WELLNESS TOOLKIT



NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, AFL-CIO

natca.org

Introduction

NATCA members are proud aviation safety professionals who are responsible for improving, modernizing, and preserving the safety of the National Airspace System. As critical safety professionals, our members are subject to stringent medical requirements and, at times, may encounter circumstances where they face temporary, or potentially permanent, medical restrictions.

This Wellness Toolkit compiles many of the important resources that are available to our members who may be confronting issues involving their personal mental health and well-being. It is important for all of us, as representatives, to be aware of these resources so that we can effectively assist our members in their times of need. We will continue to add to this toolkit and publish updates as they become available.

The information in this document could change prior to being updated. It is recommended you check for updates to documents, protocols and policies with your respective representatives prior to following any official channels.

Should you have any questions about the resources contained in this toolkit, please contact your Regional Vice President for assistance.



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AMAS – Aviation Medicine Advisory Service

What is AMAS? Aviation Medicine Advisory Service (AMAS) is a NATCA Benefits partner that helps protect and support the careers of NATCA members who must maintain a medical clearance. AMAS currently has seven physicians board-certified in Aerospace Medicine and typically in one or more fields such as Psychiatry, Family Medicine, or Occupational Medicine. AMAS services are available to NATCA members free of charge. This service neither replaces nor substitutes for a member's treating physician and is only intended to provide advice and guidance regarding their work-related medical clearance.

Are Staff Support, TMU, and Region X members covered? AMAS services are available to any NATCA member who must maintain a medical clearance.

What does AMAS provide? AMAS provides confidential phone and/or e-mail consultations to NATCA members. Members can privately confer with an AMAS physician when faced with a new or existing medical condition, are prescribed medication or treatment, and/or encounter an off-duty event that has or could have an implication on the member's medical clearance (such as a DUI).

How does a member contact AMAS? NATCA members may contact AMAS during normal business hours: Monday through Friday, 8:30 a.m. to 4 p.m. Mountain Time by calling 866-237-6633.
Additionally, members may send a question to an AMAS physician at any time via a confidential portal available on the AMAS website.

AMAS provides an on-call physician on weekends and holidays to monitor the portal for urgent matters. Members will need their NATCA member number when contacting AMAS. For a more comprehensive consultation, AMAS will require authorization from the member's NATCA Regional Vice President.

How does an AMAS consultation work? An AMAS consultation typically follows three steps: (1) the initial assessment, (2) medical record review, and (3) case preparation. During the initial assessment, both the AMAS physician and an experienced AMAS case manager will be available to the member for assistance and advice. Members will likely be asked to provide relevant medical and other information to the assigned AMAS physician. If a member provides AMAS with an authorization of release of medical information, the AMAS physician may also contact the member's personal medical provider(s) for further information and/or

the FAA Regional Flight Surgeons as needed to ensure that a comprehensive understanding of all aspects of the member's medical situation is obtained. After all necessary information has been gathered, an AMAS case manager will prepare a final file, and an AMAS physician will issue a summary report (known as an Aeromedical Summary) stating the facts of the medical case and recommending a course of action.

What if a member needs a Selective Serotonin Reuptake Inhibitor (SSRI) Waiver, has a DUI, alcohol- or drug-related incident, or seeks counseling from a mental health provider? AMAS physicians will discuss these and any other medically related issues with the member and provide information outlining the FAA reporting requirements for that medical condition or medical event. AMAS can also work with NATCA representatives, as well as interact with the FAA Regional Flight Surgeon on the member's behalf in dealing with the issue.

Can NATCA representatives be kept in the loop? Yes, if a member signs a release, then the AMAS physicians will consult with NATCA representatives. NATCA representatives and AMAS often work in concert on behalf of the member. An example form can be found at the end of this document.

As referenced above, assisting a member through a medical issue can be very complex and it is critically important for members to work with AMAS and utilize their medical expertise when it comes to the member's medical clearance. Medical qualifications and clearances, and the associated standards and reporting requirements for FAA air traffic controllers are outlined in Article 66 of the 2016 Collective Bargaining Agreement and the FAA Order 3930.3, the Air Traffic Control Specialist Health Program.

