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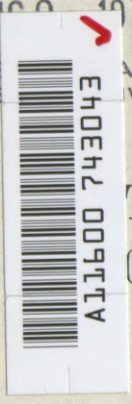
CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS

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THE KANSAS STATE UNIVERSITY



HEARINGS

BEFORE THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

ON

H.R. 8083 and Similar Bills

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE
FOR MAXIMUM ENTRANCE AND RETENTION AGES, TRAINING,
AND EARLY RETIREMENT FOR AIR TRAFFIC CONTROLLERS,
AND FOR OTHER PURPOSES

JUNE 8, 9, 22, 1971

Serial No. 92-10

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CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS

TUESDAY, JUNE 8, 1971

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met at 9:45 a.m., in room 210, Cannon House Office Building, Hon. Thaddeus J. Dulski (chairman of the committee) presiding.

Chairman DULSKI. The hearing will come to order.

The Committee on Post Office and Civil Service is pleased to commence hearings on H.R. 8083, the official recommendation of the Department of Transportation, and related legislation regarding air traffic controllers.

The Department forwarded its recommendation to the House on April 29 of this year and I introduced it on May 5. Now, just 1 month later, we have commenced hearings. I believe that the prompt action taken by the committee clearly demonstrates our recognition of the need for legislation in this area.

It is my intention, and I have advised our subcommittee chairmen who have related bills before their subcommittees, to complete all activity in this area by June 30. Immediately thereafter, I shall schedule a markup session for the committee with a view toward reporting a bill to the House sometime before the August recess.

No one can predict, at this time, the final form the legislation reported from the committee will take.

However, I am confident that the committee in its wisdom, after reviewing the testimony elicited at these hearings and weighing all considerations, will report a fine bill—perhaps not satisfactory in all respects to everyone concerned, but certainly one which will be generally satisfactory to all parties.

Certainly, the fact that the administration, the Congress and the organizations representing air traffic controllers are in favor of legislation in this area is also an indication of the excellent chances for enactment of this legislation during this Congress.

There is no question, in my mind, that our committee will continue to act promptly and judiciously to accomplish this goal.

Mr. Secretary, the committee is honored to have you grace our committee hearings. We realize that you have an extremely busy schedule, especially today, and that the Department's presentation will be left to Mr. Shaffer.

However, your presence here is indicative of the priority you have placed on this legislation. I assure you that it is a priority matter also for our committee.

Mr. Volpe, we are equally pleased to see that the Honorable John H. Shaffer, Administrator, Federal Aviation Administration, and Mr.

Bertrand M. Harding, Associate Administrator for Manpower, have accompanied you.

Mr. Shaffer, welcome to our committee. I wish to congratulate the Secretary and you for your efforts in bringing this legislation before the Congress. Your diligence in this matter is a great source of gratification for me and the members of the committee.

I would like to say, Mr. Secretary, that I saw your picture when I was in Europe, when you came off the SST, and I read your comments. I was in Europe at the same time and it was very nice to read about Americans in Europe while I was there.

We are very happy to have you with us.

STATEMENT OF HON. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION

Secretary VOLPE. Thank you very much, Mr. Chairman, and members of the committee, I certainly am very pleased, and I appreciate this opportunity to appear before the committee today in support of H.R. 8083.

As you have indicated, Mr. Chairman, on my left is Mr. John H. Shaffer, Administrator of our Federal Aviation Administration; to his left are Mr. Bertrand M. Harding, FAA Associate Administrator for Manpower; and Mr. William M. Flener, the Director of the FAA Air Traffic Service, and who does a great job. As we indicated, Mr. Chairman, we have just come from one Cabinet meeting, and must go back for another one.

Mr. Shaffer will discuss with you our efforts to improve the air traffic controller career program and will set forth the major provisions of H.R. 8083. Before he does, I wish to offer a few comments to emphasize the Department's need for this measure and to indicate its importance to the effective management of the air traffic controller system.

In the past two decades, tremendous technological gains have been made in our air traffic controller system. There has been an almost continual process of improvement, expansion, and development. The 1950's saw the advent of radar and improved navigational equipment. The 1960's brought the first widespread implementation of automation techniques. Last year we opened a new central flow control facility which gives us for the first time a total nationwide air traffic picture. We are constantly updating our automation program, and this progress continues today.

