation'

AFGE Local 200 negotiators met on March 15, 2007 with the Agency Chief Negotiator and one non-budgetary manager under the facilitation of Commissioner John Gabrick of the Federal Mediation and Conciliation Service (FMCS). During the day, the Agency Chief Negotiator let it be known that the Agency's intent was to complete the effort that day.

What ensued was not mediation. There were numerous written concessions made by the Union while there was not a single Agency proposal or counter proposal. The Agency made threats of outsourcing the Bargaining Unit's jobs rather than making an effort to find one single thread of agreement.

It became apparent later that no mediation was intended by the Agency. The Union, using data from an Agency presentation on pay, offered to forego \$700,000 in additional pay over the next three (3) years simply by staying in the current pay system. It was known to the Union that the \$700,000 for our 250 employees (\$1,300,000 over 5 years) was an enticement to enter into the Agency's Core Compensation Pay System. The Agency refused to concede anything including saving this amount of labor costs in the 3-year term of our contract.

In Closing:

Congressmen and Congresswomen, the urgency of our situation is hard to convey without putting a face on the negative impacts our employees will be subjected to without due process. Immediately, impacts will hit technical, administrative, professional and specialized occupations within our Bargaining Unit. Without a fair Collective Bargaining mechanism to follow, about 40% of our employees will be adversely impacted within two and a half years. We have married couples, 30-year employees, and 3-year employees; all of whom we can prove will be financially impacted negatively for life.

The situation as we know it is this:

- Though our Local is committed to negotiating a contract, we are anticipating a written declaration of 'impasse' from the Agency.
- Upon such declaration, we await a solicitation under the current law by the FAA Administrator. This solicitation would request, and we quote 40122, Section A, Paragraph 2; "...the objections of the exclusive bargaining representatives to the change, and the reasons for such objections...". The Administrator is required by this law to transmit to Congress these objections and reasons for the objections along with the Agency's proposed change (their 'last, best').

We urgently request that if the Agency's submission does not include such objections and reasons for them, that Congress reject the submission and direct the Administrator to comply with the existing Law.

In addition, we must resort to filing of Unfair Labor Practices with the Federal Labor Relations Authority for the Agency's failures to negotiate. **We again urge Congress to reject the Agency's submission while FLRA deliberations are pending.**

We are highly appreciative of Congressman LoBiondo's keen understanding of our situation and thank you all for your time in hearing our submission. Clarification on any of our statements or further insight into the FAA Bargaining Process or Core Compensation Pay Plan may be addressed to Robert Challender, Vice President, AFGE Local 200.