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FEDERAL AVIATION ADMINISTRATION
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STATEMENT OF JOHN H. SHAFFER, ADMINISTRATOR, FEDERAL AVIATION
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, BEFORE THE HOUSE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE REGARDING H. R. 8083
ON TUESDAY, JUNE 8, 1971

Mr. Chairman and Members of the Committee:

This is my first appearance before the Post Office and Civil Service Committee, and I am particularly pleased to be with you today as the Committee begins hearings on the bill sponsored by your Chairman -- H. R. 8083. This bill embodies legislation that the Secretary of Transportation, John A. Volpe, recommended to the Congress on April 29, 1971 (Exhibit 1). We have provided the Committee with a Section-by-Section Analysis of the bill (Exhibit 2) and a Cost Summary for the proposal (Exhibit 3).

H. R. 8083 addresses the significant elements of a need that is a major and increasingly urgent concern to the Department, and particularly to us in the Federal Aviation Administration who are responsible for the safe and efficient operation of the National Airspace System. The need to develop a more effective career program that accommodates the problems facing the men and women who make the air traffic control system work -- the air traffic controllers -- is essential to carry out our responsibility for that system. Enactment

of H. R. 8083 will be a giant step forward on these fronts. In effect, one group of Federal civil servants -- the controllers -- will not be the only ultimate beneficiaries of H.R. 8083. Those of us charged with the responsibility for the air traffic control system, and those millions of people who travel by air every year, will directly benefit as well.

We have made great strides in evolving a superb air traffic control system that can, and in large measure does, meet the ever-increasing burdens and challenges of the burgeoning aviation community. Unfortunately, the rapid growth of the system and demands of its users exact a price from the system's most vital component -- the people. Make no mistake, despite the technological advances that we have made, and those that are coming, the air traffic control system is primarily a "people system", and so it will remain for the foreseeable future. Safety and efficiency are the ultimate measures of the success of the system. In turn, they are in direct proportion to our ability to establish and maintain a career program for those who man the system, so they can function at peak effectiveness through their total career.

Some members of the Committee and the staff returned yesterday from visits to FAA facilities in Oklahoma, California, and Illinois. These familiarization visits are worthwhile, and I am confident that those who went would agree. The Aeronautical Center and the Academy in Oklahoma City are excellent facilities, and our visitors often are

surprised by the number of different activities and programs we conduct there. In California, you saw control tower and radar approach control facilities in the San Francisco Bay Area. Each is a fine example of our facilities "on the line". The tower at Chicago O'Hare was commissioned quite recently, and dedicated during the past month, on May 18. The controllers there are using the new generation Automatic Radar Tracking System -- ARTS III -- to handle the world's heaviest commercial air traffic. More importantly, those of you who were there met the men and women who were controlling traffic. They count! The facilities and equipment that the controllers man -- the towers, centers, and radar scopes -- are nothing but metal, concrete, glass, and wire without those highly skilled and dedicated controllers who man them; that is why we come before you today.

In recognition of the urgent need for a total career program for our controllers, on August 4, 1969 Secretary Volpe announced that he had established the Air Traffic Controller Career Committee. In the announcement; the Secretary said: "I am keenly aware of the problems of the air traffic controller and of the pressures of his job, and I am genuinely sympathetic with his efforts to achieve improvements in his working conditions." The charge the Secretary gave to his Committee is before you (Exhibit 4), and the Committee at once began an intensive study spanning several month's and many, many hours of work. The Committee completed its work on January 29, 1970, and submitted its

Report to the Secretary (Exhibit 5). The Report covered three major subjects:

- o Manning the Air Traffic System
- o The Controller's Career
- o Employee/Management Relations

The FAA effort to implement the recommendations that the Committee presented in its report was immediate, and nine basic action programs were established:

- o Staffing Standards
- o Recruitment and Selection
- o Training
- o Career Progression
- o Compensation
- o Working Conditions
- o Labor Relations
- o Employee-Management Communications
- o Human Factors Research

When Bert Harding (who served as the Executive Director of the Secretary's Committee) came on board in March, 1970, I asked him to "quarterback" these nine action projects. We have provided you with a chart (Exhibit 6) and a statement (Exhibit 7) describing the overall status of our program to implement the recommendations of the Air

Traffic Controller Career Committee. They show that we have completed implementing action on all the Committee's recommendations, with two major exceptions: (1) Those requiring long range study; and (2) Those requiring legislation. We are here today to begin the final phase of eliminating that second exception.

We have provided you with a summary of the air traffic control occupation (Exhibit 8). Air traffic control work is a vocation that is unique to the civil service -- one offering many advantages and a number of serious drawbacks. An individual has the challenging opportunity to be involved in one of the most dynamic industries of our time. But he also faces the sobering responsibility of safeguarding airmen and air travelers, whose well-being depends in large measure upon the proper performance of the air traffic control system. The controller has the basic role of facilitating the safe and efficient flow of the air traffic in the system.

The increasing demands on the air traffic control system make the job of the controller more complex and increase his burdens. In recognition of this, the controller is well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. The most serious drawbacks of the work are those having a long-range effect. The Department of Transportation is practically the sole employer of

civilian controllers. The skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to earning.

The nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him were the basic factors which lead the Secretary to establish the Air Traffic Controller Career Committee. In the conduct of the Committee's study, the guiding considerations were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. H.R. 8083 would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action.

H.R. 8083 has four principal provisions:

- o Maximum entrance and retention ages for controllers

- o "Second Career" training program for controllers
- o Mechanisms to transfer or separate controllers
- o Retirement for controllers at age 50, with 20 years of controller work, or at any age, with 25 years of controller work.

I would like to highlight these provisions for the Committee.

First: The Secretary of Transportation, with the concurrence of such agent as the President may designate, could establish a maximum age for entry in Department of Transportation air traffic control positions. This authority is contained in new 5 U.S.C. 3307 (sec. 2 of H.R. 8083). Initially, we intend to provide that a person without previous experience may not enter an air traffic controller position after he reaches his 31st birthday. However, we intend to consider granting exemptions to employ persons up to their 36th birthday. This would be based upon previous related experience. We would not exempt on an "across-the-board" basis, but would grant them to small groups or individuals on a case-by-case basis. No exemptions would be granted to persons who have reached their 36th birthday.

New 5 U.S.C. 8335(f) (sec. 4 of H.R. 8083) would establish a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary could retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the

Secretary. I will discuss the reason for this specific provision in a moment.

Second: The Secretary would be able to provide up to a maximum of two years of training to a career-tenure-controller. The "second career" training program would be established under new subchapter VIII, of chapter 33 (sec. 3 of H.R. 8083). First, the Secretary must determine that the controller: (1) has become medically disqualified for his position; or (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency, or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work.

The provisions of title 5, United States Code (5 U.S.C. 4101-4118), that deal with the Government Employees Training Program administered by the Civil Service Commission (CSC) would not apply to the controller training program. The CSC Program has a different basic thrust than the training we propose -- to enable Federal employees to enhance their ability to carry out their duties as Federal employees. The controller training program is intended to equip the controller for a second career, and that may be in or out of Government service. Of course, in developing our training program, we intend to draw on the CSC Program as a model.

Third: Under new subchapter VIII, the Secretary could assign, reassign or demote a controller who receives training to other duties in the Department of Transportation at the same or a lower grade. Or, the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he must be separated from the service. If he first makes one of the three determinations that I discussed a moment ago, the Secretary may assign or reassign a controller (whether or not he receives training) to another air traffic facility or to different duties in the Department of Transportation.

Finally: Under new 5 U.S.C. 8335(e) and 8339(e) (Secs. 5 and 6 of H.R. 8083) an employee would be entitled to annuity (minimum: 50 percent of the average of his highest three years' base pay for those who had not received training) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. Under new subchapter VIII, the Secretary could initiate the retirement of an active controller who is entitled to an annuity in the interest of aviation safety, efficiency, or the controller's health.

The retirement provision that we have proposed is based on one of two plans that the Air Traffic Controller Career Committee included in its Report "as illustrative of arrangements that will meet what [the Committee] regards to be an essential need." The second plan was

the so-called "1.4 for 1" concept. Mr. Chairman, this Committee is well aware of the serious and negative implications of this proposal for the Civil Service Retirement System and the Retirement Fund that is the basis for its operation. We think that this proposal would serve as an inducement to a controller to remain in service in the interest of increasing his annuity. In short, this is not an early retirement proposal, but a retirement bonus proposal that will benefit the controllers without necessarily benefitting the air traffic control system. The retirement provision that we propose clearly benefits not only the controller, but also the system by enabling us to maintain the youthful controller work force that we need. The Department strongly opposes the "1.4 for 1" proposal.

In addition to these principal provisions, section 9 of H.R. 8083 would require the Secretary of Transportation to make a report to Congress of his operations under the Act. The report would include a statement of the effectiveness of the Act in meeting the needs of the air traffic control system and the controller career program, and also would cover additional recommendations deemed necessary for sound management of the system or the program. The report must be made 5 years after enactment. Section 10 of H.R. 8083 makes the Act effective 90 days after enactment. This allows us the time needed to issue implementing regulations, particularly as to the maximum entrance age, maximum retention age, the training program, and the administrative review procedures.

From the thrust of these proposals, you can see that our principal concern is with the use of older personnel in the controller positions. This is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level. As a general rule, we find that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions in H.R. 8083, would give the controller the assurance of eventual relief from a long span of control work. He will have the opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under conditions that he finds nearly intolerable. H.R. 8083 will also allow the Secretary to maintain a safer, more proficient controller work force, and to operate a safer, more efficient National Airspace System.

H.R. 8083 represents an excellent, workable proposal.

Mr. Chairman, I know that you and the members of this Committee share with us the sense of urgency we feel. Secretary Volpe joins me as I

urge this Committee and the Congress: Let us not delay; let us get on with the job of giving us -- the Department and the controllers -- the tools we need to do our jobs. We urge the Congress to enact H.R. 8083 into law this summer.

That concludes my prepared statement, Mr. Chairman. My associates and I will be pleased now to respond to questions you may have.