In considering milestones of our development in this area, we must place at the top of the list passage of the Airport and Airway Development Act of 1970, for which the American public owes the Congress a real vote of gratitude. This act is enabling us to provide the badly needed hardware items, such as control towers, instrument landing systems, radars, and the latest in modern automated equipment.

Despite these technological gains of the past and those which the future is sure to bring, our air traffic controller system does, and will continue to have as its single most important element its work force. We have a people system, Mr. Chairman and members of the committee. Nearly 20,000 controllers staff our towers and centers, and they will be the direct beneficiaries of the legislation which you have before you.

I have visited many of these facilities, and I can assure you that these men have a genuine, and a very heavy responsibility, and they do their job extremely well.

The work done by a person who chooses a career as an air traffic controller is truly unique. The work presents an exciting challenge and involvement in one of the most dynamic and forward-looking industries of today. With that challenge comes the most serious responsibility of safeguarding airmen and air travelers whose well-being depends to a significant degree upon the satisfactory performance of one's job—performance, I might add, which has little tolerance for error.

As the growth of aviation continues to place increasing demands on our air traffic controller system, the demands on our controllers have correspondingly increased and become more complex. Our experience shows that advancing years do not improve a controller's performance of his most difficult tasks, yet the skills which he learns during his years of dedicated service have limited applicability to other jobs. There is little opportunity to find similar work at comparable salaries for one who can no longer meet the rigors of the job.

We must now effectively deal with the problems facing an air traffic controller career employee, or face the distinct possibility of diminishing safety and efficiency in our air traffic controller system. We feel that H.R. 8083 is a key part of the solution. We feel we have presented to the Congress an excellent, workable proposal, and we strongly recommend its enactment into law. We hope this measure will not be delayed so that we can get on with the job of meeting the needs of the air traffic control system and our air traffic controllers.

Thank you, Mr. Chairman. This concludes my prepared statement. As I have indicated, at this time Mr. Shaffer will present his statement, and he and his staff will be able to respond, I am sure, to any questions you or members of the committee may have.

Chairman DULSKI. Thank you, Mr. Secretary. I want to thank you very kindly for taking time out from your busy schedule and honoring us here this morning with your presence.

Are there any comments? Mr. Daniels?

Mr. DANIELS. I wish to extend a most cordial welcome, to the Secretary. I would like him to know that this past weekend, I and one of my colleagues, Mr. Hillis, had the pleasure of visiting some of the air traffic control centers. We went to Oklahoma City where your main base of operations is located, and had the privilege of being escorted through that facility, to observe this operation.

And we went to Oakland, San Francisco, and were completely amazed and astounded by the operations at Chicago yesterday morning, where you are practically operating two airfields in one.

And as we looked into the radar scope—not being a pilot, not having any experience in this field, it seemed to me as I looked into the radar scope that there were a lot of bees running around. How the controllers can manage to control the air traffic without serious mishaps more frequently than they do now occur, is really amazing.

It was quite an experience, and I learned a great deal by attending these different facilities this past weekend. And I want to compliment the FAA for doing an outstanding job.

Secretary VOLPE. Let me assure you, Congressman Daniels, that we are doing everything in our capacity to continue to improve the

situation. By way of improving the environment in which the men work, we are doing that just as rapidly as humanly possible. As a matter of fact, the Administrator gives me a report every month on what we have accomplished during the previous month by way of updating and cleaning up some of these towers and centers. Some of them are relatively new, but others are quite old.

But in addition to that, we are improving the equipment that is before them. It was almost 2½ years ago when I visited my first center, and I have visited more recently the Chicago control tower at O'Hare, which we dedicated 3 weeks ago. The difference between 2 and 40 years ago is phenomenal. Now, the controller doesn't have to do quite as much physical writing or memorizing because the radarscope—the machine and equipment—do a great deal of it for him, and that makes for less of a strain.

Chairman DULSKI. Thank you, Mr. Johnson?

Mr. JOHNSON. I, too, just want to welcome you here, Mr. Secretary. Of course, we in Bradford, Pa., my district, are grateful for the new instrument landing system that you installed there. I notice that practically every bad air crash we have, they say if there had been an ILS system at this particular airport, it wouldn't have happened.

How many would you say are needed in the United States today? Do you have any figures on that?

Secretary VOLPE. Jack has those, I am sure, at his fingertips. I do know that I had hoped to be able to say, when I came here today, that we have gone for 18 months now without a single death. Unfortunately, I can't because of the two recent tragedies. But these things happen. As you know, our domestic airlines had not had one for all of last year within the continental limits of the United States.