NATCA has its own medical professionals on retainer: AMAS. **USE THEM!** If a member in your facility is dealing with any medical issues—including mental health issues—that can affect their medical clearance, then AMAS should be contacted for professional advice and guidance regarding their medical clearance.

Medical Qualifications, Reporting Requirements, and Special Consideration

As referenced above, assisting a member through a medical issue can be very complex and it is critically important for members to work with AMAS and utilize their medical expertise when it comes to the member's medical clearance. Medical qualifications and clearances, and the associated standards and reporting requirements for FAA air traffic controllers are outlined in Article 66 of the 2016 Collective Bargaining Agreement and the FAA Order 3930.3, the ATCS Health Program .[1]

Antidepressant Protocol

One very common misnomer is that a mental health condition will automatically result in a permanent loss of a member's medical clearance. As a result of lengthy efforts by NATCA, a path has been established for members with mental health conditions who are being treated with certain Selective Serotonin Re-Uptake Inhibitors (SSRIs) and Serotonin-Norepinephrine Reuptake Inhibitors (SNRIs) to obtain a medical clearance with Special

[1] Members in the Federal Contract Tower program must maintain a Class 2 medical as set forth in the Federal Aviation Regulation, Part 67.

Consideration. This path was codified in a Memorandum of Understanding between NATCA and the FAA Special Consideration Medical Clearances MOU and the recently updated "Guide for Aviation Medical Examiners". The process to obtain a Special Consideration can be long and there may be many complications along the way, but it is important for members to understand that a mental health condition does not necessarily mean the end of a career.

PLEASE NOTE: All references to SSRIs, SSRI Protocol, or SSRI program in existing checklists, worksheets, charts, or protocol pages in the AME Guide are considered encompassed in the Antidepressant Protocol and include all Antidepressant Medication List (PDF).

The current list of medications for which a medical clearance with Special Consideration can be issued is:

a. Fluoxetine (Prozac)

b. Sertraline (Zoloft)

c. Citalopram (Celexa)

d. Escitalopram (Lexapro)

e. Escitalopram (Cymbalta)

f. Venlafaxine (Effexor)

g. Desvenlafaxine (Pristiq)

h. Bupropion (Wellbutrin SR/ER)

i. Viibryd (Vilazodone)

SSRIs are often used by medical providers as a treatment regimen for both acute and chronic mental illnesses. For acute illnesses, where the provider prescribes the SSRI for a finite duration, the FAA will require the member to be off the SSRI for 60 days before the Regional Flight Surgeon (RFS) will consider granting a medical clearance. In such cases, the member will not be required to apply for a medical clearance with Special Consideration.

For treatment regimens requiring long-term use of an approved SSRI, members will be required to seek a medical clearance with Special Consideration. The FAA will not begin the process for Special Consideration until a member has been on one of the approved SSRIs for six months, on a stable dose, with no symptoms or side effects.

When starting the SSRI Special Consideration process, members need to be aware that all medical appointments and testing will be at the member's expense. All the necessary appointments will need to be scheduled outside of duty hours, on the member's regular days off, or they will need to take sick leave to

attend. This process can be lengthy. While there is not an exact timeframe, it can take several months—and at times over a year—to complete all the necessary steps.

FacReps should encourage members who are faced with mental health illnesses to coordinate with AMAS as early in the process as possible to help them receive medical advice, understand how their condition/treatment will be addressed by the RFS, and guide them through the SSRI processes. There could be a variety of outcomes depending on the member's condition and prescribed treatment, so it is incumbent upon the FacRep to ensure that the member consults with AMAS and receives the necessary information on how each may affect the member's medical clearance.

The following is a synopsis of the process for the Initial Clearance with Special Consideration for SSRI as a quick reference. Members can find the full FAA – ATCS SSRI Guidance at FAA ATCS SSRI Guide .

