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## PROFESSIONAL AVIATION SAFETY SPECIALISTS

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June 3, 2008

*Via Fax and Certified Mail R/R/R*  
202-267-5807

Mr. Steve Zaidman  
Vice President for Technical Operations AJW-0  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

Re: Letter to Senator Gregg

Dear Mr. Zaidman:

On May 22, 2008, you wrote a letter to Senator Judd Gregg regarding the FAA's technical employee staffing. In your letter, you stated:

*Although the monthly technical employee staffing level has fluctuated, the average staffing level has remained above the 6,100 level advocated by Mr. Brantley. In order to maintain that staffing level, the FAA is working to improve the technical employee hiring process.*

Although your letter is very troubling in a number of ways, I will point out the most glaring misstatements and deceptions. First, you stated that the 6,100 staffing number reflects a level "advocated" by PASS President Tom Brantley. By characterizing the staffing level as something I simply "advocate" you give the false and misleading impression that there is no binding, written staffing agreement between PASS and the FAA that requires the FAA to maintain a minimum safe staffing level of at least 6,100 technical employees. Second, your letter is deceptive in that it falsely implies that the staffing agreement between PASS and the FAA only requires the FAA to maintain an "average" number of technical employees over some undefined period of time. You know that is not true. The staffing agreement requires that **"the FAA shall have on board no fewer than 6,100 technical employees."** The term "average" is not used in the agreement reached in 2000 and, until now, FAA witnesses have never claimed in any legal proceeding that the staffing agreement only requires an "average" number of employees to be maintained. This is nothing more than the latest fiction apparently created by FAA labor

relations officials in a failed attempt to justify the Agency's continuing breach of the staffing agreement.

Please recall that in 2004 the Federal Labor Relations Authority specifically upheld Arbitrator Sean Rogers' March 1, 2004, decision requiring the FAA to **"immediately take action consistent with law to raise the total number of technical employees...to a minimum staffing level of 6,100 and to maintain that level for the duration of its agreement with the Union."**<sup>1</sup> The FLRA did not rule that the FAA could comply with the Parties' staffing agreement by simply maintaining an "average" number of technical employees. It is extremely distressing that federal officials charged with protecting the safety of the flying public, such as yourself, have such a cavalier and recalcitrant attitude about engaging in a multi-year breach of an agreement designed to ensure that there is an adequate number of technical employees to safely maintain and certify our nation's air traffic control system.

When the FAA defied the FLRA's 2004 decision and continued to refuse to comply with the staffing agreement, PASS was once again forced to take action by filing an unfair labor practice charge with the FLRA General Counsel. The General Counsel issued a complaint against the FAA and, just prior to trial and over PASS's objections, the FAA and the FLRA entered into a unilateral settlement agreement that addressed the FAA's future compliance with the staffing agreement. The July 18, 2006, settlement agreement states that **"the Agency will maintain the 6,100 staffing level for technical employees...for the duration of the current collective bargaining agreement...and for 16 months during the life of the successor collective bargaining agreement."** Again, there is no mention of maintaining an "average" number of technical employees. Mr. Zaidman, it is apparent that you do not recall that you personally signed the July 18, 2006, settlement agreement.

I am also extremely skeptical about your statement that "the FAA is working to improve the technical employee hiring process." When FAA labor relations officials recently approached PASS on your behalf, it was to attempt to obtain agreement from PASS to reduce the minimum safe technical employee staffing level. It is difficult to believe that the FAA would be working to improve its hiring process (presumably to assist in increasing staffing above the agreed-upon minimum level) while at the same time trying to obtain union agreement for lower technical staffing levels. In addition, we requested but failed to receive a copy of the staffing model or tool relied on by the Agency to support its request.

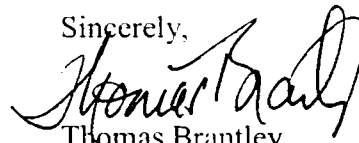
Unfortunately, we have become accustomed to FAA officials making misleading and deceptive statements during arbitration proceedings under our grievance procedure. However, it is quite another matter when such statements are made to members of Congress. Out of professional courtesy, I am willing to give you a reasonable opportunity to correct your May 22, 2008, letter to Senator Gregg (and any other members of Congress who received similar letters) before PASS takes further action. Please contact me before the close of business on Thursday, June 5, 2008, if you plan to correct your letter(s). If I do not hear from you by that time, I will assume that you are standing by your statements and have decided not to take any corrective action. Quite frankly, after knowing you for as long as I have, I am surprised that you appear to

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<sup>1</sup> *FAA and PASS*, 60 FLRA 159 (2004).

be willing to allow FAA labor relations personnel with their own agendas to misguide you in a way that could expose you to personal jeopardy.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Brantley". The signature is fluid and cursive, with a large loop at the end.

Thomas Brantley  
National President