

Irreparable Harms to Controllers

- Loss of Federal Employment
- Loss of Federal Retirement Credits
- Dramatic Reduction in Federal Retirement Benefits
- Loss of Investment in Special Retirement Program
- Loss of Health Insurance
- Loss of Life Insurance
- Loss of Civil Service Protections
- Disruption of Families

Controllers Have a Substantial Investment in Their Employment That Is Not Easily Transferred

- ✓ Minimum of three years of work experience or four years of college before working with the FAA
- ✓ Previous service as Controllers in the military
- ✓ Thorough screening process, aptitude tests, physical and psychological examinations
- ✓ Three months of rigorous training at the FAA Academy in Oklahoma City
 - FAA regulations
 - Aircraft performance characteristics
 - Controller equipment
 - Airway system fundamentals
- ✓ Written pre-employment examinations
- ✓ Medical exam, drug screening, and security clearance
- ✓ Additional two years of on-the-job training before they are able to attain full performance level
- ✓ On average, 15 to 18 years of experience
- ✓ An estimated 4 years of specialized training

IMPACTED CONTROLLERS

- 1,935 = Total of Controllers to be Fired
- 1,777 = Total of Over-40 Controllers To Be Fired
- 91.8% = Percentage of Over-40 Controllers Impacted



834 Initial Plaintiffs

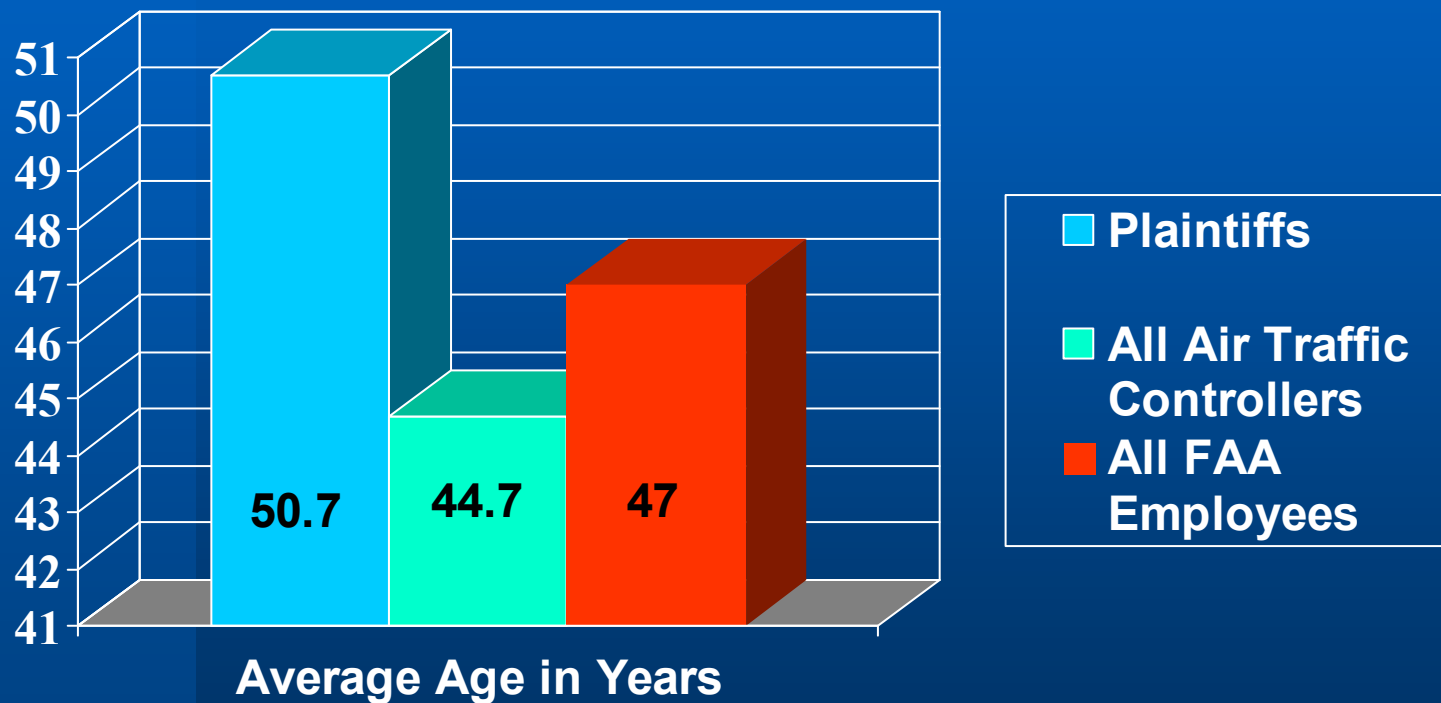
+ 84 Proposed New Plaintiffs

918 Total Plaintiffs

=

51.6%
Percentage of
Plaintiffs in
Impacted Group

Plaintiffs are Members of a Protected Class



Source: <http://fedscope.opm.gov> as of March 2005

“Retirement Eligible Workforce”