1. A member should contact AMAS and work with the assigned AMAS physician to notify the RFS of his/her diagnosis and prescribed treatment with a SSRI.
   a. In conjunction with the RFS, the member will be required to select a Human Intervention Motivation Study Aviation Medical Examiner (HIMS AME). HIMS AMEs are physicians who are specifically trained in mental health and substance abuse issues.
   b. The member will be required to sign a medical release form and send a copy to his/her HIMS AME for the FAA to release the member's medical file to the HIMS AME.
   c. The member's medical status will be changed to Incapacitated.
   d. The member will be responsible for any fees involved in obtaining medical tests and/or documentation to support a Special Consideration.
   e. The member will be required to sign and return the FAA ATCS OBSERVATION AGREEMENT to the RFS for the Special Consideration clearance to be issued.

2. The member will be required to contact the selected HIMS AME who will assist the member in locating an acceptable psychiatrist and neuropsychologist for the required evaluations.
   a. The member must be on one of the approved SSRIs for six months, on a stable dose, with no symptoms or side effects to qualify for a Special Consideration.
   b. The member's condition must be well-controlled before review for a Special Consideration.
   c. The member will be required to provide his/her HIMS AME with all the items listed on the FAA AME Initial Certification Guide. Working with AMAS to ensure completeness is highly advisable.
   d. The member will be required to sign a medical release form for the FAA to release his/her medical file to each provider. Before the member's visit, a copy should be sent to the selected psychiatrist and psychologist.

3. When the above criteria have been met, the member must meet with his/her HIMS AME for a face to-face, in-office evaluation. The HIMS AME will prepare a report, recommendation and submit an Initial SSRI Special Consideration packet to the RFS for determination.

4. The RFS will process the packet within the Office of Aerospace Medicine.

5. If Special Consideration is granted, the RFS will issue a time-limited clearance with Special Consideration for six (6) months. If the member's annual/biennial examination lapses during the time the member is

incapacitated, it will not be renewed until all issues are resolved. This may require resynchronization of the periodic examination to the member's birth month.

6. For follow-up medical clearance, the member will be required to provide all items listed on the FAA CERTIFICATION AID – SSRI Recertification/ Follow Up Clearance. The RFS will extend the medical clearance for thirty (30) days if the member: (1) completes the recertification process with the HIMS AME before his/her clearance expires in the sixth month, and (2) notifies the RFS. This is to avoid a lapse of the medical clearance due to paperwork delay from the HIMS AME.

Having a path by which members can maintain their medical clearances while being treated with certain SSRIs is exceptionally important. It is a long and complicated process, so if a member has questions at any point, they should contact their NATCA Regional Vice President.



Drug and Alcohol Committee (DAC)

NATCA has established a National Drug and Alcohol Committee (DAC) to provide expertise and guidance to FacReps and members on all things related to the Agency's substance testing processes and associated medical/administrative actions. The DAC meets regularly with representatives from the Department of Transportation's Substance Testing office and the FAA's Internal Substance Abuse Program, EAP managers, and Labor Relations Department.

Common issues that are encountered in the field and processed by the DAC include ensuring proper administration of random alcohol and drug testing by the Agency and contracted technicians. Substance testing processes are delineated under Article 73 of NATCA's Collective Bargaining Agreements (CBAs).

These processes can include, but are not limited to:

a. Informing members about what they need to do and should expect when facing an off-duty drug/ alcohol-related incident.

b. Assisting members who self-identify as having substance abuse issues navigate the negotiated "self-referral" process for obtaining needed medical treatment. Self-Referral processes are delineated within Article 93 of NATCA's CBAs.
c. Helping members understand and navigate the Agency's processes pertaining to Treatment and Rehabilitation Programs (TRPs).

The DAC can provide support to FacReps and members confronting any issues involving substance testing and substance use and ensure the Agency follows proper protocols. The DAC can be contacted at dac@natca.org. A NATCA member of the DAC will respond promptly.

Employee Assistance Program (EAP)

NATCA and the FAA have formed a joint Employee Assistance Program (EAP) Committee that works on all issues related to the EAP/Worklife program under Article 57 of NATCA's CBAs. The three NATCA representatives on the EAP Committee meet semi-annually with members of the Agency and contractors to discuss issues and make recommendations on EAP matters as they concern our bargaining unit employees (BUEs).