As to the one yesterday at New Haven, an ILS was due to be installed there. Correct me if I am wrong, Jack, but there was much local objection over the fact that it might lead to enlargement or more use of the airport. It was not installed. We can't say for sure, but had it been there, this accident may not have happened.

Our objective is to try to get these ILS systems and other pieces of navigation equipment in place as rapidly as possible. I am sure the administrator can give you the details of exactly how many there are.

(The following was furnished:)

The Department of Transportation, Federal Aviation Administration, has commissioned 294 full instrument landing systems (ILS) as of May 31, 1971. An additional 160 ILS are funded and planned, bringing the total to 454. An additional 22 ILS will be needed to satisfy our planning criteria for initial ILS establishment. The criteria provides that an airport is a candidate for an ILS when scheduled air carrier turbojet operations are conducted on a sustained basis, or when it records 700, or more, instrument approaches.

Unless there is someone else who has a quickly——

Chairman DULSKI. Well, I think the pilot over there has.

Secretary VOLPE. The gentleman on your right, Mr. Young, was a passenger in a plane that I was on, in Florida. Later that night, I was terribly worried because I heard he had been in a crash. Thank God he survived. He looks healthy.

Mr. HILLIS. I just wanted to say how much I appreciated—as Congressman Daniels said—I also got to make the trip and we were most graciously received everywhere we went, by the FAA.

All questions we had were, I would say, very completely answered, regardless of what the subject matter was, and we had a fine reception

at the academy, at Oakland, and later at O'Hare. And I was most impressed with everything I saw, and the efforts that are being made to make the airways safer and help solve the problems that exist in the air traffic control system today.

Secretary VOLPE. May I say, Mr. Chairman, before I leave, that I have been to the Aeronautical Center a couple of times. There are many training institutions in this Nation, but I wouldn't take my hat off to any of them when it comes to the efficiency with which the center at Oklahoma City is being operated.

Chairman DULSKI. Thank you very much, Mr. Secretary. Have a pleasant day, wherever you are going.

Secretary VOLPE. Back to the White House. Thank you.

Chairman DULSKI. Our next witness is Mr. Shaffer. Please excuse me. I must leave for a moment. Mr. Hanley will preside while I am gone.

Mr. HANLEY. Mr. Shaffer, we will proceed, please.

STATEMENT OF HON. JOHN H. SHAFFER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. SHAFFER. Mr. Chairman and members of the committee, I will introduce the rest of the staff who are with me: Dr. Peter V. Siegel, the Federal Air Surgeon; and Mr. George U. Carneal, Jr., the FAA General Counsel. You already have been introduced to Mr. Harding and Mr. Flener.

This is my first appearance before the Post Office and Civil Service Committee, and I am particularly pleased to be with you today as the committee begins hearings on the bill sponsored by your chairman—H.R. 8083.

Mr. HANLEY. We are delighted to have you, and your associates, with us this morning. On behalf of the full committee, I am confident that your testimony is going to prove quite interesting.

Mr. SHAFFER. Thank you.

H.R. 8083 embodies legislation that the Secretary of Transportation, John A. Volpe, recommended to the Congress on April 29, 1971, and you have a section-by-section analysis and a cost summary for the proposal.

H.R. 8083 addresses the significant elements of a need that is a major and increasingly urgent concern to the Department, and particularly to us in the Federal Aviation Administration who are responsible for the safe and efficient operation of the National Airspace System. The need to develop a more effective career program that accommodates the problems facing the men and women who made the air traffic control system work—the air traffic controllers—is essential to carry out our responsibility for that system. Enactment of H.R. 8083 will be a giant step forward on these fronts. In effect, one group of Federal civil servants—the controllers—will not be the only ultimate beneficiaries. Those of us charged with the responsibility for the air traffic control system, and those millions of people who travel by air every year, will directly benefit as well.

We have made great strides in evolving a superb air traffic control system that can, and in large measure does, meet the ever increasing burdens and challenges of the burgeoning aviation community. Un-

fortunately, the rapid growth of the system and demands of its users exact a price from the system's most vital component—the people. Make no mistake, despite the technological advances that we have made, and those that are coming, the air traffic control system is primarily a “people system,” and so it will remain for the foreseeable future.

