

**CERTIFICATE/WORK ASSIGNMENT**  
**Briefing Document**

<u>PROCEDURES</u>	<u>Briefing Notes</u>
<p>Section 1. The intent of the parties is that certificate/work assignments shall be made in a fair and equitable manner in accordance with the procedures set forth below, consistent with merit factors required by applicable law, rule, or regulation. The procedures set forth in this Article shall be applied uniformly throughout the Flight Standards bargaining unit.</p>	<p>General statement to clarify purpose and application of the article.</p>
<p>Section 2. For purposes of this Article, a certificate/work assignment to a field office Aviation Safety Inspector is defined as, and limited to, the assignment of certificate management or geographic oversight responsibility for one, or a grouping of, air carriers, operators, air agencies, designated airmen or AEG assignments.</p>	<p>Definition of the term "certificate/work assignment" for use in this article only. Limits the application to ASIs and only those assignments defined in this section. Some of these assignments were previously known as "complexity". Note that Geographic Inspectors, AEG Inspectors, APMs and PPMs are included.</p> <p>The article does not apply to ASIs not assigned this kind of work. For example, Headquarters and Regional specialists, and SPMs.</p>
<p>Section 3. A certificate/work assignment within the meaning of this Article will be made by one the following procedures:</p> <p style="margin-left: 40px;">a) Competitive Process;</p> <p style="margin-left: 40px;">b) Seniority Process; or</p> <p style="margin-left: 40px;">c) Direct assignment, where there is <i>de minimis</i> impact on working conditions.</p>	<p>The purpose of this section is to describe the processes management may use to assign this kind of work. The article acknowledges that management has the right and obligation to exercise good position management. That involves, and is not limited to, consideration of:</p> <ul style="list-style-type: none"> <li>➤ Where the work will be assigned, including facility and unit, based on the kind of work and location of the work</li> <li>➤ Assignments of single operator/agency or groupings of operators/agencies</li> <li>➤ Required resources</li> <li>➤ Geographic location of the assignment</li> <li>➤ Types of operations</li> <li>➤ Size of operations</li> <li>➤ Unique skill requirements</li> <li>➤ Impact on pay and promotion potential</li> </ul> <p>Section 3 describes the two methods we</p>

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	<p>have historically used for assigning this kind of work and creates a third, the Seniority method.</p> <p>The competitive processes listed in Section 3 (a) includes automatic consideration.</p>
<p>Section 4.</p> <p>a) <u>Competitive Process</u>: It is the intent of the Parties that certificate/work assignments made under a Competitive Process shall be those involving significant and/or highly sensitive positions. For example, certificate/work assignments made under the Competitive Process may include, but are not limited to: Principal ASI positions for major air carriers/operators and large repair stations, and some Assistant Principal ASI, APM and PPM positions involving high sensitivity or significant public visibility; CSET Team Lead positions; positions involving full-time designee oversight; positions having very significant public visibility, or when a promotion is likely to occur.</p>	<p>Section 4 establishes and describes criteria that management will use to determine which process to use. The criteria is intended to describe the process management has traditionally used to determine if the competitive method or direct assignment method were used. This process will provide some constraint on management decisions. Managers will not have the option to arbitrarily choose a method. Differences between management and union over the interpretation of criteria and choice of method may occur. Historical actions of managers and the "reasonable person" test may determine future dispute resolution.</p> <p>Section 4a. Establishes criteria for the competitive process: significant, highly sensitive, high public visibility certificate/work assignments or when a promotion is likely. The examples are not limiting. Historical actions of managers and the "reasonable person" test may determine future dispute resolution.</p>
<p>b) <u>Seniority Process</u>: It is the intent of the Parties that the Seniority Process will be used to make all other certificate/work assignments not covered under Section 4(a) above, except those certificate/work assignments that will have <i>de minimis</i> impact on working conditions. For example, certificate/work assignments made under the Seniority Process may include, but are not limited to: Principal ASI positions for other than major air carriers/operators, non-principal ASI positions related to 121 carriers not covered by the criteria in Section 4(a)</p>	<p>Section 4b: These are certificate/work assignments that do not meet the criteria for the competitive process (Section 4a) or the directed assignment process (Section 4c). The examples are not limiting. Historical actions of managers and the "reasonable person" test may determine future dispute resolution.</p>

