

NAATS HQ E-Mail Update March 17, 2006

FLRA – Nothing new. The San Francisco Regional office is finalizing a stipulation of agreed-upon facts and the FAA and NAATS will then submit legal briefs to the Regional Director who will decide whether the existing description of the Flight Service bargaining unit needs to be modified and, if so, exactly how. Once our brief has been filed, a copy will be posted

NLRB – This is where the BIG ACTION has been over the last several weeks. Remember, the Unfair Labor Practice Complaint (posted on our website) issued by the Baltimore Regional Office is scheduled for trial on Monday, March 27th.

Meanwhile, we had asked the General Counsel in Washington, DC, to authorize the pursuit of emergency injunctive relief against LM to require it to recognize and bargain with NAATS while the slow administrative adjudicatory process necessary to resolve the ULP Complaint ground forward, a process that could possibly consume two or more years. On March 7th, however, our attorney, Arthur Fox, was summoned to a meeting with the General Counsel who indicated that LM's lawyers had approached him and expressed a willingness to explore settlement talks with NAATS that might possibly lead to LM's recognition of NAATS without the need for the NLRB to spin its adjudicatory wheels. As a consequence, the General Counsel indicated that he was unwilling to approve our request to seek injunctive relief against LM at this time. But, he did volunteer to prod LM to make good on its promise, an offer we accepted.

Several days later, LM's outside legal counsel, Jimmie Stewart of the Greenville, SC firm of Ogletree, Deakins, wrote to Mr. Fox and proposed a meeting to discuss the possibility of a settlement whereby LM might possibly agree to the NLRB's conduct of a secret-ballot referendum to determine if a majority of its Flight Service Controllers (excluding managers, supervisors and support staff) wished to be represented by a union (NAATS) and, if so, to abide by the outcome. Of course, as the saying goes: "***the devil is in the details.***" Mr. Stewart did, in fact, fly to Washington and meet with our counsel this morning. Mr. Fox suggested that he proceed to flesh out his settlement proposal by drafting a comprehensive written proposal. Mr. Stewart agreed to do so and we expect to be able to examine his proposal next week to determine if there really is a prospect of informally resolving this matter sooner, rather than later at the end of the NLRB's trial and appellate process. And, in order to give everyone a chance to explore this option, the parties, just this afternoon, agreed to postpone the NLRB trial by 2 days; so, it is now scheduled to begin on Wednesday, March 29th. I'll keep you posted if anything develops on this front.

Of course, while these discussions have been ongoing, Arthur Fox, Denise DeStefano and I have been collaborating with the NLRB's Baltimore attorney

who will be prosecuting the ULP charge at trial, answering questions, researching our files, Xeroxing voluminous piles of documents, compiling exhibits, responding to *subpoenas duces tecum* served on us by LM, and generally preparing feverously for trial. Simply stated, we do not intend to let down our guard just in case LM's settlement overtures turn out to have been a Trojan Horse intended primarily to buy time by persuading the General Counsel to "hold his fire" and not seek an injunction against LM.

Stay tuned, while our lives seem to have gone into a hectic tailspin, I'll do my best to keep you updated as significant events unfold.

W-2's – Still waiting on the amended W-2s from LM and the FAA. According to what Ron Consalvo was told last week we should have seen the FAA amended W-2s by last Monday. This is in regards to those people who were paid their sick leave by mistake, paid it back and the FAA had to amend the W-2s to reflect that. If you still haven't seen the one from the FAA call that number on your letter and check on it.

Well-Qualified – The folks at LAN have done an outstanding job with their ULP on the well qualified issue. If you have questions or would like help on this, please contact Regional Director Jack O'Connell at NAATSGLEgDir@cs.com.

1.7% Retirement Issue – Have been playing phone tag with the NAGE legislative representative. Will try to get with him again this week.

The New Address effective March 1

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