The FAA has contracted with Magellan Health, a health care provider, to offer a wide array of free, discounted, and confidential employee assistance services to FAA employees. Magellan assists FAA employees and members of their households in navigating everyday challenges, including mental health issues. As stated on the Magellan website:

Mental health is essential to everyone's overall health and well-being. With one in five adults experiencing a mental illness, the Mind Your Mental Health initiative aims to raise awareness and reduce stigma around mental illness by providing education, tools and resources to help you learn practical ways to improve your mental health and understand how to help others.

Magellan offers up to 8 free counseling sessions per issue, per a 12-month period. Counseling is designed to get you the help you need in a convenient, safe and non-judgmental environment. Challenges Magellan can assist with include but are not limited to stress, anxiety, grief, marital/family relationship concerns, parenting, substance misuse, and more. Counseling is offered in-person or virtually. Virtual therapy includes meeting via text messaging, live chat, by phone or video conference. Counseling obtained through EAP does not have to be reported on the FAA Form 8500 (Airman Medical Certificate).

Magellan offers access to expert guidance for legal questions and concerns. You receive an in-person or virtual free 60-minute consultation per issue, per year to help you determine how to resolve the legal issue. Services include discounts for estate planning, family law, standard legal services, and estate/will documentation preparation. If you choose to hire the attorney you will receive a 35% discount on their standard hourly rate for family law, or a 25% discount on all other legal specialties.

Magellan offers financial wellbeing programs that can assist you in taking control of your monthly finances, avoiding pitfalls, achieving your financial goals. They provide confidential, unbiased guidance that can assist in planning and strategizing managing student loans, buying a home, growing a family, paying off debt, and planning for retirement. You receive three 30-minute telephone consultations per topic, per year. They do not sell products.

Magellan is bound by client confidentiality laws and therefore does not share an employee's personal information with anyone, including the FAA, unless the employee is a threat to themselves or others, there is child or elder abuse, or the employee provides authorization to release such information.

Information pertaining to the services offered by Magellan can be found at here. The website also provides a variety of resources on topics such as suicide, depression, mental health in children, alcohol abuse, anxiety, stress, and drug addiction. For a comprehensive list of all benefits, click on "Find My Company/Log In," enter "FAA," and click the "Accept Terms" box. A Magellan representative can be contacted at 800-234-1327.

If members have additional questions regarding EAP services, then they can also contact a member of the NATCA EAP Committee at WorkLife@natca.org.



Professional Standards

The Professional Standards program is a confidential peer-to-peer process for promoting the highest degree of professionalism and resolving conflict at the lowest possible level. The program is codified within Article 52 of NATCA's CBAs, and its structure encompasses the national, regional, and local levels.

NATCA has three national Professional Standards representatives, 27 district chairpersons, and over 500 local Professional Standards representatives at the facility level.

Local Professional Standards representatives are selected by the local NATCA representative and are expected to model professionalism, engender respect, and be able to maintain the strictest level of confidence when dealing with member issues. Professional Standards representatives are required to attend comprehensive training before performing any work. Any participation in the program is confidential—meaning that the issue will not be discussed outside of the Professional Standards program—and voluntary—meaning that all parties must agree to utilize the program from submission to resolution. Professional Standards representatives consistently strive to work toward understanding different perspectives to find balanced solutions to any issue.

Professional Standards can be a mechanism to provide an outlet for members who face interpersonal conflicts in the workplace or experience tensions where confidential peer-based conversations may offer a path to an improved environment. It can also be used to address managerial concerns involving member conduct or performance.

Critical Incident Stress Management (CISM)

The Critical Incident Stress Management (CISM) Team offers confidential, non-judgmental peer support both over the phone or in person following an aircraft incident, death of a co-worker or loved one, natural disasters, terrorist acts, or personal and work-related stressors of any kind. The CISM Committee is comprised of members who have specialized training to help diffuse and mitigate stress while helping members navigate difficult times. Your CISM peer will introduce members to all other benefits available and relevant to their situation.