Safety and efficiency are the ultimate measures of the success of the system. In turn, they are in direct proportion to our ability to establish and maintain a career program for those who man the system, so they can function at peak effectiveness through their total career.

Some members of the committee and the staff returned yesterday from visits to FAA facilities in Oklahoma, California, and Illinois. These familiarization visits are worthwhile, and I am confident that those who went would agree. The Aeronautical Center and the Academy in Oklahoma City are excellent facilities, and our visitors often are surprised by the number of different activities and programs we conduct there. In California, you saw control tower and radar approach control facilities in the San Francisco Bay Area. Each is a fine example of our facilities “on the line.” The tower at Chicago O’Hare was commissioned quite recently, and dedicated during the past month, on May 18. The controllers there are using the new generation Automatic Radar Tracking System—ARTS III—to handle the world’s heaviest commercial air traffic.

More importantly, those of you who were there met the men and women who were controlling traffic. They count! The facilities and equipment that the controllers man—the towers, centers, and radarscopes—are nothing but metal, concrete, glass, and wire without those highly skilled and dedicated controllers who man them; that is why we come before you today.

In recognition of the urgent need for a total career program for our controllers, Secretary Volpe established the Air Traffic Controller Career Committee almost 2 years ago. At that time the Secretary said:

I am keenly aware of the problem of the air traffic controller and of the pressures of his job, and I am genuinely sympathetic with his efforts to achieve improvements in his working conditions.

You have the charge the Secretary gave to his committee, in an exhibit attached to our statement, and the committee began an intensive study spanning several months and many, many hours of work.

That work was completed in January 1970, when the committee submitted its report to the Secretary covering three major subjects: (1) manning the air traffic system; (2) the controller’s career; and (3) employee-management relations.

The FAA effort to implement the committee’s recommendations was immediate, and we established nine basic action programs: (1) staffing standards; (2) recruitment and selection; (3) training; (4) career progression; (5) compensation; (6) working conditions; (7) labor relations; (8) employee-management communications; and (9) human factors research.

When Bert Harding (who served as the Executive Director of the Secretary’s Committee) came on board in March 1970, I asked him to “quarterback” these nine action programs. You have a chart and a statement describing the overall status of that program.

We have completed implementing action on all the committee's recommendations, with two major exceptions: (1) those requiring long-range study; and (2) those requiring legislation. We are here today to begin the final phase of eliminating that second exception.

From the summary you have of the air traffic control occupation, you can see that air traffic control work is a vocation that is unique to the civil service—one offering many advantages and a number of serious drawbacks.

An individual has the challenging opportunity to be involved in one of the most dynamic industries of our time. But he also faces the sobering responsibility of safeguarding airmen and air travelers, whose well-being depends in large measure upon the proper performance of the air traffic control system. The controller has the basic role of facilitating the safe and efficient flow of the air traffic in the system.

The increasing demands on the air traffic control system make the job of the controller more complex and increase his burdens. In recognition of this, the controller is adequately compensated, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. The most serious drawbacks of the work are those having a long-range effect.

The Department of Transportation is practically the sole employer of civilian controllers. The skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to earning.

The nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, were the basic factors which led the Secretary to establish the Air Traffic Controller Career Committee.

In the conduct of the Committee's study, the guiding considerations were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to insure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The legislation before you today makes the amendments to the civil service law that are necessary to implement recommendations of the Committee requiring legislative action.

H.R. 8083 has four principal provisions: (1) maximum entrance and retention ages for controllers; (2) second career training program for controllers; (3) mechanisms to transfer or separate controllers; and (4) retirement for controllers at age 50, with 20 years of controller work, or at any age, with 25 years of controller work.

I would like to highlight these provisions for the committee.

First, the Secretary of Transportation, with the concurrence of such agent as the President may designate, could establish a maximum age for entry in Department of Transportation air traffic control positions.

Initially, we intend to provide that a person without previous experience may not enter an air traffic controller position after he reaches

his 31st birthday. However, we intend to consider granting exemptions to employ persons up to their 36th birthday. This would be based upon previous related experience. We would not exempt on an "across the board" basis, but would grant exemptions to small groups or individuals on a case-by-case basis. No exemptions would be granted to persons who have reached their 36th birthday.

This bill would establish a maximum age for retention in departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary could retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. I will discuss the reason for this specific provision in a moment.

Second, the Secretary would be able to provide up to a maximum of 2 years of training to a career-tenure controller. The "second career" training program would be established under the bill.

