

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D. C. 20590

STATEMENT OF JOHN H. SHAFFER, ADMINISTRATOR, FEDERAL AVIATION  
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, BEFORE THE SENATE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE REGARDING S. 1799,  
ON MONDAY, MARCH 13, 1972

Mr. Chairman and Members of the Committee:

I am pleased to be with you today to discuss the Air Traffic Controller Career legislation, S. 1799. This bill addresses 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. That concern stems from the need to develop a more effective career program to better accommodate the men and women who operate our air traffic control system -- the air traffic controllers. Enactment of S. 1799 will be a great step forward in this effort. The controllers will not be the only ultimate beneficiaries of this legislation; the millions of people who travel by air every year will also directly benefit.

We have made great strides in evolving an air traffic control system to meet the ever-increasing demands 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 controllers. 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 it will remain so for the foreseeable future. Although safety and efficiency of the air traffic control system are the ultimate measures of success, the Department is equally concerned about the individual well being of its employees.

Several members of this Committee and the staff have visited air traffic control facilities in various parts of the country. Those who have had this opportunity no doubt observed the present generation of air traffic control equipment in operation. Perhaps you also saw some of the next generation of automated air traffic control equipment in our centers and larger terminals. More importantly, I hope you had an opportunity to meet some of the very capable men and women who use this equipment to control air traffic. They are the most important component of the present and future systems. Without these highly skilled and dedicated controllers the towers, centers, and radar scopes are nothing but steel, concrete, and glass.

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.

This responsibility places complex and burdensome demands on the controller. In recognition of this, the controller is well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is rapid for those who are able to progress through the various stages to the journeyman level. The most serious occupational drawbacks are those having a long-range effect. The Department of Transportation is practically the sole employer of civilian controllers. The skills learned as a controller have very limited value in other lines of work. The initial challenge 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.

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 Committee at once began an intensive study spanning several months and many, many hours of work. The Committee completed its work on January 29, 1970, and submitted its report to the Secretary.

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

We have completed implementing action on all the Committee's recommendations, with two major exceptions: (1) those of a long range nature; and (2) those requiring legislation. We are appearing here today with regard to the legislative requirements. S. 1799 would incorporate into title 5, United States Code, the amendments necessary to implement recommendations requiring legislative action.

S. 1799 has three principal provisions:

- o Maximum entrance and retention ages for controllers
- o "Second Career" training program for 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 you:

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. 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 on a case-by-case basis. No exemptions would be granted to persons who have reached their 36th birthday..

The bill also provides that an employee could not remain in an active air traffic controller position after becoming 56 years of age. The Secretary could retain a controller until his 61st birthday, based upon his possession of exceptional skills and experience as determined by the Secretary. I will discuss the reason for this specific provision later.

Second: The Secretary would be able to provide up to a maximum of two years of "second career" training to a career-tenure controller. The Secretary must first 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 purpose of this training program would be to enable a controller, no longer able to continue in his profession, to acquire new skills which would equip him for employment either inside or outside of the Government.

Finally: A controller would be eligible to retire with a full annuity after completing 25 years as a Department of Transportation controller or after 20 years when he reaches age 50. If the controller has not received "second-career" training he would be guaranteed a minimum annuity equal to 50 percent of the average of his highest three years' base salary, a level he would not reach until 27 years of service and age 55 under present law. If he takes advantage of both the training and early retirement, his annuity would be computed under the regular formula.

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 latter proposal has serious and negative implications for the Civil Service Retirement

System and the Retirement Fund that is the basis for its operation. We think the primary effect of this proposal would be to encourage a controller to remain in service in the interest of increasing his annuity rather than to provide him with adequate retirement income after he has passed the peak of his proficiency. In short, the "1.4 for 1" concept is not an early retirement proposal, but a retirement bonus proposal that will benefit the controllers without necessarily benefitting the air traffic control system as a whole. The retirement provision that we propose clearly benefits not only the controller, but also the entire system by enabling us to maintain the youthful controller work force that we need. The Department strongly opposes the "1.4 for 1" concept.

In addition to these principal provisions, the bill would require the Secretary of Transportation to make a report to the 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.

From 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. Generally, we find that our controllers do not maintain their original high degree of proficiency as they progress through the second half of a normal career. 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 together with the early retirement and retraining provisions in S. 1799 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 which may threaten his health or the safety of the air traffic control system. S. 1799 will allow the Secretary to maintain a safer, more proficient controller work force, and to operate a safer, more efficient National Airspace System.

Mr. Chairman, this bill represents a sensible, workable proposal. I hope that you and the members of this Committee share the sense of urgency we feel. Secretary Volpe joins me as I respectfully urge this Committee and the Congress to enact this legislation as quickly as possible. The Department firmly believes that its passage is necessary to meet our responsibilities to the air traffic controllers and to the travelling public.

That concludes my prepared statement, Mr. Chairman. We shall be pleased to answer any questions.