No one needs to struggle alone. The CISM Team is here to help members foster resilience and wellness in the face of life and work challenges.

Call or text the CISM Team at 202-505-CISM. Email the team at cism@natca.org.

What is CISM? What am I arranging for my members?

Immediately following an incident, CISM team members work to **DIFFUSE** the affected individual over the phone. This may or may not include having them describe what happened; It is completely their choice. They can also be quiet and just listen if that is what they prefer. The most important part of diffusing is that the person will get information on what to expect over the coming days, possible reactions that they might experience, wellness tips, and ways to mitigate stress. During this conversation, they are likely to hear concepts that simply do not occur to people during these stressful events.

The next day and/or subsequent days, CISM Team members will continue to follow-up with the affected individual(s). The FacRep should monitor them as well. FacReps know their members best, so there is nobody better to assess how they are handling a situation. CISM Team members rely on FacReps to provide input and to collaboratively decide with the ATM if the members would benefit from a CISM representative deploying to the facility. CISM Team members typically deploy when three or more individuals are negatively affected. Situations where fewer than three individuals are involved can usually be handled over the phone, but every situation is different, and the CISM Team is flexible and open to your ideas. Many times, the diffusing and follow-up calls are all people need. If you and your ATM think it would be beneficial for the CISM Team to come to your facility, then you will need to make that request fairly quickly.

Critical Incident Stress Debriefing (CISD): This is a group debriefing only for those directly involved in the incident. Ideally it should occur between four and seven days after the incident, but certainly within 10 days. A CISM Committee member will arrive with a local, licensed clinician from Magellan normally for a 4-hour block of time. There will be an informational session prior to the CISD. All facility employees are welcome to attend the informational session. Everyone, except for those directly involved, will then be excused and the CISD will begin.

The CISM Committee prefers not to deploy for a CISD without a commitment from the directly impacted individuals that they will participate and a commitment from management that those individuals will be present at the facility on duty time and able to spend as much as four hours with the CISM Team member and clinician. It is imperative that you request a day and block of time that ensures this will happen.

Individuals will participate in the group session together. They will have the opportunity for one-on-one sessions with CISM and the clinician after the group debriefing is complete.

Not all situations call for a CISD. For example, what if the incident was not a plane crash but was instead an employee death or natural disaster that affects the entire facility? In that case, a CISM Committee member and a clinician will respond for a 4-hour block of time for grief counseling. Grief counseling is far less rigid than the CISD. Grief counseling is a combination of informational group sessions. At larger facilities, the CISM Committee prefers to do this during the "daily briefing," if one exists, to maximize exposure. When the CISM Team member and clinician are not speaking in front of a group, they are available for private one-on-one sessions.

A FacReps Role:

Following an aircraft accident, death of an employee, or other traumatic incident, a FacReps responsibility as a leader goes far beyond "checking a box" that says CISM has been notified. The CISM Committee will rely heavily upon the FacRep to pass information to affected members and be the Committee's eyes on the ground. FacReps will help ensure that members get a customized CISM response in an appropriate timeframe. FacReps are often pulled in many different directions by their ATM, operations supervisors, members, the NTSB, drug testers, their family, and their own emotions. If you are unable to answer the CISM Committee's calls or text messages, it's important to delegate the CISM coordination to a Union representative who can be the central point of contact for CISM.

CISM Checklist for FacReps:

- Notify your NATCA Regional Vice President of the need to request CISM services.
- Call or text the CISM Hotline: 202-505-CISM.
- Urge members not to follow the incident in the media.
- Urge members to call or text the CISM hotline ASAP.
- Stay responsive to the CISM coordinator or delegate the interaction with CISM to someone who has time to help.
- Monitor your affected members. Watch for signs of anxiety, distraction, moodiness, sleeplessness, or just not being themselves.
- Discuss and collaborate with the Agency at the local level. Do you think those involved need CISM to deploy to your facility? Do you think they are interested in help?
- Consider calling the CISM coordinator while you are collaborating with management for a group chat.
- For a CISD, determine a date and 4-hour block of time in which all affected individuals will be present and not needed operationally, usually between four and seven days after the incident.
- For grief counseling, determine a date and 4-hour block that would capture the most personnel.

