



NOTEM

Working Without a Net

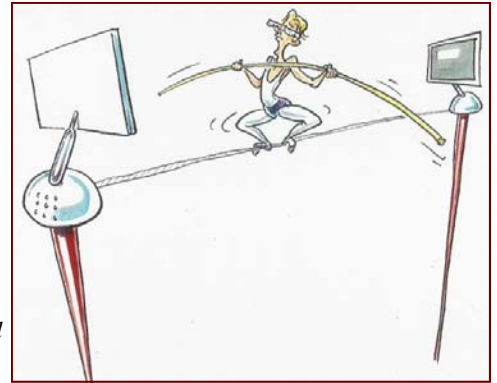
Is there a career fate worse than being fired? Unfortunately, for AFSS employees, the answer is “yes.” It starts with being fired then goes downhill when you are thrown to the plaintiff lawyers.

You work in a high stakes occupation. A small mistake might be construed as a contributing factor in a deadly incident even though completely disconnected. Unfortunately, some attorneys make their living connecting disconnected dots. They find a pot of money and put themselves between the cash and someone who wants it. Pretty soon, they’re asking a judge and jury to connect the dots.

When Flight Service was a purely Federal function employees didn’t have to worry about personal liability arising from the performance of their jobs. But now, as private sector employees, the playing

field has taken a different tilt. Lockheed Martin says (Emphasis added):

Lockheed Martin is required to indemnify an employee or former employee who has been named as a party to a proceeding (this includes any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative) unless the act or omission of the employee was material to the matter giving rise to the proceeding and: (1) was committed in bad faith; (2) was the result of active and deliberate dishonesty; (3) the employee actually received an improper personal benefit; or (4) in the case of a criminal proceeding, the employee had reasonable cause to believe that the act or omission was unlawful.



Now, this is a reasonable position for a private sector employer to take. But the big problem for an employee comes from the interpretation of the key phrases shown in boldface. Without the IAM and a collective bargaining agreement, your interpretation won’t count. NOTEM will be looking at how the IAM will help level the playing field in future issues.

Undetermined Determination

Without a collective bargaining agreement a wage determination (WD) sets the floor of what a service contract employee is paid. The wage determination is set by the Department of Labor (DoL) and is subject to challenge by any interested party.

So, in September 2006, when the DoL issued a new nationwide WD for Flight Service Specialists, the FAA challenge it saying the DoL methodology was wrong and that, if anything, you were overpaid because working in the private sector had significantly simplified your duties. Lockheed agreed with the new WD and made a passing reference to the fact that the top tier could have been set a Level higher. When the IAM learned of the FAA challenge we intervened and asked that the top tier be raised from Level 11 to Level 12 and asked for a clear mandate for retroactivity.

Now, here’s what’s weird. Lockheed has announced that

they intend, with the FAA’s approval, to begin paying the new WD rate on October 1, 2007 – and that’s fine. We were happy to nudge things along. But, the FAA is still pursuing its challenge to the new WD! This means, should the FAA win the challenge Lockheed will have overpaid employees. Then what happens? What’s the motivation here? The whole thing smells a little fishy.

Hopefully the new WD will be sustained and perhaps the IAM’s position on Level 12 will be adopted by the DoL’s Administrative Review Board. Either way, we’ll continue to push for retroactivity. Eventually, an IAM collective bargaining agreement – ratified by union members – will set your wages and benefits and you can say goodbye to bureaucracy.

(If you’d like a copy of the FAA’s challenge and the IAM’s petition to intervene, send an email with “ASFF” in the subject line to shantzis@iamaw.org.)

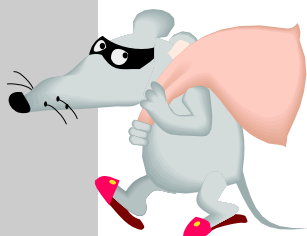
The Fuss About FERS by Kenneth E. Fix, BNA

Part 2

Many of us have written our elected representatives about this issue and have gotten nowhere. Lockheed Martin has no interest in addressing this issue. They enjoy the largest public-private job competition contract ever awarded via the Federal Aviation Administration, and are not about to help us with this issue and our former employer. Individual lawsuits will be costly and protracted, and probably get each of us that are affected no-

where.

Simply put, your voice is too small to be heard and is easily ignored. The International Association of Machinists and Aerospace Workers has thousands of members and the ability to lobby Congress. It’s possible to get this issue resolved. **Don’t let the thieves get away with our money!** Let’s take the fight to the halls of Congress with the strength of the IAM behind us.



Working the Problem

How to put this gently? What do you do when your employer doesn't seem to listen to suggestions that would make for a better product or service, and, possibly even make things better for the employees? In other words, what do you do when your employer turns a deaf ear to the folks who know the work?



Unfortunately, without the IAM, your options are limited. But, did you know that the IAM operates a very successful employee-participation program called High Performance Work Organization (HPWO)? We have employer partners like Boeing, Harley Davidson and, oh yes by the way, Lockheed Martin. They call their program Joint Workplace Employee Participation Program, JWEPP. They kicked it off in 1998 at their Fort Worth, Texas plant.

Now, an HPWO Partnership involves a Ten-Step Process that is tailored to each individual situation. The goal of the process is to move away from a top-down management structure and towards a joint participatory relationship between management and labor. Often the initial joint training is done at our William W. Winpisinger Education and Technology Center in Southern Maryland.

While the actual figures on hours saved per hours invested in the program are correctly proprietary, it's accurate to say that the company and the employees have greatly benefited from its use. Jobs have been saved, production times speeded and customer satisfaction increased. Can you imagine any other enterprise that would benefit from a little employee input?

Your IAM Representatives by FSS Location

Code	IAM Rep	Phone
ABQ	Red Dow	(505) 242-9622
COU	Rod Hoffman	(314) 378-9366
DEN	Rod Weigan	(916) 801-4361
FTW	Al Granado	(817) 307-0723
HNL	Maria Santiago-Lillis	(808) 845-1024
IKK	Steve Nichel	(630) 414-1063
LAN	Beau Jencks	(269) 420-3556
DCA	Steve Hantzis	(202) 285-8957
MCN	Alan Williams	(229) 347-1561
MIA	Javier Almazan	(321) 302-9064
BNA	Mike Cooke	(931) 624-4478
OAK	Jesse Juarez	(925) 550-0586
PRC	Don Gresham	(602) 574-1020
PNM	Steve Nichel	(630) 414-1063
RDU	Joseph Greaser	(214) 695-8569
PIE	Javier Almazan	(321) 302-9064
SAN	Bobby Martinez	(916) 517-8251
SJU	Ramon Garcia	(904) 803-9996
SEA	Jesse Cote	(360) 259-4389

Puzzle Palace 102

Dear Dr. Know-it-all:

Why would the FAA authorize LMT to pay the new WD when they still have an outstanding challenge to it? Aren't they saying they agree with it but disagree with it? Why would they take *that* position?

- (A) Because the FAA doesn't know what it's doing.
- (B) Because the FAA wants to keep their lawyers busy.
- (C) Because the FAA wants to help LMT offer a pay raise in hopes of deflecting support for the union.

Correct Answer: You've got me, wasn't invited to the meeting.



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Place
Postage
Here