First, the Secretary must determine that the controller (1) has become medically disqualified for his position; or (2) must be displaced from a particular air traffic facility—such as a high traffic density facility—in the interest of aviation safety or efficiency, or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work.

The laws dealing with the Government employees training program administered by the Civil Service Commission would not apply to the controller training program. The Commission's program has a different basic thrust than the training we propose—to enable Federal employees to enhance their ability to carry out their duties as Federal employees. The controller training program is intended to equip the controller for a second career, and that may be in or out of Government service. Of course, in developing our training program, we intend to draw on the Commission's program as a model.

Third, the Secretary could assign, reassign, or demote a controller who receives training to other duties in the Department of Transportation at the same or a lower grade; or, the Secretary may release the controller for transfer to another executive agency. If the controller is not placed with an executive agency, he must be separated from the service.

If he first makes one of the three determinations that I discussed a moment ago, the Secretary may assign or reassign a controller—whether or not he receives training—to another air traffic facility or to different duties in the Department of Transportation.

Finally, an employee would be entitled to an annuity—minimum: 50 percent of the average of his highest 3 years base pay for those who had not received training—after he completes 25 years of controller service, or after he completes 20 years of controller service and reaches 50 years of age. Also, the Secretary could initiate the retirement of an active controller who is entitled to an annuity in the interest of aviation safety, efficiency, or the controller's health.

The retirement provision that we have proposed is based on one of two plans that the Air Traffic Controller Career Committee included in its report "as illustrative of arrangements that will meet what it [the Committee] regards to be an essential need."

The second plan was the so-called 1.4-for-1 concept. Mr. Chairman, this Committee is well aware of the serious and negative implications of this proposal for the civil service retirement system, and the retirement fund that is the basis for its operation.

We think that this proposal would serve as an inducement to a controller to remain in service in the interest of increasing his annuity. In short, this is not an early retirement proposal, but a retirement bonus proposal. It would benefit the controllers without necessarily benefiting the air traffic control system.

The retirement provision that we propose clearly benefits not only the controller, but also the system by enabling us to maintain the youthful controller work force that we need. The Department strongly opposes the 1.4-for-1 proposal. In addition to these principal provisions, H.R. 8083 would require the Secretary of Transportation to make a report to Congress of his operations under the act. The report would include a statement of the effectiveness of the act in meeting the needs of the air traffic control system and the controller career program, and also would cover additional recommendations deemed necessary for sound management of the system or the program.

The report must be made 5 years after enactment. The act would be effective 90 days after enactment. This allows us the time needed to issue implementing regulations, particularly as to the maximum entrance age, maximum retention age, the training program, and the administrative review procedures.

From the thrust of these proposals, you can see that our principal concern is with the use of older personnel in the controller positions. This is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he reaches 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we find that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee.

In some cases, the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions in our proposal, would give the controller the assurance of eventual relief from a long span of control work. He will have the opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under conditions that he finds nearly intolerable. The bill will also allow the Secretary to maintain a safer, more proficient controller work force, and to operate a safer, more efficient national airspace system.

H.R. 8083 represents an excellent, workable proposal. Mr. Chairman, I know that you and the members of this committee share with us the sense of urgency we feel. Secretary Volpe joins me as I urge this committee and the Congress to enact this bill into law during this session.

That concludes my prepared statement, Mr. Chairman. My associates and I will be pleased now to respond to questions you may have.

Chairman DULSKI. Thank you very much, Mr. Shaffer. I have a few questions. What is the controller work force authorized by the FAA?

Mr. SHAFFER. Mr. Harding can answer that.

Mr. HARDING. Mr. Chairman, that depends on whether or not you are talking about controllers covered under this bill. That number would be in excess of 19,000.

Chairman DULSKI. In this bill?

Mr. HARDING. The controllers I am talking about are those covered by this bill. They represent those who work in centers and towers, not those in flight service stations.

Chairman DULSKI. How many air traffic controllers are there on board today?

Mr. HARDING. There are a total of almost 24,000 controllers excluding supervisory personnel.

Chairman DULSKI. But you said you have 19,000?

Mr. HARDING. In excess of 19,000 are covered by this bill.

Chairman DULSKI. How many vacancies exist now? That is a thousand?

Mr. HARDING. In excess of a thousand, yes, sir.

Chairman DULSKI. Why haven't they been filled.