Long-Term Disability Benefit (UNUM)

Since June 2001, NATCA has partnered with UNUM to offer a unique long-term disability insurance, which is only available to NATCA members.

What is the UNUM/NATCA long-term disability insurance policy? Who is at risk?

ATC medical clearances are unique to the profession, and a simple illness can turn into a long-term disability. Seeing this need, NATCA partnered with UNUM and created this one-of-a-kind policy for our membership.

At age 30, a man is seven times more likely to become disabled than to die. At age 30, a woman is four times more likely to become disabled than to die. At age 40, a person has a 43% chance of experiencing a long-term disability before reaching age 65.

UNUM's long-term disability insurance pays a member 50% of their gross monthly salary, up to $5,000 per month, tax-free if they cannot work due to a covered injury or illness. This benefit lasts up to five years. These benefits can help a member cover their expenses and protect the member's finances at a time when they are paying extra medical bills.



UNUM/NATCA Disability Claims 101 for FacReps

What do you do if a member becomes injured, ill, or has their ATCS medical clearance suspended, and it appears it will be long term?

1. Have the member file a claim: This can be done immediately. The member does not have to wait for the 90 days of continuous disability. To file a claim, call National Insurance Services (NIS) at 866309-0304, Monday through Thursday, 9 a.m. – 5 p.m. and Fridays from 9 a.m. – 12:30 p.m. Do not have the member call UNUM directly. Because this is a special policy, there is a special designated claims team that deals with NATCA claims. To that end, FacReps need to forward NATCA members to the team at NIS that handles this process.

2. **You are a FacRep, not a UNUM Representative.** Do not lead anyone to a diagnosis or make any claims about guaranteed benefits. Let the team at NIS guide members on whether their claim is covered.

3. What happens after a member files a claim? It will take at least 90 days before a member receives a payment from UNUM. The member does not have to be out of work for 90 days with a total loss of income. The member must have a 20% loss of pay for 90 days. Most of this might be accomplished by the loss of differential pay, Sunday pay, etc. As annual leave and sick leave are considered a benefit and not income, in most cases, a member taking one day of annual leave or sick leave per pay period in conjunction with loss of differential pay would equal a 20% loss of pay. Our team at NIS will explain this process directly to the member.

4. When a member receives payment, they DO NOT always get $5,000 per month. Members receive UP TO $5,000 per month based on the amount of pay lost due to their disability. For example, a member who suffers a 50% loss of pay will receive 50% of the benefit, or $2,500 for the month in question. A member will never be paid more than they would earn if they were working.

5. What about disabilities due to a sickness or injury that is primarily based on self-reported symptoms and disabilities due to mental illness? These types of disabilities have a limited payment period of 12 months per lifetime under the NATCA/UNUM policy. Mental illness benefits would continue beyond 12 months only if the member is institutionalized or hospitalized because of the disability. The maximum benefit payout is five years.

The critical thing to remember as a FacRep is to get the member to FILE A CLAIM through NIS and not directly with UNUM. Once the process begins, the team at NIS will walk the member through the claim process. If you or your members have any questions, please forward them to unum@natca.net, and someone from our team will contact you directly.

Workers Compensation (OWCP)

Workers' compensation is the sole means of restitution provided by the government to federal employees who sustain injuries while performing their job duties. The workers' compensation approval process is governed and managed by the Department of Labor. There are two types of claims: a traumatic injury or an occupational disease.

TRAUMATIC INJURY

A traumatic injury is caused by a specific event or incident within a single work shift. There are many types of injuries that are unique to our occupation. Some of the most common are headset tones, injuries sustained from a fall, and traumatic stress. With a traumatic injury, the employee is eligible for Continuation of Pay

(COP). COP is up to 45 calendar days of the employee's normal pay (minus Sunday pay and overtime) while they are unable to work. No out-of-pocket medical expenses are incurred as long as the claim is accepted.