--> Business Case for Competition

Outside Influences

- ❖ DOT IG recommendation on consolidation
- ❖ FAA Studies
- ❖ OMB Guidance
- ❖ President's Management Agenda

OPPORTUNITY

State of AFSS

- ❖ Aging facilities and equipment
- ❖ Retirement eligible workforce
- ❖ Imbalanced workload
- ❖ Inadequate funding of AFSS related programs
- ❖ Potential for efficiencies

Source: www.faa.gov/aca/afss/afss.htm February 1, 2005

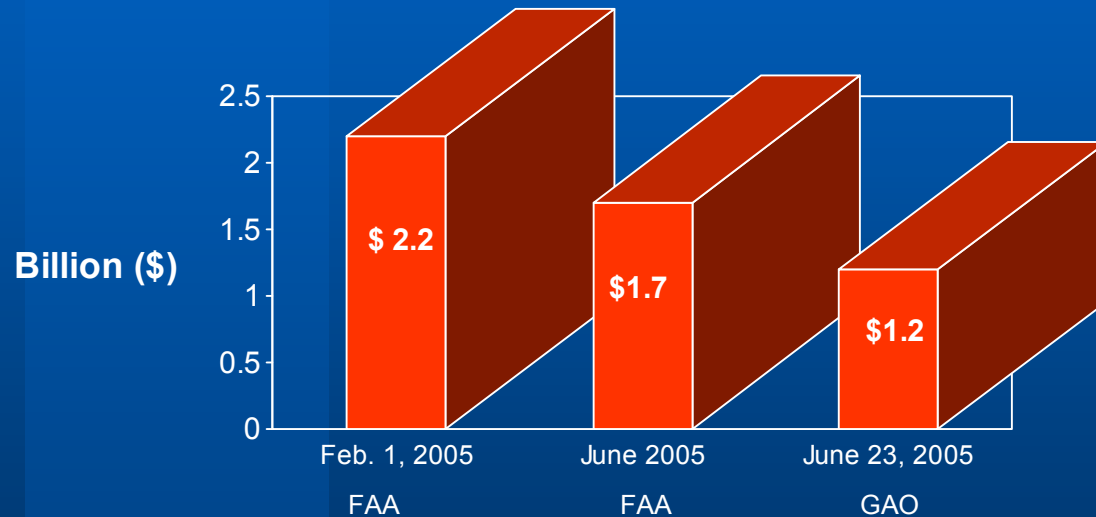
Direct Evidence that FAA Targeted Older Workforce for Replacement

- ✓ “Almost 40 percent of Flight Service employees, they’re eligible to retire. So here’s the dilemma: how can we save money and upgrade our equipment and our services to [pilots] at the same time?”
- *FAA Administrator Marion C. Blakey*
- ✓ “[M]ore than half of the 2,500 flight service specialists involved in the competition were eligible to retire on Feb. 1, the date of the decision.”
- *FAA spokesman Greg Martin*
- ✓ “54% of the 2,500 Automated Flight Service Station employees are eligible to retire, leading to an increase in costs for recruitment and training.”
- *FAA, “Fact Sheets: Automated Flight Service Stations Preparing for the Future.” (August 30, 2004)*