Mr. HARDING. Mr. Chairman, we were recruiting rather heavily during the last fiscal year, and during the first part of this fiscal year. As you know, the situation has changed rather appreciably and our air traffic activity is down somewhat. Therefore it was deemed unnecessary to fill all of the authorized positions at the earliest point in time. So we have some vacant positions which we do not feel we need to fill at this point in time.

Chairman DULSKI. What is the average cost of training a controller?

Mr. HARDING. The average cost at the Academy is about \$2,100.

Chairman DULSKI. To train one man?

Mr. HARDING. To train one man at the Academy; yes, sir. There is an additional cost later for on-the-job training at the facility.

Mr. SHAFFER. A controller is in the pipeline undergoing training after he leaves the Academy. But the formal training at the Academy consists of something in excess of 9 weeks, and costs about \$2,100.

Chairman DULSKI. The Academy is similar to formal schooling, as I understand it, right?

Mr. SHAFFER. Yes, sir, and as you can appreciate, they do require on-the-job training beyond that. We do that in two phases now. Before he goes to the Academy, we give a trainee his orientation and familiarization with controller work in the facility to which he will probably be assigned.

This lets us find out whether he really wants to do that kind of work, after we have observed him for a proper period of time.

Then after he finishes work at the Academy, he goes to one of the facilities, a tower or center, for example. He works in his specialty and improves on his own proficiency. He phases into this thing over a period of a little more than 3 years as he progresses to full journeyman status. It's a little like the apprentice programs in the trade unions.

Chairman DULSKI. On the average, how many people retire in a year because of medical deficiencies?

Mr. SHAFFER. Dr. Siegel.

Dr. SIEGEL. From 1966 to 1970, there were 538 medical retirements of controllers in towers, centers, and stations.

Chairman DULSKI. From the 24,000 that are onboard?

Dr. SIEGEL. Sir, that also includes stations; however, they jumped. The total number was 181 for 1970, compared to an average of about 89 from 1966 to 1969. But the total number that retired medically over the past 5 years is 538.

Chairman DULSKI. That does seem to be a large number, when one considers the strict regulations you have; is it?

Dr. SIEGEL. The number is not as large a number as that for other people who retire from the agency. We do find, however, that controllers retire at an earlier age than the average agency employee.

Chairman DULSKI. Thank you very much, Doctor.

Mr. Henderson?

Mr. HENDERSON. Thank you, Mr. Chairman. Mr. Administrator, I welcome you and Mr. Harding on this occasion, and commend you for your interest in this subject that we are all aware of. Mr. Harding might answer this—how many of your present controllers had former military controlling experience, Mr. Harding? Of the 19,000 onboard?

Mr. HARDING. My estimate would be that approximately 75 percent are out of the military.

Mr. HENDERSON. Do they get Academy training at Oklahoma City?

Mr. SHAFFER. The majority do; yes, sir.

Mr. HENDERSON. Your dropout rate at the Academy is pretty high; isn't it?

Mr. HARDING. Yes, sir.

This is one of the findings of the Air Traffic Controller Career Committee. That fact disturbed the committee to a great extent, and is apparently related to several matters.

First, the manner in which the individual was recruited contributes. In many cases, he did not seem to fully understand the content of the work. In other words, our recruiting publicity was not sufficiently explicit, so that the employee could comprehend what he was going to be doing.

Second, the fact that this is a skill—really a combination of intellectual and physical skill—that apparently occurs in a very small percentage of the population contributes. Therefore, if a good screening job is not done in the selection process, you will statistically get a very high dropout rate.

As Mr. Shaffer just testified, this is the major reason that we have shifted our training program around so that the employee typically will be brought in and exposed to the work at the facility where he is going to be employed, before we make the investment on his training at the Academy.

Therefore, we reduce the Academy training, and also we experience a lower dropout rate.

Mr. HENDERSON. In light of your answer to my first question, can you advise us whether or not the dropout rate is greater among the recruits who have had military experience than the nonmilitary?

Mr. HARDING. No, sir; I don't have data on the relative dropout rates of the military versus the nonmilitary trainees. But, I would imagine that, on the average, the military controller is a better risk than the nonmilitary.

Mr. HENDERSON. You don't have anything to prove this?

Mr. HARDING. I think we can supply something for the record, Mr. Henderson.

(The following statement was furnished.)

Most of our research effort has been directed toward determining who has an aptitude to do air traffic control work, rather than toward military versus non-military dropout rates. We think that our present direction will produce more significant results.