For all traumatic injuries, a CA-1 and an OSHA-301 form must be submitted to initiate the claim for compensation.

OCCUPATIONAL DISEASE

An occupational disease or illness is a medical condition produced in the work environment over a period longer than a single workday. Common injury factors are continued or repeated stress or strain, or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particles, or radiation. Some injuries in this category include carpal tunnel syndrome, gradual hearing loss, or asbestos-related injuries.

Occupational Disease claims are filed on a CA-2 form and are not eligible for COP.

NATCA National Workers' Compensation Committee

NATCA has established a National Workers' Compensation Committee. This committee is comprised of specially trained representatives from each region. They are dedicated to assisting individuals who have sustained a work-related injury. The Workers' Compensation Committee offers invaluable expertise to our members. Early committee consultation is essential to navigate the workers' compensation process effectively. It is important not to undertake this process independently. The committee is always available to provide support and guidance.

The contact information for NATCA's Workers' Compensation representatives can be found at: www.natca.org/committees/owcp

or use the QR code below.

NATCA National Workers' Compensation Committee

Temporarily Disabled Employees/Assignments (Article 45 Duties)

As a FacRep, you will have members who become temporarily medically or physically unable to perform their duties. There are important rights contained in NATCA's CBAs and Memoranda of Understanding (MOUs) that provide options to members other than taking sick leave. It is essential that your members understand these rights and make the necessary request.

What happens if an employee loses his/her medical clearance or cannot perform his/her normal duties due to medication restrictions?

If an employee is temporarily medically or physically unable to perform some or all of his/her duties or is temporarily prohibited from performing such duties due to prescribed medications, the employee, at his/her

request, shall be assigned other facility duties, to the extent such duties are available. (CBAs Article 45 §§ 1 and 4)

What if there are no duties available at the facility?

If other duties are not available at the employee's facility, the Agency may offer assignment of available work at other air traffic facilities, and in some cases other FAA offices, within the employee's commuting area/district for which they are otherwise qualified. Employees will not be required to travel to perform such work. When assigning other facility duties, the Agency shall give priority to those BUEs who are assigned to the facility where the duties exist. (CBAs Article 45 §1 and Air Traffic Services Field Structure Evolution MOU § 7 dated Feb. 11, 2020)

Is an employee performing Article 45 duties still in the NATCA ATCS bargaining unit and covered by the CBA?

Yes. Employees assigned duties under the provisions of Article 45 and the Air Traffic Services Field Structure Evolution MOU shall continue to be considered as ATCS BUEs and shall be entitled to all provisions of the 2016 CBA and those provided by law and regulation. (CBAs Article 45 § 3)

What if other duties are not available?

If other duties are not available under the CBA or MOU, sick leave shall be taken. At the employee's option, other accrued leave may be substituted for sick leave. An employee may request leave without pay, which shall not be denied solely based on the employee having compensatory time, annual leave, or credit hour balances. (CBAs Article 45 § 6)

Remember, as a FacRep, you should ensure that members are aware of the provisions of Article 45 and assist them in requesting such duties if the member so desires. Additionally, you will need to ensure that the Agency considers all potential options before the Agency asserts there is no work available to accommodate a request made under Article 45. Be creative. Think about the projects that are being performed at the facility with which the employee could assist or reach out to nearby FacReps to see if their facilities may require assistance. If you believe other duties are available and the Agency is not offering these duties to the affected employee, elevate this issue to your NATCA Regional Vice President.

Job Searches, Reasonable Accommodation, and OPM Disability Retirements (Medical Retirement)

For members who maintain a medical clearance as a condition of employment, any loss of that clearance creates an uncertainty about the potential loss of their livelihood. However, even if a member is permanently medically disqualified, there may be opportunities for continued employment or benefits through a disability retirement.

