



U.S. Department
of Transportation
**Federal Aviation
Administration**

Central Service Area
Technical Operations

2601 Meacham Blvd.
Fort Worth, Texas 76137

Rx 8/17/09

JUL 31 2009

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 #89749 – 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 dated February 11, 2009. The grievance alleged that Mr. James Patinka's promotions to the F and G band were 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 carefully reviewed the first and second level responses. In consideration of your concerns, we have again reviewed Mr. Patinka's training records and did an evaluation in accordance with Appendix V of the PASS/FAA CBA. The grievance at the first level was partially sustained and a decision was made to make Mr. Patinka's promotion from the F band to the G band retroactive to March 30, 2008 from the original date of November 5, 2008. I agree with this decision.

I disagree that Mr. Patinka was eligible for promotion to the H band on July 13, 2008. It appears that Mr. Patinka was first eligible for promotion to the H-band on October 12, 2008, instead of December 7, 2008. The grievance is sustained. Management will process actions to correct the effective date of Mr. Patinka's promotion to the FV-2101-H to October 12, 2008. He will receive retroactive payment for the money he should have earned if promoted on October 12, 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