

STATEMENT OF RICHARD P. SHEWFELT, MANAGER, EMPLOYMENT BRANCH,  
GREAT LAKES REGION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE  
HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE  
ON INVESTIGATIONS AND OVERSIGHT, CONCERNING STRIKE-RELATED  
ACTIVITIES AT THE CHICAGO CENTER. MARCH 11, 1987.

I am Richard Shewfelt, Manager of the Employment Branch of the FAA's Great Lakes Region. I have been employed with the FAA since 1975, at which time I worked in the Labor Relations Branch of the Great Lakes Regional Office's Personnel Division. In 1980, I became Chief of the Labor Relations Branch, which is the position I held at the time of the PATCO strike on August 3, 1981. I now serve as Manager of the Employment Branch in our Human Resource Management Division. My current duties involve the oversight and administration of the hiring conducted by our Region.

As Chief of the Labor Relations Branch, my duties and responsibilities included representation of FAA management in its dealings with FAA labor unions, and advising managers of our regional divisions and facilities on labor relation matters and employee discipline matters. My office represented management in Merit Systems Protection Board (MSPB) hearings, arbitration proceedings, and in unfair labor practice proceedings.

At the time of the strike, I had a staff of approximately four labor relations specialists. Our jurisdiction covered 8 states and about 75 air traffic facilities. About 2,700 air traffic

controllers walked off their jobs and participated in the PATCO strike, beginning August 3, 1981. It is my understanding that the number of striking controllers in the Great Lakes Region exceeded that of the other FAA regions.

When the strike occurred, my office was responsible for assembling the appeal files which were eventually sent to the MSPB regional offices and to the former controllers who had appealed. We received orders from four MSPB regional offices setting forth various requirements concerning the appeals process. The MSPB offices with which we dealt were those of Denver, St. Louis, Chicago, and Philadelphia. The Regional Board's orders differed from each other with regard to certain aspects of our appeal file. We, therefore, had to ensure compliance with the particular MSPB office which had jurisdiction over each case.

In general, the MSPB required that the FAA submit tabbed files including such documents as the notice of proposed removal, the removal letter, the oral and written replies, and the evidence relied upon. In addition, the MSPB required answers to specific questions regarding each case.

Due to the extent of the strike, the workload on my office was enormous. The strike and removal actions were, of course, unprecedented, and we were confronted with a significant administrative burden. We, therefore, requested the assistance of

personnel from other divisions to assist us in compiling the documents and assembling the files for the MSPB. A large number of people assisted in this effort. We worked exceptionally long hours for 7 days a week over a long period of time. Were it not for the tremendous dedication and sacrifice of these employees, we would not have been able to comply with the Board's deadlines.

Throughout the first several weeks of the strike, there were numerous telephone conference calls between regional office officials and the air traffic facilities in our region. To the best of my recollection, I did not speak directly to Chicago Center personnel during this period. Regarding the documents which the air traffic facilities were to provide, the advice given to all the facilities was the same. In general, the facilities were advised to submit documents to us for each of the controllers who was removed. These documents contained a number of materials including the timekeeping records such as the watch schedules, sign-in logs, and the time and attendance reports (T&A's).

I gave no particular advice to the Chicago Center regarding this process. To the best of my knowledge, the Center had the same instructions and requirements as our other facilities had throughout the Region. I did not travel to the Chicago Center during this period of time. I was not involved in any way with the recordkeeping process used at the Center or at any particular facility.

An issue seems to have arisen as to the existence of a so-called "war room" at the Center. Although I had no knowledge of the specific room which the Center was using to compile its documentation, I am sure that each facility designated a certain location where the pertinent data was to be organized. After all, the removal of such a large number of personnel necessitated extraordinary measures to handle the administrative work, as well as to keep the air traffic system operating safely. Therefore, the fact that the Chicago Center or any other facility set aside a particular room for the adverse action process is not surprising. However, my office was not involved with the specific procedures which the Center or the other facilities implemented to gather and review the required documents. Our concern was that the facilities send us accurate records of the material used in deciding to remove the controllers.

Once the records from the facilities started arriving at the regional personnel office, where they were processed, our personnel reviewed the material in order to assure that the required documents had been submitted. This work was accomplished by my specialists as well as by the other employees who were assisting us in this process. If certain documents were missing, it would be the responsibility of these people to obtain the missing data from the facility. For instance, if a facility submitted a file and forgot to include a copy of the controller's watch schedule, we would contact the facility and get the

necessary document. Likewise, if a facility had sent a file which involved the wrong schedule, again the facility would be advised.

Although I do not recall any specific instances when this happened, I would expect that on occasion the files we received had to be supplemented. The amount of paperwork involved in this process was tremendous. Allegations have been made that Chicago Center or Labor Relations personnel added or substituted documents after the files had been sent to the Region. While I have no knowledge that this occurred, there is not necessarily anything improper about this. All of the material requested by the MSPB had to be submitted so that we could copy the files and forward them in accordance with the Board's orders. We were required to comply with the Board's orders in our handling of these personnel cases.

I did not alter or change any documents and I am certain that no one working for me changed or altered any documents. No one advised facilities to change their documents. The critical part of the process from my perspective was to obtain copies of the material relied upon by the deciding officials in reaching their decisions. We had no reason to alter, or to ask anyone else to alter these documents. Naturally, if a file inadvertently contained the wrong log, such as a log for a different day or for a different area of the facility, the correct log would be

obtained and would replace the log which was inapplicable. Thus, allegations of "substitution" of documents, which sound sinister when made without knowledge of the process used, are misleading. Likewise, the transmission of additional documents to the Region after the files had been received by us would not have been inappropriate. Today, in personnel cases totally unrelated to the strike, if the Labor Relations Office, in putting together an appeal file for the MSPB, needs additional documents which the facility has failed to send us, we would routinely contact the facility and obtain the required data. This is a basic, standard procedure. If a document initially sent to us by a facility did not apply to the employee involved, that document would be replaced with one that did apply to that employee. It would not have been appropriate for us to have intentionally sent incorrect information to the MSPB.

Given the number of controllers who participated in the strike and the requirements of the MSPB to make several copies of each file, the volume of paperwork involved in our task was enormous. The documents we received from the air traffic facilities had to be reviewed, assembled in tabbed packages in accordance with the various Board's orders, and then duplicated several times.

The processing of the files from the Chicago Center by my staff was no different from our processing of the thousands of files

received from all the air traffic facilities in our Region. We gave no specific or unique instructions to the Center. We were not involved in the actual recordkeeping process, including the preparation and maintenance of the records, of any facility. Moreover, we reviewed, copied, and submitted to the MSPB all of the strike-related files from our Region using essentially the same procedures we have used before and after the strike. The magnitude of effort involved in this task was tremendous. I would add that the people who worked for me during this period of time were highly dedicated, professional employees who worked very hard under very arduous circumstances.

That completes my prepared statement, Mr. Chairman.