If, after exhausting all efforts to regain a medical clearance, a member remains permanently medically disqualified, the FAA will issue a notice to the member, in accordance with Article 66 of NATCA's CBAs, that (1) they may submit an application for OPM disability retirement, (2) may request reassignment to a position for which they are qualified, or (3) he/she may request to be accommodated in accordance with the Rehabilitation Act of 1973, as amended, and the CBA. The member will need to choose one of the options and return their selection to the Agency for consideration.

If the member chooses to pursue a reassignment, then the FAA will initially only indicate an opportunity for a job search within the employee's commuting area. Members should, if desired, express a willingness to relocate so they can be considered for positions that may exist in an FAA regional office or other facility that may be outside the immediate commuting area.

Members can choose to submit a current resume, OF-612, or SF-171 to assist in the determination of job qualifications. Job searches may take time and are subject to availability. The FAA is not obligated to create a position for a medically disqualified employee, but if vacancies exist that match the parameters of the job search and for which the employee is otherwise qualified, then such position(s) should be made available, and the employee will receive priority consideration.

If the member chooses to pursue a reasonable accommodation, then they may be required to submit medical documentation to their manager so a determination can be made if the member's medical condition or impairment substantially limits a major life function. If the FAA's notice is to an ATCS, then the Agency will note that, "due to the medical standards required of an Air Traffic Control Specialist, an accommodation does not likely exist which would allow continued employment within your position of record." Given the complexities associated with governing laws for reasonable accommodation, FacReps should work closely with their NATCA Regional Vice President to assist members in making such a request.

In the event no position(s) for the medically disqualified employee are offered by the Agency, or if the employee elects to forgo the job search and reasonable accommodation options, the employee can pursue an OPM disability retirement.

To qualify for the OPM disability retirement, a member must meet the following eligibility requirements:

- The member must have completed at least 18 months of federal civilian service which is creditable under the Federal Employees Retirement System (FERS).
- The member must, while employed in a position subject to the retirement system, have become disabled, because of disease or injury, for useful and efficient service in their current position;
- The disability must be expected to last at least one year;
- The Agency must certify that it is unable to accommodate the member's disabling medical condition in their present position and that it has considered the member for any vacant position in the same Agency at the same grade or pay level, within the same commuting area, for which the member is qualified for reassignment;
- The member, or their guardian or other interested person, must apply before the member's separation from service or within one (1) year thereafter; and
- The member must apply for social security disability benefits. Application for disability retirement under FERS requires an application for social security benefits.

The approval process for an OPM disability retirement can take several months. Unfortunately, the FAA may try to initiate removal for a member while they await final OPM determination. If this occurs, it is important to note that disability benefits would be retroactive and would cover any time elapsed during the separation. Please notify and work with your NATCA Regional Vice President should the Agency propose removal.

National Air Traffic Controllers Association
AFL-CIO

Medical Release Form

I _____ _____ authorize:
First Name Last Name

1) _____, _____
Name Title
2) _____, _____
Name Title
3) _____, _____
Name Title
4) _____, _____
Name Title
5) _____, _____
Name Title
6) _____, _____
Name Title

Examples:

- *Jamie Sanders, NATCA Northwest Mountain Drug and Alcohol Lead;*
- *Alex Navarro, NATCA Northwest Mountain Regional Vice President;*
- *Joshua Waggener, NATCA Northwest Mountain Alternate Regional Vice President.*

And/or their designees to discuss my medical clearance and any and all information in my medical and/or Employee Assistance Program (EAP) files with an authorized representative from the Federal Aviation Administration's Office of Aerospace Medicine and/or an authorized representative from the Federal Aviation Administration's Employee Assistance Program.

I hereby waive my rights under the Privacy Act regarding NATCA's access to any and all information to the listed authorized parties and/or their designees.

I acknowledge and hereby accept that the release of my information may involve the use, disclosure, and distribution of certain privileged and confidential medical and personal information.

I have read the foregoing and fully understand the contents thereof. This release shall be binding upon me and my heirs, legal representatives, and assigns.

This release is valid for one year from its execution, unless revoked in writing.

_____ _____
Signature/Full Name Date