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<p>above, geographic and AEG groupings.</p>	
<p>c) <u>Direct Assignments</u>: De <i>minimis</i> certificate/work assignments are those that, due to their nature and effect or reasonably foreseeable effect, will have a minimal or very minor impact on working conditions. For example, certificate/work assignments made by Direct Assignment include, but are not limited to: small air operators (FAR 135 single pilot or nine or less passenger operations); small air agencies or designated airman. To the extent practicable and consistent with position management considerations, certificate/work assignments in this category will be distributed equitably among eligible employees.</p>	<p>Section 4c: These are assignments that have a de minimis impact (create no significant change) on working conditions.</p>
<p>Section 5. The procedures outlined in this Article will be used only when the Employer announces a certificate/work assignment covered by this Article. Generally, the following events may cause a change in certificate/work assignment by the Employer:</p> <ul style="list-style-type: none"> <li>a. a new certificate/work assignment is assigned to the office,</li> <li>b. an existing certificate/work assignment is removed from the office,</li> <li>c. a certificate/work assignment is moved from the current holder,</li> <li>d. a new bargaining unit employee comes into the office, or</li> <li>e. a bargaining unit employee leaves the office.</li> </ul>	<p>Section 5: Certificate/work assignment is only triggered by management. Example events described in a. through e. meet the unions need to give the bargaining unit some idea of the events that may cause management to take action. The occurrence of an example event does not obligate management to make a certificate/work assignment to a bargaining unit member.</p>
<p>Section 6. When the Employer determines that a certificate/work assignment is necessary, the appropriate Union representative will be given notice prior to</p>	<p>Section 6: This section establishes an opportunity for management to collaborate with the union regarding the certificate/work assignment and the</p>

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<p>the assignment, including the procedure that will be used to make the assignment. The appropriate Union representative will be given an opportunity to provide his/her views on the appropriate procedure to be used for making the specific certificate/work assignment. If the Employer and the Union disagree on the procedure to be used, the Employer, on the Union's written request, shall provide the Union representative with a written statement of the considerations used to make a decision to use a particular procedure.</p>	<p>process used to make that certificate/work assignment. Management is required to provide notice to the appropriate union representative when management intends to make a certificate/work assignment. The notice will include the method management is considering using to make the certificate/work assignment. The union representative has the opportunity to provide their views on the method used to make the assignment. Management is encouraged to consider and value the union representative's views. Management makes the final decision. The union representative has the option to request in writing a statement of the considerations used to make the decision. Management action must be consistent with the criteria in Section 4. Historical actions of managers and the "reasonable person" test may determine future dispute resolution.</p>
<p>Section 7. In making certificate/work assignments under this Article, the Employer will:</p> <ul style="list-style-type: none"> <li>(a) determine the location, including the organizational unit, at which a certificate/work assignment will be accomplished;</li> <li>(b) establish the necessary qualification and skill requirements for a certificate/work assignment. It is the intent of the Parties that the assignment of training will not be used to manipulate qualifications to provide an advantage to a particular employee in connection with certificate/work assignments under any of the procedures set forth in this Article.</li> </ul>	<p>Section 7 (a) restates management rights as described in the FLRA negotiability decision.</p> <p>In (a) note that location includes organizational unit.</p> <p>The first sentence of 7 (b) restates management rights as described in the FLRA negotiability decision. Qualification and skill requirements are for the specific certificate/work assignment and include, but are not limited to:</p> <ul style="list-style-type: none"> <li>➤ training</li> <li>➤ experience in specific types of work</li> <li>➤ soft skills such as communication skills, ability to deal with difficult situations and people</li> <li>➤ certifications such as type ratings</li> </ul> <p>This section clarifies management's right to define "qualifications" under this</p>

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<p>(c) determine which employees possess the requisite qualification and skill;</p> <p>(d) determine the area of consideration.</p>	<p>article.</p> <p>The last sentence of 7 (b) addresses the union's concern that management has, in the past, arbitrarily provided training to individuals and then stipulated that training as a qualification for a certificate/work assignment. therefore manipulating the certificate/work assignment. This provision does not prevent management from using training as a qualification. The test of manipulation is if a reasonable person would perceive that training was provided to an individual specifically to give that individual qualification advantage for a particular certificate/work assignment.</p> <p>Section 7 (c) restates management rights as described in the FLRA negotiability decision.</p> <p>Section 7 (d) affirms management's right to establish the area of consideration with regard to certificate/work assignment.</p>
<p>Section 8. <u>Seniority</u>. For purposes of this Article, seniority shall be based on an employee's time in Flight Standards. The procedure to be used is as follows:</p> <p>a. a seniority roster will be compiled and maintained by the Employer in consultation with the Union; and</p> <p>b. in the event that more than one employee has the same amount of time in Flight Standards, SCD seniority shall prevail.</p>	<p>Section 8: Establishes the definition of seniority for use in the seniority method of certificate/work assignment. Management maintains the seniority roster in consultation with the local union representative.</p>
<p>Section 9. Seniority Assignment Process:</p> <p>(a) The Employer will determine the area of consideration. A certificate/work assignment notice will be made available via E:mail to all ASI's in the area of consideration on the attached notice form. The notice will include the: location of the</p>	<p>Section 9 is used only for those certificate/work assignments that management has determined, using the criteria in Section 4, will be assigned by the seniority process.</p> <p>Section 9 (a) describes the method of</p>