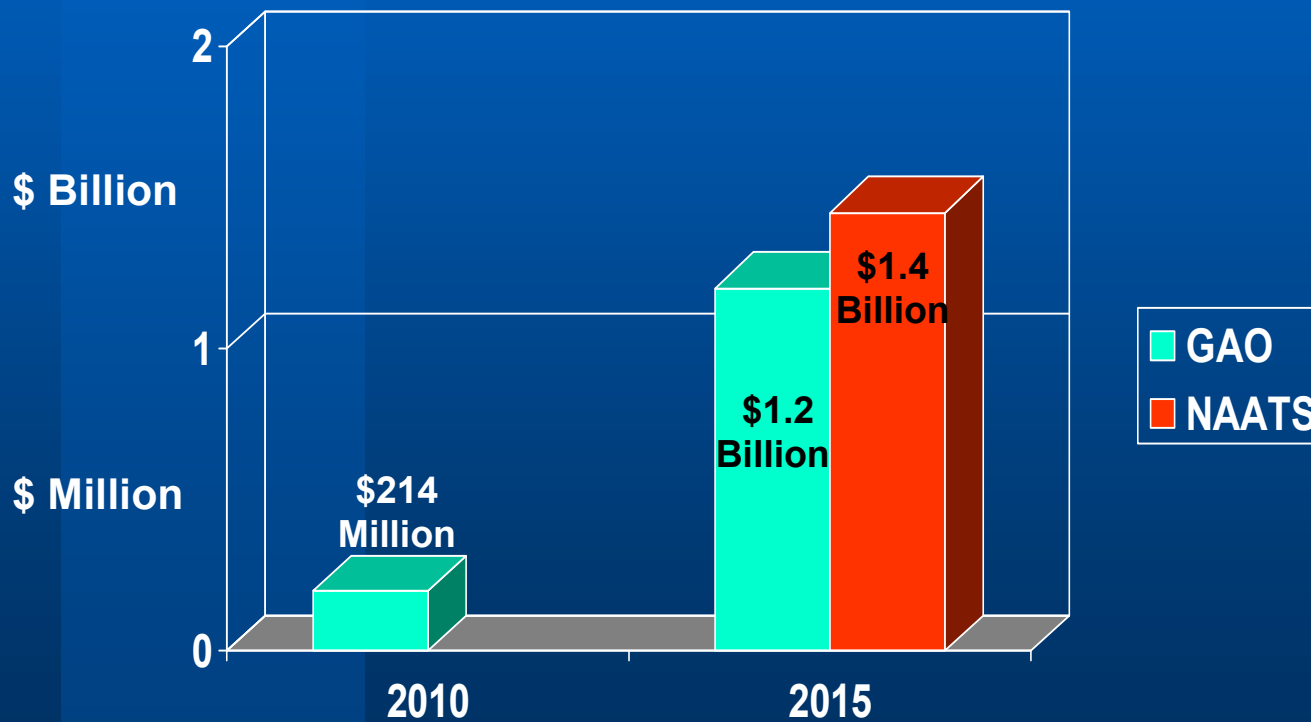
The FAA's Legitimate Nondiscriminatory Reasons Are Pretexts

False FAA Cost Savings Estimates



**ACTUAL COST
SAVINGS ESTIMATED
BY 2010:
Only \$241 Million (GAO)**

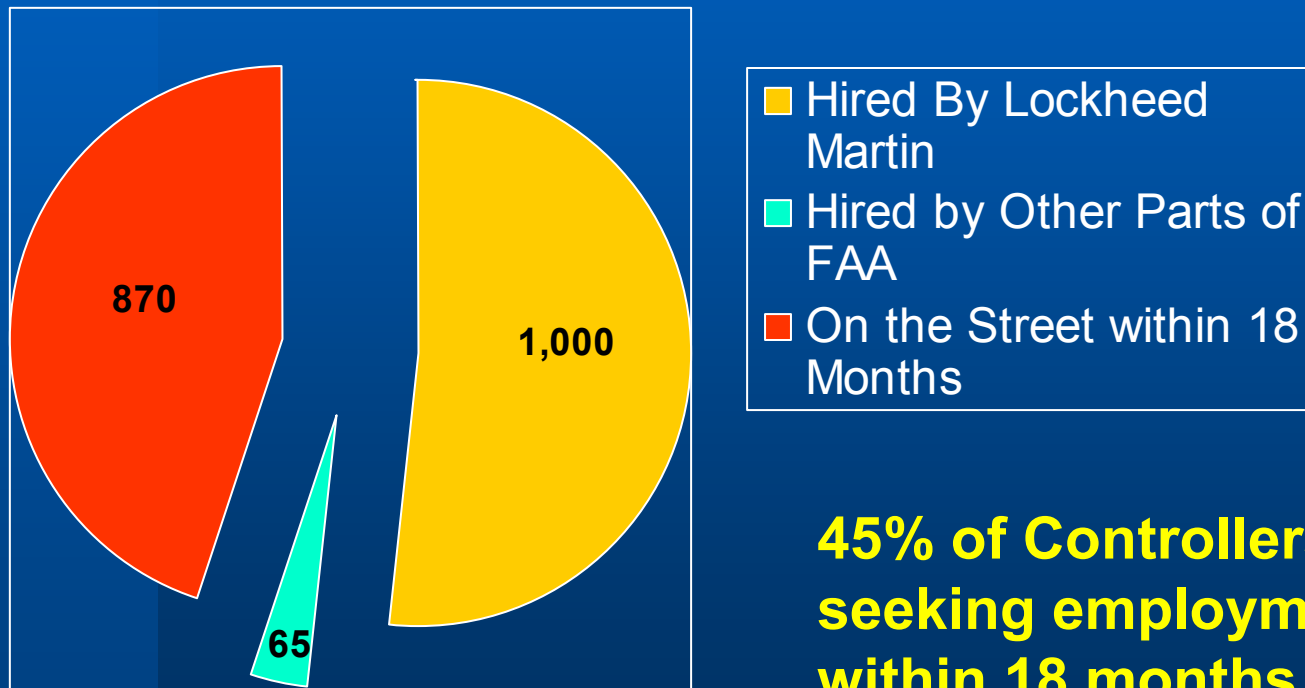
Cost Savings



NAATS projected cost savings for 2015 exceeds GAO projected cost savings

RIF Will Have a Devastating Impact on Controllers

1,935 Controllers To Be Fired on October 4, 2005



This diagram is representative of the best case scenario.

