

**FAA AIRPORT ORGANIZATION (ARP)
AIRPORT VOLUNTARY REPORTING SYSTEM (AVRS)
for AIRPORT PERSONNEL REPRESENTED by NATCA
MEMORANDUM OF UNDERSTANDING**

- 1. PURPOSE.** The Federal Aviation Administration (“FAA”) and the National Air Traffic Controllers Association (“NATCA”) are committed to improving airport system safety. Each party has determined that safety would be enhanced if there were a systematic approach for all ARP employees represented by NATCA to promptly identify and voluntarily report potential safety hazards. The AVRS provides a process for a documented review of safety issues raised by Airport employees. Its purpose is to provide an avenue for employees to resolve safety issues without fear of retaliation and or discipline. This MOU describes the provisions of the program.
- 2. BENEFITS.** The program will foster a voluntary, cooperative, non-punitive environment for the open reporting of safety concerns. Through such reporting, all parties will have access to valuable safety information that may not be otherwise available. Employees will have the ability to quickly elevate airport safety issues directly to Headquarters.
- 3. APPLICABILITY.** The FAA AVRS MOU specifies the procedures between ARP and covered employees represented by NATCA while engaged in and supporting airport duties and only to safety events and problems that occur while acting in that capacity. Reports of events involving apparent noncompliance with airport directives that are not inadvertent or that involve gross negligence, criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are excluded from the program.
- 4. PROGRAM DURATION.** This is a Demonstration Program the duration of which shall be 18 months from the date this MOU is signed. At the conclusion of the demonstration period, the parties may agree to maintain the AVRS as a continuing program or either party may terminate the program. The termination or modification of the program will not adversely affect anyone who acted in reliance on the terms of a program in effect at the time of that action; for example, when a program is terminated, all reports and investigations that were in progress will be handled under the provisions of the program until they are completed.
- 5. REPORTING PROCEDURES.** When an employee observes a safety-related event, he/she should note the problem or event and describe it in enough detail so that it can be evaluated by a third party.

 - 5a. AVRS Report Form.** At an appropriate time during the duty day, the employee should complete the electronic AVRS form for each safety-related event and submit it within 72 hours after the end of the duty shift.

5b. If a covered employee submits a report involving possible noncompliance with FAA directives, the Oversight Board will review all available information to determine whether the covered individual knew or should have known about the possible noncompliance with FAA directives. If the Oversight Board determines that the covered individual did not know or could not have known about the possible noncompliance with FAA directives until informed of it, then the report would be included in AVRS, provided the report is submitted within 72 hours after the end of the covered individual's duty shift and provided that the report otherwise meets the acceptance criteria of this MOU. If the employee knew or should have known about the possible noncompliance with FAA directives, then the report will not be included in AVRS.

5c. Nonreporting employees covered under this MOU. If an AVRS report identifies another covered employee in an event involving possible noncompliance with applicable FAA directives and that employee has neither signed that report nor submitted a separate report, the Oversight Board will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible noncompliance with applicable FAA directives. If the Oversight Board determines that the employee did not know or could not have known about the apparent possible noncompliance with applicable FAA directives, and the original report otherwise qualifies for inclusion under AVRS, the Oversight Board will offer the nonreporting employee the opportunity to submit his/her own AVRS report. If the nonreporting employee submits his/her own report within 72 hours of notification from the Oversight Board, that report will be afforded the same consideration under AVRS as that accorded the report from the original reporting employee, provided all other AVRS acceptance criteria are met. However, if the nonreporting employee fails to submit his/her own report within 72 hours of notifications from the Oversight Board, the possible noncompliance with applicable FAA directives by that employee will be referred to an appropriate office within FAA for additional investigation.

6. ARP VOLUNTARY SAFETY REPORTING OVERSIGHT BOARD (The Board). Initially, the Board will be comprised of ARP-2, AAS-1, APP-1, and a NATCA representative. The Board will only accept reports from covered employees. ARP will establish a separate Board for handling reports from non-covered employees. AAS-300 will provide staff support for the Board. The Board will review and analyze reports submitted by the employees under the program, identify actual or potential safety problems from the information contained in the reports, and propose solutions for those problems. The Board recommendations shall be provided to the appropriate ARP office director or regional division manager. The office of primary responsibility will report back to the Board within 60 days on how the Board's recommendations will be implemented, or the reasons why the recommendation cannot be adopted. The case may be reopened if the implementation action is not completed in a manner satisfactory to all members of the Board. The Board will provide feedback to the individual who submitted the report.

- 6a.** The Oversight Board may also make recommendations for changes to systemic issues within ARP. Any recommended changes will be forwarded through AAS-300 to the appropriate ARP Director or other FAA Line of Business for consideration and comment, and, if appropriate, implementation. If the Board recommends systemic changes, such as changes for training for employees, FAA will work with NATCA to develop the appropriate changes. AAS-300 will track the implementation of the recommendations or system corrective action and report on associated progress as part of the regular Oversight Board meetings. Any recommendations or systemwide corrective actions that are not implemented to the satisfaction of all members of the Board should be recorded along with an explanation of why they were not fully implemented.
- 6b.** Any training recommended to an individual by the Board for a report accepted under AVRS must be completed to the satisfaction of all members of the Board, or the AVRS report will be excluded from the program.
- 6c.** AAS-300 will maintain a database that continually tracks each case.
- 7. BOARD PROCESS.** The Board will meet as necessary to review and discuss reports that will be listed on an agenda submitted by the Program Office (AAS-300). The Board will determine the time and place of the meeting. The frequency of meetings will be determined by the number of reports that have accumulated or the need to acquire time-critical information.

