

STATEMENT OF THE HONORABLE J. LYNN HELMS, FEDERAL AVIATION
ADMINISTRATOR, BEFORE THE HOUSE COMMITTEE ON POST OFFICE AND
CIVIL SERVICE, CONCERNING H.R. 5038. DECEMBER 2, 1981.

I appreciate the opportunity to appear today with Deputy Secretary Trent before the Committee to discuss this legislative proposal that is so important to the FAA. I join with Deputy Secretary Trent in urging its early enactment by the Congress.

As the Members of the Committee know, I have been travelling extensively throughout the country to see the FAA in action and meet the people who make the system operate on a day-to-day basis. I can tell you that, following the controllers' strike, I have seen throughout the country a level of teamwork and dedication in the FAA second to none. These people are proud, and deservedly so, of the contributions they have made to their country. I can assure you it has not been without personal sacrifice on the part of many people. For example, many have volunteered to return temporarily to their former air traffic facilities to increase capacity. They have made these efforts because they know how vital our air transportation system is to our Nation.

The legislation before you recognizes the contributions these people have made already to our air traffic system as well as the valuable services they will render in the future.

Let me take a few minutes now to briefly outline the major features of our legislation.

OPERATIONAL RESPONSIBILITY DIFFERENTIAL

We have proposed that FAA air traffic controllers and other designated kinds of employees be provided a differential of 5% of their base pay in recognition of the important operational functions they perform. Employees who are potentially covered by this provision are air traffic controllers; flight service station specialists; electronic technicians, engineers, and related personnel who maintain the air traffic control system; flight inspection crewmembers who monitor the performance of the air traffic system from the air; and flight test pilots who are involved in the certification of aircraft and aircraft components. Only employees at or above specified grade levels could receive this differential since it is intended to recognize operational responsibilities which are not generally assumed by a developmental employee at lower grade levels.

Coverage is intended to apply to supervisory personnel in field facilities as well as employees at the working level, so that an inequitable pay structure is not established.

For a flight test pilot to receive the operational responsibility differential, he must be at or above the GS-12 level and the FAA Administrator must determine that the duties of his position are both unusually taxing and critical to the advancement of safety in the national airspace system. For other employees to be eligible and to receive the differential, they must be at or above specified grade levels and the FAA Administrator must determine that the duties of their positions are directly involved in or responsible for the operation or maintenance of the air traffic control system. Thus, the Administrator would be granted discretion to make coverage determinations within the statutory guidelines that will be established.

Most of the employees covered by this aspect of the legislation are called upon to work nights, weekends, and holidays. Some are called upon to work outdoors under all kinds of climatic conditions to keep our air navigation aids performing properly. All play a key role in keeping our air transportation system running safely and efficiently.

RELIEF FROM LIMITATION ON PREMIUM PAY

An employee who receives the operational responsibility differential will be eligible to exceed the limitation on aggregate pay (i.e., base pay plus premium pay) which is established by section 5547 of title 5. This relief from the limitation on premium pay will accomplish two important objectives. First, it recognizes that a number of our air traffic controller supervisors and controllers are at or near the pay cap. This means that premium pay for working holidays, nights, or Sundays either cannot be paid to them or cannot be paid in the amount otherwise earned, and contributes to morale problems in our field workforce. Relief from the limitation on premium pay will cure that inequity. Second, without relief from the limitation on premium pay, a number of individuals who are covered by our legislative proposal will not be able to receive the pay called for in the legislation.

I know there have been concerns expressed about this aspect of the legislation. In response to those concerns, I would point out that overtime pay under the Fair Labor Standards Act is not currently limited by 5 U.S.C. 5547, meaning that there are already Federal employees who exceed the aggregate pay limit.

In that respect, the premium pay covered in this legislation would be treated the same as FLSA overtime.

OPERATIONAL CURRENCY PAY FOR AIR TRAFFIC CONTROLLERS

We are proposing that controllers and controller supervisors whose positions do not require them to maintain their operational and medical certification to control traffic be granted premium pay of 1.6% of their basic pay if they do obtain and maintain those qualifications. This provision is intended to provide a pool of additional controller talent to assist us in meeting the capacity needs of the system in the short-term and to provide added flexibility in the future. The kinds of employees who could receive this premium pay occupy positions such as training officers and airspace procedures specialists at air traffic facilities. They are people who have worked their way up through the controller ranks and now occupy positions in which the duties do not require them to maintain their proficiency in controlling traffic.

ON-THE-JOB TRAINING PAY FOR AIR TRAFFIC CONTROLLERS

We have proposed that air traffic controllers who are called upon by the FAA to provide on-the-job training to other

controllers who are engaged in controlling live air traffic be entitled to premium pay of 10% of their basic pay for the period of time they perform that function. This extra pay is intended to recognize the additional responsibility a controller must assume when he oversees the training of another controller who is separating and controlling live air traffic.

Since the provision is tied to on-the-job training given to another controller engaged in controlling live air traffic, it would not cover classroom training or training with simulated traffic on computers.

PREMIUM PAY FOR LOSS OF MEAL PERIOD

In our legislation, we have proposed to compensate an air traffic controller at a rate of 1 1/2 times his basic rate of pay for 1/2 hour if, during an eight-hour shift, his supervisor cannot release him from duty for a 1/2 hour meal break.

Certainly it is our policy to provide such a meal break, but there are nevertheless occasions, particularly in our smaller air traffic control facilities, where a meal break may not be feasible. Therefore, we would provide added compensation to controllers for the extra work they are called upon to perform when a meal break cannot be provided.

EMPLOYMENT OF CIVIL SERVICE ANNUITANTS AND RETIRED MILITARY

We have proposed that the FAA be granted short-term authority to temporarily employ retired civil servants and military personnel in air traffic control work and related training functions without requiring a reduction in annuity or salary. This authority would expire on December 31, 1984, and is intended to provide an incentive to former FAA employees and qualified military retirees to seek short-term employment with the FAA. I want to emphasize that this unusual authority is requested for a specified duration only, and is intended to provide a ready source of qualified people as an interim measure while the air traffic control system is restaffed to the appropriate levels.

PAY FOR TRAINING IN EXCESS OF FORTY HOURS IN A WEEK

We are proposing that, should it become necessary or desirable for the FAA to schedule air traffic controller training for more than 40 hours in a week, air traffic controller trainees be able to receive their basic hourly rate for each hour they undergo training in excess of those 40 hours. This provision would provide trainees with equitable compensation for extra time in a training status.

In closing, Mr. Chairman, I would again urge the Members of the Committee to grant early and favorable consideration to this legislation. The people who have made our air traffic system work so efficiently and safely--and I emphasize "safely", because our system is every bit as safe today as it was before the strike--deserve your favorable attention.

That completes my prepared statement, Mr. Chairman. Deputy Secretary Trent and I would be pleased to respond to questions you may have at this time.