

E-Mail Update June 5, 2006

Sunday, 18 June 2006

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NAATS HQ E-Mail Update E-Mail upate for June 05, 2006

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NLRB Election

The election is on schedule; the ballots will be mailed on June 14th and must be returned by June 30th. (Click on NLRB Election Notice and Sample Ballot below.) By now, most of you have received a mailing from NAGE President David Holway along with a flyer. The mailing was sent to everyone on the flight service employee list provided by Lockheed Martin to the NLRB; if you are in the bargaining unit and did not receive the mailing, please let LM, NAATS and the NLRB (410-962-2931) know so you can be added to the ballot list. If you are not in the bargaining unit and received the mailing, I apologize for any inconvenience; you should also inform LM, NAATS and the NLRB that you're on the list and shouldn't be. Let's use this opportunity to ensure that everyone who is entitled to vote gets a ballot. There will be a quick turn around and I don't want anyone left out; this is just too important for everyone.

Retirement Issues

I met with Steve last week and we are trying to set up some meetings within the next couple of weeks on my days off. We will look at all the retirement issues (1.7%, CSRS penalties, COLA) and how best to handle them.

WAGES

The DOL has finally completed a draft wage determination (WD) decision in response to our October, 2004 petition; that draft is now undergoing levels of review; but there is no telling when it will see the light of day. No doubt, you may be wondering, what is a WD and how can it affect me?

Years ago, Congress enacted the Service Contract Act (SCA) to prevent the federal government from giving federal jobs to private-sector companies which can afford to undercut the government by paying their employees substandard wages. And the SCA authorized the DOL to research and then publish what it considers to be fair and reasonable WDs for every contracted-out job in every different labor market throughout the nation. Technically, therefore, LM is only required to pay us at whatever rates happen to be set forth in the DOL's WD for our job classification. And the current WD for "29011, Air Traffic Control, Specialist" dates back to the first century AD. Everyone recognizes that the WD for our jobs is ludicrously (translate: dangerously) low.

Therefore, without a new WD reflecting our current jobs and pay scales, LM will eventually be tempted to revert to the pay scales contained in the current WD. And even if the DOL promulgates a new WD, while it will undoubtedly be an improvement, it still might not require LM to pay us as much as we are currently earning. Thus, without a collective bargaining agreement locking in our current pay, our wages and benefits are at risk. (This is particularly true if you do not vote for union representation in the NLRB election.)

Critical point: However, the DOL has informed us that it will adopt as its official WD for flight service whatever pay scales LM might agree to pay us in a collective bargaining agreement, and the FAA would then be required by law to reimburse LM for the differential between the wages in effect at the time our jobs were contracted out, and the new wage rates required to be paid in a collective bargaining agreement. Bottom line: the only way we can be sure both to hold onto, and then to work to improve, our economic welfare will be to get our jobs covered by a collective bargaining agreement with LM; otherwise, we're looking a very substantial erosion in our welfare over time.

Despite the foregoing, LM is attempting to persuade you, its flight service controllers, during LM's mandatory "captive audience" meetings at facilities around the country that the only thing you have to fear is the possibility that a collective bargaining agreement might provide for lower wages and benefits than you are currently being paid. Don't be fooled. It's a bluff. While LM is literally correct that the law only requires it to "bargain in good faith," it wants you to believe that it could start the bidding at \$10 per hour and refuse to go above \$20. Two problems. First, that strategy would not fulfill its statutory duty to bargain in good faith and it would be looking at another NLRB complaint since it cannot demonstrate economic hardship and a legitimate need to reduce our wages. Second, since LM will be able, by operation of the SCA process I've just described, to "pass through" to the FAA any wage increase that might be contained in a collective bargaining agreement, LM does not stand in the shoes of your typical private-sector company trying to make a buck and clear a profit for its shareholders since it will suffer no economic hardship if it were to give us a wage increase during collective bargaining.

Kate Breen