

## Training Review Boards

Hello NWP Reps and Members;

Welcome to LR Chronicles number 22. This edition of the LR Chronicles will explain how to prepare for and conduct a Training Review Board (TRB). Considering the influx of new hires that we have in our facilities, as well as more and more CPCs transferring to higher level facilities, it is incumbent upon NATCA to ensure that all of our members are given every single opportunity to succeed in their chosen career field. One of the procedures that is available to us in order to ensure this is the TRB.

The TRB is covered in both the collective bargaining agreement (CBA), as well as the Agency's training order, FAA Order 3120.4, "Air Traffic Technical Training." Article 67, Section 11 of the CBA states **"When a training review board is convened, the Union shall have the opportunity to designate a participant to serve as a member of the board. The purpose of the training review process is to ensure that all opportunities for training success were utilized while maintaining the integrity of the training program."**

**If the employee meets with the training review board, and the employee reasonably believes disciplinary/adverse action may result from such meeting, the employee may be accompanied to the meeting, upon request, by a Union representative."**

FAA Order 3120.4 states **"The purpose of the training review process is to ensure that opportunities for training success were utilized while maintaining the integrity of the training program."**

FAA Order 3120.4 also states **"The training review shall be conducted by the following group: (1) A minimum of two of the following individuals selected by the ATM/hub manager: (a) An operational supervisor other than the CPC-in-Training/developmental's supervisor. (If not available onsite, the hub manager may assign this duty to any operational supervisor within the hub.) (b) A support/operations manager at facilities where this position is staffed. (If not available onsite, the hub manager may assign this duty to any support/operations manager in the hub.) (c) TA/support specialist. (If not available onsite, the hub manager may designate any of these individuals from within the hub.) (2) A representative designated by the Union."**

Basically, a TRB evaluates the training process and determines whether or not a developmental/CPC-in-training was given every reasonable opportunity to succeed in the training program. The TRB then makes a recommendation, whether to continue or discontinue training, to the air traffic manager. To do this, the TRB needs an in-depth review of the following:

- National Training Order (FAA Order 3120.4);
- Any local training order;
- All training forms;
- Training plan;
- Notes from training team meetings.

Once the TRB has conducted its in-depth review of all documentation and Orders regarding the training of an employee, they will then conduct interviews in a formal setting, of all personnel involved in the training process for the developmental/CPC-in-training. The following individuals, at a minimum, need to be interviewed:

- The supervisor of the employee;
- The ATM of the employee (at facilities where the ATM is also the first line supervisor);
- OJTI's that trained the employee; (At a minimum, the primary and secondary OJTIs, and others that trained the developmental/CPC-in-training);
- The employee;
- Any other individual deemed necessary by the TRB.

When interviewing the employee, the TRB must remember that this interview could meet the definition of a Weingarten meeting. (Please refer to LR Chronicles number 7). Therefore, in accordance with Article 6, Section 1, and Article 67, Section 11 of the CBA, the employee is entitled to NATCA representation if:

- He/she reasonably believes that disciplinary/adverse action may result; and
- The employee requests such representation.

This NATCA representation is separate and distinct from the NATCA-designated representative that is actually a member of the TRB. However, if management is able to assure that discipline will not result, under the law, a Union representative is not required.

The NATCA-designated representative is a full-fledged member of the TRB and is **NOT** there to represent the employee. However, they do need to consider their function as a NATCA representative and use caution. The focus of the TRB will be on the training provided to the individual employee and any possible defects in the training plan. It is important to note that the Agency will use the NATCA-designated representative's agreement with any TRB recommendations as a tacit blessing of any action (positive or negative) that results from the process. It should be considered that the NATCA local choose one person within their local to handle all TRB issues; a "training representative" so to speak. This would be a person that is an OJTI and knows all rules/regulations, as mentioned above, regarding the training process. This person would handle all training issues within the facility, including being the NATCA designated representative to all facility TRB's.

It is highly recommended that the FACREP **NOT** be the representative to the TRB. This is mainly due to the fact that the FACREP may very well need to represent this employee in any possible future action/proceeding should the TRB result in a less than favorable decision. The FACREP may, if they so choose, be the designated representative for the employee during the TRB interview. The FACREP may also designate another representative for the employee, if they so choose, and completely remove themselves from the process.

