



U.S. Department  
of Transportation

Federal Aviation  
Administration

**JUL 31 2009**

Rx 8/17/09

Central Service Area  
Technical Operations

2601 Meacham Blvd.  
Fort Worth, Texas 76137

**CERTIFIED – RETURN RECEIPT**

Mr. Luke Drake  
Region I Vice President  
Professional Aviation Safety Specialists  
141 Duck Pond Road  
Weare, NH 03281

**RE: Employee Filed Grievance GETS #94252 – No Alleged Article Cited of the FAA/PASS Collective Bargaining Agreement (CBA)**

Dear Mr. Drake:

This is in response to the referenced grievance that you elevated to third level consideration by letter dated March 6, 2009. The grievance alleged that Mr. Ariel Garcia's promotion to the H-band was unreasonably delayed. You requested an opportunity to discuss this grievance prior to a third level decision being rendered. We discussed the referenced grievance at our last quarterly meeting and this is to follow up on that discussion.

I have reviewed the first and second level responses for this grievance. In consideration of your concerns, we have again reviewed Mr. Garcia's training records and did an evaluation in accordance with Appendix V of the FAA/PASS CBA. It appears that Mr. Garcia was first eligible for promotion to the H-band on June 22, 2008, instead of November 10, 2008.

Management will process actions to correct the effective date of Mr. Garcia's promotion to the FV-2101- H to June 22, 2008. The grievance is sustained. He will receive retroactive payment for the money he should have earned if promoted on June 22, 2008, as soon as Payroll can process the appropriate actions.

Additionally, I have informed management to cease and desist using the Chicago SMO Promotion Checklist Supplement form and to use the Airways Facilities Supervisor Endorsement in accordance with Appendix V of the FAA/PASS CBA. I have also notified Management of the requirement for training plans for employees in accordance with FAA Order 3000.57, Air Traffic Organization Technical Operations Training and Personnel Certification Program.

Sincerely,

Jo L. Tarrh  
Director, Technical Operations  
Central Service Area