 - 7a.** The Board will make its decisions involving AVRS issues based on consensus. Under AVRS, consensus of the Board means the voluntary agreement of all representatives of the Board. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event in the best interest of safety. In order for this concept to work effectively, each Board representative shall be empowered to make decisions within the context of the Board discussions on a given report. The Board representatives will strive to reach consensus on whether a reported event is covered under the program, how that event should be addressed, and the recommended corrective action that the Board will recommend. The system corrective action process would include working the safety issue(s) with the appropriate ARP office director or regional division manager that have the expertise and responsibility for the safety area of concern. ARP will not use the content of the AVRS report in any subsequent action against the reporting employee, except as described in paragraph 8.d, of this MOU. In the event the Board does not reach consensus, a summary report will be provided to ARP-1 and the NATCA Regional Vice President.
 - 7b.** The parties to this agreement anticipate safety-related reports shall be fully evaluated and, to the extent appropriate, investigated.

7c. The Board will forward nonsafety reports to the appropriate ARP manager or other FAA line of business for his/her information and, if possible, internal resolution.

7d. Use of the AVRS Report. Neither the written AVRS report nor the content of the written AVRS report will be used to initiate or support any ARP disciplinary action or as evidence for any purpose in an ARP airport safety inspector credential action, except as provided in paragraph 8d of this MOU. The FAA or ARP may conduct an independent investigation of an event disclosed in a report.

8. ENFORCEMENT.

8a. Criteria for Acceptance. The following criteria must be met in order for a report to be covered under AVRS:

8b. The covered employee must submit the report in accordance with the time limits specified under paragraph 5 of this MOU;

8c. Self Reporting. Any possible noncompliance with FAA directives disclosed in the report must be inadvertent and must not involve gross negligence; and,

8d. The reported event must not appear to involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving those events will be referred to an appropriate FAA office for further handling. The FAA may use the content of such reports for any action and will refer such reports to law enforcement agencies, if appropriate. If upon completion of subsequent investigation it is determined that the event did not involve any of the aforementioned activities, then the report will be referred back to the Board for a determination of acceptability under AVRS. Back reports involving the aforementioned activities will be accepted under AVRS provided they otherwise meet the acceptance criteria contained herein.

9. **EMPLOYEE FEEDBACK.** The program office will publish pertinent data and trend information derived from the reports. Any employee who submitted a report may contact the program office to inquire about the status of his/her report. In addition, each employee who submits a report accepted under AVRS will receive individual feedback on the final disposition of the report, if appropriate.

10. **CONFIDENTIALITY.** The intent of the AVRS is to protect the identity of the employee reporting a safety issue. Because of the small number of ARP employees at any ARP facility, the parties agree that it is not possible to guarantee anonymity to a reporting employee. However, every effort will be made to maintain the employees confidentiality, and employee names will be removed before disposition is posted on the Web site. During the 18-month review, the parties will consider the volume of use of the system and the type of issues reported and whether these

indicators establish sufficient justification for ARP to pursue formal Part 193 disclosure protection if a decision is made to continue the program.

- 11. INFORMATION AND TRAINING.** The details of the AVRS will be made available to all employees and their supervisors by publication on the FAA Intranet at: https://intranet.faa.gov/faaemployees/org/linebusiness/arp/programs/safety_certification/reporting/


The Resolution Report, which will be linked from the main system page, will be hosted on the ARP SharePoint site to ensure only ARP employees can access it. ARP staff can access the reporting form by logging onto the FAA employee Web site.

Each employee and manager will receive written guidance outlining the details of the program at least four (4) weeks before the program begins. Each employee will also receive additional instruction concerning the program during the next regularly scheduled recurrent training session and on a continuing basis in recurrent training thereafter. All new hire employees will receive training on the program during initial training.

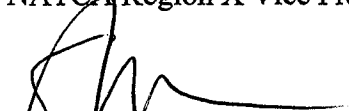
- 12. REVISION CONTROL.** Revisions to this MOU shall be documented using standard revision control methodology. Revisions to this MOU may be proposed by any party, will be conducted by the parties, and require a voluntary agreement between the parties before change can be affected.
- 13. RECORDKEEPING.** All documents and records regarding this program will be kept by the AVRS manager and made available to the other parties of this agreement at their request. All records and documents relating to this program will be appropriately kept in a manner that ensures compliance with all applicable airport directives and all applicable laws. NATCA and FAA will maintain whatever records they deem necessary to meet their needs.
- 14. SIGNATORIES.** All parties to this AVRS are entering into this agreement voluntarily.

NATCA and FAA SIGNATORIES:

For NATCA


 1-22-14

Michael MacDonald Date
NATCA Region X Vice President

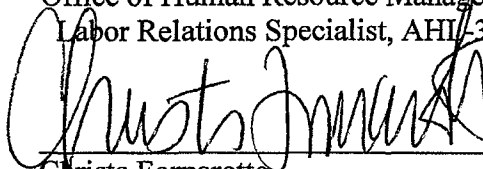
 1/22/14

Steve Hansen Date
NATCA National Safety Committee Chair

For FAA AGENCY

 12/23/13

Roscoe Ridley Date
Office of Human Resource Management,
Labor Relations Specialist, AHI-300

 12/19/13

Christa Fornarotto Date
Associate Administrator for Airports, ARP-1

Agency Head Review Date