**Prior to the TRB meeting:**

Communication with the developmental/CPC-in-training is of the utmost importance. Discussion needs to ensue in order to prepare them for this experience. Please remember that this may result in the loss of a career. This discussion must take place as soon as it is known that a TRB will be convened. It is a good practice to have the developmental/CPC-in-training email you a list of these topics along with a statement of their desired outcome. This would include things such as I think that I can be successful and want to try, or it could be that they don't want to be here. They need to send you this information in advance of your meeting to ensure that you cover all of the pertinent topics and to cover the union's duty of fair representation.

Some of the topics that need to be discussed are:

- What may have contributed to the suspension of OJT;
- Personality conflicts with OJTI(s);
- Personality conflicts with supervisor(s);
- Clear expectations, in writing from the training team;

- Management following national and/or local training orders;
- A training plan that was developed specifically for that developmental/CPC-in-training.

Additionally, there are numerous other factors that play a role in the suspension of OJT. It is very important to have a very good understanding of the following factors regarding the consistency of training for that developmental/CPC-in-training:

- How many days per week was training accomplished?
- How many hours per day was training accomplished?
- How many different OJTIs were utilized with this employee's training?
- What are the different training philosophies of all OJTIs?
- How many changes in supervisors did this employee endure?
- Extended absences of the primary/secondary OJTI (FMLA etc.);
- Extended absences of the developmental/CPC-in-training;
- Any skill enhancement training in accordance with national and/or local training orders;
- Personal issues of the developmental/CPC-in-training (within or away from work).

The above lists are only some of the issues that need to be discussed prior to the TRB taking place. There may be other issues that are specific with each facility and/or employee. Both, the NATCA-designated representative to the TRB as well as the employee's representative need to inquire and obtain answers to all possible issues so that they are as prepared as possible.

It is very important for you to get plenty of rest prior to a TRB because stamina is extremely important. A TRB can be very, very long, lasting several hours. Maintain your focus and concentration during the entire meeting. Once again, leave no stone-untuned on behalf of our member.

### **During the TRB Meeting:**

Considering the fact that you are the NATCA-designated representative to the TRB, and despite the fact that you are outnumbered by management personnel on the TRB, you are an equal member of the TRB and not meant to serve as a rubber stamp for the process. It is incumbent upon you to be proactive and to ensure that your voice is heard. Do not be afraid to disagree with the other members of the TRB. If you do disagree with the determinations of the other members of the TRB,

it is important for you to document that dissent. Quite often, management thinks that they have done nothing wrong and that they gave the developmental/CPC-in-training every available opportunity to be successful. It is up to you to show them that they did not, as well as how additional training time may result in a successful certification for this employee. Be sure to show the other members of the TRB how to accomplish this. Similarly, there will be times that the management members of the TRB will not be against additional training time. Ensure that you listen very closely to the management members of the TRB in order to get a “feel” for their position before definitively stating yours.

Regardless of how well you prepare for a TRB, there may come a time where, when questioning an interviewee, you may receive an answer that you were not expecting. Should this happen, do not panic. Just be prepared, if needed, to change your strategy. The circumstances of each individual case will lead you in the direction that you need to go. The more you are exposed to this process, the easier it will become.

Regarding the agenda and the structure of the meeting itself, discuss this with the other members of the TRB. Some things to consider are:

- Exactly who will be interviewed;
- In what order the interviews will take place;
- Questions to be asked each interviewee;
- Which member of the TRB will take the lead on questioning each interviewee. You can often control this by being the first to ask questions.

The actual questions that are asked each interviewee are very important. Just because the TRB, as a whole, may have a list of questions to ask each interviewee, this does not preclude you, as the NATCA representative to the TRB, in having your own questions prepared for you to ask a particular interviewee. You need to have your questions prepared in advance of the proceeding. Of course, this can only be done after a thorough review of the facts of each particular case. Additionally, there may be a need to ask a question that was not prepared. These types of questions will result from an answer given by an interviewee. You should listen very carefully to each answer given by each interviewee and be prepared, if necessary, to ask “follow-up” questions.

