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PROFESSIONAL AVIATION SAFETY SPECIALISTS, AFL-CIO

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January 29, 2024

The Honorable Michael Whitaker
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Whitaker:

It is regrettable that I must communicate that many managers are not following your direction and not following our collective bargaining agreements (CBAs). Since your announcement last November that the agency would reassess the telework agreements for employees based on the Biden Administration's return-to-the-office edict, the bargaining unit employees we represent have been on pins and needles awaiting the rollout, despite multiple assurances from your representatives that the processes laid out in our CBAs would be followed.

We received assurances that the plan was to have an "aggregate" of employees in the office at least two days per pay period. Based on a survey of BUEs conducted by PASS, I sent a letter to Acting Administrator Polly Trottenberg, dated October 18, 2023, that laid out in comprehensive detail, that PASS bargaining unit employees already met these criteria. The data revealed that PASS-represented employees telework less than two days per week and are in an office for approximately six days a pay period. This should satisfy the agency's need to have an aggregate of two days teleworking.

We also stated that in accordance with our CBAs, the telework agreements are to be evaluated on a case-by-case basis as was done before the pandemic, and as has been done since the pandemic national emergency was lifted. As we have maintained, the amount of telework and in-person work depends on the nature of the work an employee performs. It is apparent that the agency already aligned the use of telework in carrying out its mission. For example, the AVS workforce was realigned by function with Flight Standards purposefully moving away from a structure based on geography. Much of the workforce works in a virtual manner by the agency's own design.

Despite all of this, some managers have proceeded to coerce and intimidate employees with an artificial timeline to amend their current telework agreements to comply with your guidance. The action has been compounded by the way it was approached. Instead of a fair and honest assessment on a case-by-case basis, managers are sending out mass messaging to employees to make the changes and sometimes admitting that the telework agreement is being changed solely because of direction from FAA leadership. As we have often stated, PASS objects to the broad-brush approach and will continue to file grievances.

It is enormously disappointing that management is not complying with our CBAs and has taken action that blatantly disregards the processes and procedures we have negotiated with regards to teleworking. I expect more from the administration of a self-proclaimed pro-labor president. What is interesting is that individual employees are taking the initiative to file grievances in numbers we have not seen before. It is clear these actions are affecting the morale of many employees, and the union is merely voicing their concerns.

You must reverse this trend and make it right for PASS bargaining unit employees by restoring the telework agreements they had prior to the edict rollout and restore our faith in the most pro-union administration in American history.

Lastly, I would be remiss if I did not state that we are now about to begin year three of negotiations for a successor AVS CBA. The details which currently hold up the completion of this agreement are few but important. We are concurrently negotiating a CBA for employees we represent in ATO and nearing the one-year anniversary of the beginning of bargaining. The two agreements cover over 11,000 FAA employees. Progress has been challenging and frustrating. I am certain that our negotiations will not be successful unless you weigh in and definitively let it be known that you want agreements. It is time that the agency put forth a full effort, similar to what was done under the short term of Acting Administrator Trottenberg, and give our members a fair deal by completing the work performed during the *bargaining blitz* in the summer of 2023.

I look forward to hearing from you on these urgent matters and welcome the opportunity to resolve them promptly

Sincerely,



David J. Spero
National President

cc: Polly Trottenberg, Deputy Secretary, DOT
Katie Thomson, Deputy Administrator, FAA
David Boulter, Associate Administrator, Aviation Safety, FAA
Tim Arel, ATO Chief Operating Officer, FAA
Dennie Rose, PASS General Counsel