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<p>certificate/work assignment, description of the assignment, anticipated assignment date, area of consideration, qualification and skill requirements, process for expressing interest in the assignment, response deadline, person to whom response should be directed, PCS status, and any other requirements. It is recommended the notice be posted and announced in all Flight Standards offices within the area of consideration.</p> <p>(b) Respondents' qualifications will be verified.</p> <p>(c) The employer will determine which employees meet the qualifications and establish a list of qualified employees. The most senior employee on the list will be selected for the certificate/work assignment. If the Employer determines that an interested Inspector[s] with greater seniority than the Inspector selected is not qualified for the certificate/work assignment, the Employer shall, upon written request received within three (3) days after notification of non-selection from the non-selected Inspector[s], promptly provide the Inspector[s] with a written explanation of the reasons supporting the Employer's determination concerning the Inspector[s] lack of sufficient qualifications. The explanation is designed for the purpose of offering constructive input to the Inspector[s].</p> <p>(d) In the event the most senior employee is unavailable the next most senior employee will be selected for the certificate/work assignment.</p> <p>(e) In the event no employees express interest in the work assignment, the Employer will make the assignment to a qualified employee at the Employer's discretion.</p>	<p>providing notice to employees that a certificate/work assignment will be made using the seniority method. Include minimum and maximum duration of assignment in the notice.</p> <p>Section 9 (b) is the step at which management will determine which of the interested employees meets the qualifications for the certificate/work assignment.</p> <p>Section 9 (c) first sentence stipulates that the most senior qualified employee gets the certificate/work assignment.</p> <p>Section 9 (c) second sentence provides feedback to employees who were not found qualified. Only those employee who expressed interest and are senior to the employee selected for the certificate/work assignment are eligible under this section.</p> <p>Section 9 (d) provides for a change in availability of an interested employee.</p> <p>Section 9 (e) provides that management will make a direct assignment to any qualified employee, at management's discretion, if no employee has expressed interest in the certificate/work assignment.</p>
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<p>Section 10. Notwithstanding the provisions of this Article and at the discretion of the Employer, the Employer may:</p> <p style="padding-left: 40px;">(a) periodically reorganize certificate/work assignment groupings. Upon such reorganization, Inspectors shall be assigned to the new groupings through the Seniority Assignment Process set forth above;</p> <p style="padding-left: 40px;">(b) determine the duration of the assignment of employees;</p> <p style="padding-left: 40px;">(c) rotate specific certificate/work assignments. When work assignments are rotated, Inspectors shall be assigned through the process appropriate to the certificate/work assignments as discussed in the Article.</p> <p style="padding-left: 40px;">(d) allocate certificate/work assignments described in Section 4(a) above through a competitive process.</p>	<p>Section 10 establishes that management may under:</p> <ul style="list-style-type: none"> <li>➤ Subsection (a) Management may group and re-group individual operators/agencies into certificate/work assignments. This action is defined as reorganization. This subsection stipulates that at least the Seniority process will be used for assignment under this sub section. If the criteria in Section 4 (a) are met the competitive process may also be used. Note that this sub section envisions substantial changes and that moving a single operator/agency from one certificate/work assignment to another may be done by direct assignment if the change in working conditions is de minimus.</li> <li>➤ Subsection (b) management may determine minimum and maximum duration of assignment. This allows for stability of assignments, control of training costs and facilitates rotation of certificate/work assignments.</li> <li>➤ Subsection (c) specifically allows for certificate/work assignment rotation from Inspector to Inspector, using the appropriate assignment process.</li> <li>➤ Subsection (d) affirms management's option to use the competitive process when the criteria in 4(a) are met.</li> </ul>
<p>Section 11. An employee who is not performing at an acceptable level under a mutually agreeable performance management system and/or is being provided an Opportunity to Demonstrate Performance (ODP) will not be eligible for new certificate/work assignments, unless otherwise agreed by the Employer.</p>	<p>Section 11 establishes that an employee with a performance problem is not eligible for new certificate/work assignment unless agreed to by management. If this method is put in effect prior to the signing of a new contract it is understood that Performance Improvement Plan (PIP) and Opportunity to Demonstrate Performance (ODC) are synonymous.</p>
<p>Section 12. In the event an Inspector believes his/her workload appears to be excessive or appears to be distributed to bargaining unit employees in a excessive or</p>	<p>Section 12 provides an opportunity for employees to bring workload issues to the attention of their supervisors.</p>

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<p>inappropriate manner, the Inspector shall have the right to request a meeting with his/her supervisor to discuss the matter. Subject to operational considerations, the meeting will be held as promptly as practicable.</p>	<p>This is an opportunity for supervisors to discuss work prioritization and work organization with their employees. If the discussion moves to the subject of another employee's work, the meeting may have become a formal discussion and the Union must be invited. Please consult with your LR focal point.</p>
<p>Section 13. Nothing in this Article shall be construed as a waiver by either Party of any rights under the law.</p>	