

Hello NWP Reps and Members:

This is installment number one of the "Chronicles of LR" from the NWP Regional Labor Relations Lead. This first installment is very important for all FACREPs, VP's, Area Reps, Crew Reps, and LR Reps.

As we all know, ever since the agency got on their "kick" of "forcing a culture change" and "taking the agency back", they have treated all of their employees extremely badly. They do not care about you, they do not care about safety, and they do not care about your families. They care only about one thing...MONEY.

That being said, there is one group of our sisters and brothers that could suffer more than the rest of us. Those are "probationary employees" or "probies".

As defined in Article 98, Section 1 of our collective bargaining agreement, "A probationary employee is an employee who has not completed one (1) year of Federal civil service." What this means is that an employee must have completed one year or more of federal civil service in order to no longer fall under that "probationary employee" category. It also means just what it says, that being "civil service." Military service does not count. However, if an employee was employed for one year or more with any other federal agency prior to entering service with the FAA, that does qualify and they would not be considered probationary employees.

Why is this important and why could they suffer more than the rest of us? The reason is that probationary employees do not have some of the same protections, in accordance with federal law and case law that the rest of us have.

For example, if you read Article 9, Section 3, the negotiated grievance procedure of our collective bargaining agreement, it states that "This procedure shall not apply to any grievance concerning:" then if you read down to "f", it states "the removal of probationers." Similarly, if you read Article 10, Section 1, "Disciplinary/Adverse Actions, second paragraph, it states "This Article does not apply to the removal of probationers."

This means that our Union is very limited in what we can do on behalf of probationary employees who are terminated as a result of the agency's egregious behavior. Believe me, they know it. What the agency has done ever since they imposed their work rules is terminate probationary employees simply because they were making too much money. They were terminating them because they could wait until Congress did not act on their imposed work rules and hire new controllers at the much lower pay scale of their imposed work rules. That is the type employer for which you work!!

We must all be very careful when it comes to probationary employees. For those of you that have not read the latest edition of the "Air Traffic Controller" magazine, there is a very interesting article in there regarding this very issue. I highly suggest that all reps at all levels read that article. The essence of the article is that the agency fired an employee, who they considered to be probationary when the employee had been employed for thirteen months. The agency decided that the employee was a probationary employee because they argued that time spent at the academy did not count as being an FAA employee. The agency lost the arbitration, and it shows you the depths the agency will go to just to save a dollar.

In the NWP, we have proof that the agency agrees with us that time spent at the academy does, in fact count toward the one-year probationary period. The employee is on the FAA payroll for their entire time at the academy and therefore they are employed in the federal civil service. However, please keep in mind that whatever the position of the AWP, HQ could have a totally different take on this issue. I highly suggest that we all tread lightly regarding probationary employees.

My suggestion is that for all probationary employees you have in your facility right now, and for all new hires that enter your building, the FACREP or his/her designee, needs to check and double check the SF-50's. The "50" will tell you many things, including what date the employee entered on duty in the federal civil service. Make sure the date matches the date the employee started at the academy.

I would also suggest that a probationary employee does NOT file a grievance under Article 9, Section 8 (employee filed grievance), argue with management, show their disgust, make snide comments or anything of that nature. If a grievance needs to be filed on their behalf, I highly suggest that it be done via an Article 9, Section 11 (Union filed) grievance. Remember, management can and will terminate a probationary employee for any reason they wish. Under most circumstances, that probie will be left with going to an attorney to attempt to get their job back.

Thank you very much for your time and attention.

Mike Hull
NWP LR Lead