Below are some examples of checklists and questions for each possible interviewee. Please keep in mind that these examples are just suggestions and are not all inclusive. You may not want to ask some of these questions and/or add

additional questions. It is extremely important to tailor your questions, for each interviewee, for each TRB. There is NEVER a one-size-fits-all.

## Training Review Checklist

1. Was the training consistent? (i.e. instructors, sectors etc.)
2. Were there gaps in training time?
3. How many hours per session?
4. How many hours per month?
5. What was the training complexity?
6. Was there any kind of technological/procedural change?
7. Were the training forms completed?
8. Were deficiencies noted?
9. Were the times accurate?
10. Were the skills checks done correctly and on time?
11. Were the monthly training meetings completed on time?
12. Were they documented and was there back and forth dialogue?
13. Was skill enhancement assigned, documented, completed and did it identify and address the deficiencies?
14. Were the OJTI's certified?
15. Were training plans comprehensive, signed and were they completed?
16. Were the National and Local Orders followed?
17. Did anyone else express concerns over the training (OJTI, FLM, Management and/or developmental/CPC-in-training)
18. Where there any holes in phase, simulation or any other stage of training?

## OJTI Checklist

1. What are the primary strengths and weaknesses of the developmental/CPC-in-training?
2. What actions were taken to address the weaknesses?
3. Did the training team discuss these weaknesses?
4. Was the training/FLM aware of these?
5. Did you try to assign any skill enhancement?
6. How effective was the skill enhancement?
7. Do you think the developmental/CPC-in-training wants to be here?
8. How was the work environment for the developmental/CPC-in-training?
9. Are you aware of any roadblocks to certification?
10. What participation did you have in the training meetings?
11. Can the developmental/CPC-in-training do the job? *I like to ask it this way: "If you had the luxury of training the student for 1,000hrs, could they do the job?" If the answer is yes, I say "Clearly we don't have that resource, how many hours would it take?"- Don't let a 'NO' answer catch you off guard!*

## Questions for Supervisor

1. What are the strengths and weaknesses of the developmental/CPC-in-training?
2. How did you discover them?
3. What actions were taken to correct them?
4. When and how did you recognize there might be a problem with the training?
5. Did you communicate with the training team?
6. Did the team identify any problem areas?
7. What action was taken?
8. Did you encourage the developmental/CPC-in-training to give feedback?
9. Was there consistent training? Why or why not?
10. How long have you been the employee's supervisor?
11. Is there anything you wish you could have provided?
12. How was the work environment for the developmental/CPC-in-training?
13. Did you recommend skill enhancement training? Why or why not?
14. Who developed the enhancement training?
15. Are you aware of any personal issues that may have impacted training?
16. Would a change of RDO's or FLM's help?

17. How was their attitude?
18. Can the developmental/CPC-in-training do the job? *I like to ask it this way: "If you had the luxury of training the student for 1,000hrs, could they do the job?" If the answer is yes, I say "Clearly we don't have that resource, how many hours would it take?" Don't let a 'NO' answer catch you off guard!*

**Remember- deal only with the sector at hand. Don't let the issue wander to whether they can achieve CPC.**

## Questions for the Developmental/CPC-in-training

1. Do you want to be here?
2. How do you get along with your OJTI's and Supervisor?
3. Did you ever express any concerns about members of your training team?
4. What do you see as your strengths and weaknesses?
5. Did you communicate those?
6. Did you feel you could participate in your training team meetings? Did you?
7. Are you satisfied with the training you received?
8. Is there any training you needed that was not provided and did you get a chance to ask for it?
9. Did you receive skill enhancement?
10. Were you advised of any deficiencies?
11. Did any training address those?
12. Did you complete OJF? When?
13. Did you do a training plan? When did you see it?
14. How complete was your phase training?
15. Did it prepare you to receive OJT?
16. Are there any personal issues (in or outside the building) impacting your training?
17. Can you do this job and what would you need to make that happen?