45% of Controllers will be seeking employment within 18 months

Nullification of Controllers' Retirement Benefits

Controller's Retirement

20 yrs of "good time" + 50 yrs of age
-Or-
25 yrs of "good time"

- ✓ Immediate Annuity *
- ✓ Life & Health Insurance

** 1.7% of their High Three for each of their first 20 years of service and 1 % for each additional year*

Discontinued Service Retirement

20 yrs of service + 50 yrs of age
-Or-
25 yrs of service

- ✓ Immediate Annuity
- ✓ 1% of High Three
- ✓ (CSRS - 2% per year before 55)
- ✓ Life & Health Insurance

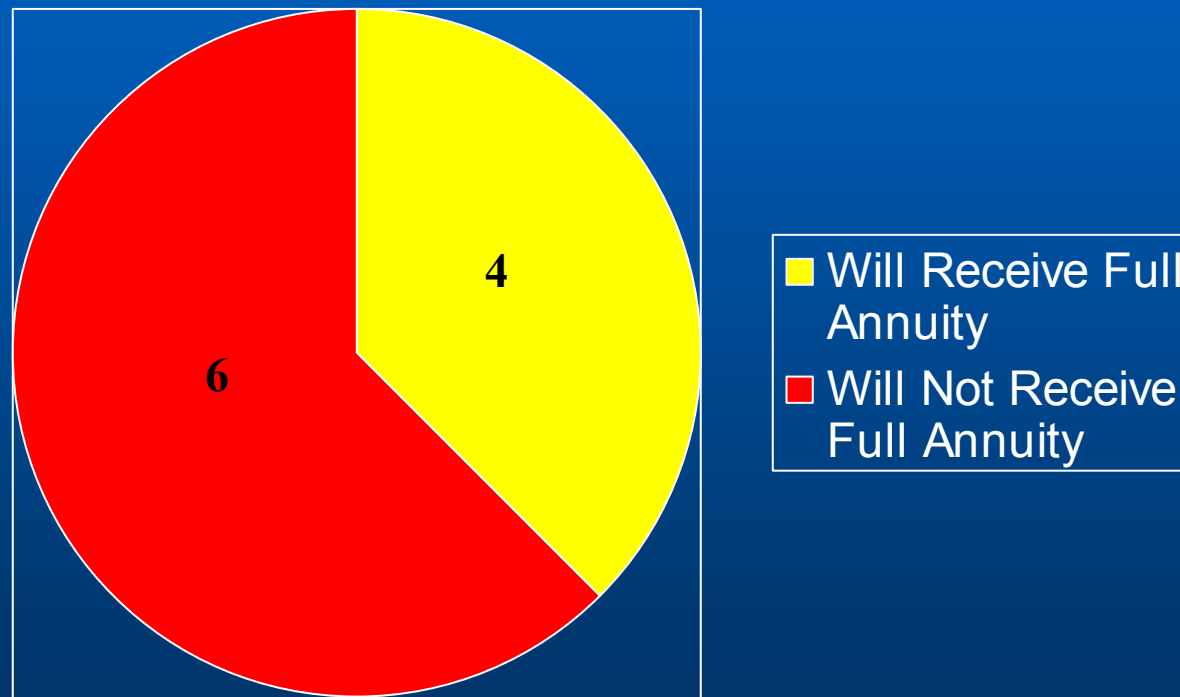
Deferred Retirement

More than 10, but less than 20 yrs of service

- ✓ Annuity at 62 **
- ✓ No Life & Health Insurance

***Or reduced 5/12 of 1% for each month (up to 5% per year) you are younger than age 62 when you start receiving your annuity.*

Controllers Who Will Not Receive Their Full Annuities



6 out of every 10 Controllers will not receive their full annuities.

Controllers' High Threes Will Be Reduced



45% of NATCA Controllers are still on the job 6 years after becoming eligible for retirement.

Families Who Will Suffer Hardship from the Reduction in Force and Forced Relocation



In order to obtain a Preliminary Injunction, the Plaintiffs must show:

- 1) there is a substantial likelihood Plaintiffs will succeed on the merits;
- 2) Plaintiffs will be irreparably injured if an injunction is not granted;
- 3) no other party will be substantially harmed if the injunction is granted; and
- 4) the public interest supports granting the injunction.

See Serono Labs., Inc. v. Shalala, 158 F.3d 1313, 1317-18 (D.C. Cir. 1998);
Randolph-Sheppard Vendors of Am. v. Weinberger, 795 F.2d 90, 110 (D.C. Cir. 1986).