Just because the TRB has excused an interviewee because you think you are done with that person, does NOT mean that they cannot be recalled to clarify facts. Often times, you may excuse an interviewee and then in a subsequent interview additional facts and/or different facts may become known. If this occurs, the TRB will need to recall that interviewee in order to clarify certain facts.

## The Recommendation:

Once the TRB has met and questioned all interviewees, it will be time for the TRB to discuss its findings and, as a whole, make a recommendation to the ATM. The TRB needs to ensure that it re-examines everything that was presented to it before, during and after the meeting. For example, they need to consider the answers given by all interviewees and look at the following, at a minimum, in order to arrive at a fair recommendation:

- Consistency in training;
- Any and all skill enhancement training;
- All OJTIs that took part in the training of the employee (especially the primary and secondary);
- Supervisor(s) responsible for the employee.

All information provided to the TRB **MUST** be considered and cross-referenced with the 3120.4 and the local training order. Once again, if clarification needs to be made, then the TRB **MUST** recall any interviewees that can provide that clarification. It is **NOT** appropriate for any member of the TRB to say “I think he meant” or “she was not clear on what she said but I think I know what she was saying.” This is just not appropriate when considering what the consequences of that “guessing” may be.

If the recommendation of the TRB to the ATM is to discontinue training, the TRB needs to justify that decision, especially regarding any future litigation, such as a result of a grievance being filed. Discontinuation of training should be the recommendation **if, and only if** the agency precisely followed their rules and regulations **AND** the developmental/CPC-in-training was given every single opportunity to be successful.

There may come a time where the management officials on the TRB want to recommend termination of training and you disagree with that action. Should this occur, do not be afraid to speak your mind and attempt to change their mind. You should write down, in your notes, the reasons why you disagree and submit them to the ATM as a dissenting opinion. Make sure you can back up your opinion with facts.

The TRB may also decide to recommend additional time for the developmental/CPC-in-training to certify. If this occurs, great care must be exercised by the TRB in making this recommendation. It is not appropriate or acceptable for the TRB to **JUST** recommend additional time. If this is the

recommendation of the TRB, it should ALWAYS be accompanied with how that additional time will be accomplished in order for it to be effective.

The TRB is NOT there to just check a box. The recommendation should specifically state how the additional time needs to be administered. For example, if the TRB recommends an additional 30 hours of training, that recommendation needs to include its suggestions for possible success. For example:

- New training team;
- Different crew;
- Different OJTIs;
- Different supervisor;
- Familiarization with surrounding sectors/areas/facilities;
- “Spool-up time” that does not count toward the 30 hours. (See Article 67, Section 3);
- Any other recommendation that is specific to that particular case.

### **How To Respond To A Negative Recommendation:**

As stated above, it is very important to have the Facility Representative removed from the TRB process in order to allow the Representative to fully protect the rights of the developmental/CPC-in-training. If the TRB makes the recommendation to terminate the training (either unanimously or over the dissent of the NATCA designee), the developmental/CPC-in-training could, ultimately, be subject to removal. If there are any defects in the TRB, and the training process that was reviewed by the TRB, the Union must take action even before a removal is contemplated. Any unfairness in the TRB process or the training plan itself can be grieved. Remember, the TRB’s recommendation to terminate training is a separate cause of action from the removal of an employee. Should the Union fail to grieve this issue, it may be precluded from attacking the TRB and training plan at an arbitration covering the employee’s removal. While the termination of the training may seem to be inextricably intertwined with the resulting removal, both must be grieved. It is very likely that if an employee is removed, the Union will bring both grievances (covering the TRB and the removal) before an arbitrator at the same time.

Remember, that after submitting your recommendation or dissenting opinion, you will need to provide your facility representative with a full and complete briefing on the entire process and the final outcome. Your notes will have to be legible or retyped so that a third party can clearly understand them. The decisions and

choices made in this venue often dictate the outcome of someone's career, so you should always expect that your notes may be required to support further action on the part of the union. If you are unclear on how to properly document the minutes and decisions of this meeting please refer to LR Chronicles #8 & 9.

If there are any questions, please feel free to contact me.

Mike Hull  
NWP LR Lead