The aptitude test we are using now is very successful. The test shows that those with an aptitude are having much more success in completing training for air traffic control than those who do not show that aptitude. Before using the aptitude test, we had to rely heavily on previous experience that was gained primarily in the military. This was a reasonably good indicator, but not as good as the aptitude test.

Recently, we developed an occupational knowledge test. This test measures the extent of knowledge of those who claim prior air traffic control or related experience. While we are still in the evaluation stages with this new test, it shows great promise, especially when used in conjunction with the aptitude test.

What is important to us is that we hire someone with the aptitude to learn and perform air traffic control work, whether or not he has previous experience. Our best approach is to hire someone who both has this aptitude and who has previous training and has successfully performed air traffic control work. Their chances for success are then substantially higher than those who only have the experience. In turn, this approach reduces our overall dropout rate.

Mr. HENDERSON. My interest in this is twofold. If you are saying that a man needs experience, but if a high dropout rate is true of the military, it seems to me that we could conclude that the military is not doing a very good job of training their controllers.

Is the type of work, between the military and the civilian, that different?

Mr. HARDING. Yes, sir; there is a considerable difference. The majority of the controllers we are talking about today work in our air route traffic control centers. As you know, these are radar environments. They never see an airplane.

The typical military air traffic controller is a tower controller. These two skills are not necessarily interrelated. So you could have the somewhat anomalous appearance to which you referred.

There is another factor as well. Because of the absence of an age limitation on our ability to recruit, many of our military controllers are retired military controllers who have, we think, "gone over the hill" in terms of the amount of time they should be in this business. They have, in effect, used themselves up in their prior military career.

Mr. HENDERSON. What is your recruiting proposal at the present time on this score?

Mr. HARDING. We make no distinction on age now, sir.

Mr. HENDERSON. Well, are you, at the present time, still recruiting as highly as you have in the past from military controllers?

Mr. HARDING. Yes, sir; I would think it is running about normal.

Mr. HENDERSON. Are you making an effort to get the younger military controllers, or are you making a distinction between the retired military and those who have not earned retirement?

Mr. HARDING. Well, we cannot really make a distinction now. If the man qualifies for the job, we cannot make a distinction on the basis of age.

Mr. HENDERSON. What do you think would be the policy on enactment of the proposed legislation? Would this change the policy?

Mr. HARDING. Yes, sir; materially. We would have essentially few, if any, retired military controllers coming into the system.

Mr. HENDERSON. Do you find that the Department of Defense has indicated any concern about this from their viewpoint?

Mr. HARDING. Yes, sir; they have. They have expressed their position to the Office of Management and Budget. The Office of Management and Budget took the position that the consideration safety of the system as related—as we believe it to be—to age, was a more important consideration than the question of offering the opportunity for retired controllers to come into the civilian system.

Mr. HENDERSON. Do you feel that there is any real area in the military that your agency could take over and operate as efficiently and safely as the military does at the present time?

Mr. HARDING. I think I should let Mr. Flener respond to that.

Mr. FLENER. Mr. Henderson, we already have 31 approach radar control units that we operate for the military, approximately a thousand FAA controllers work in these units.

Normally it is a location where they handle both military and civilian traffic. Sometimes for the same airport, sometimes for several airports.

There are other approach control units around the Nation operated solely by the military at which they control only military traffic.

Mr. HENDERSON. My final question—is DOD asking you to assume a greater responsibility than you have had in the past?

Mr. FLENER. We could do that if asked.

Mr. HENDERSON. They have not asked you to?

Mr. FLENER. That's correct.

Mr. SHAFFER. As you know, we do operate the common system. In peacetime it's our responsibility. In wartime, it would be assumed by the military.

As Mr. Flener mentioned, we have several facilities where we have these. It might be useful to have some specifics: Omaha, Nebr.; Dayton, Ohio; Lubbock and San Antonio, Tex.; and Jacksonville, Fla. are examples of places where we really participate with the military, particularly during their training activities.

Mr. HENDERSON. I know my time is up, but if I might make a final comment. Mr. Shaffer, I have had concern for some time as we have studied the manpower situation, how we might best do this job. The primary purpose for the military operations is to have the capability in time of war. And with the experience we have had in Vietnam, I wonder if it is not time that we take a look.

I realize this is an interdepartmental problem, one that you can't solve on your own. But somebody ought to get at it, in my opinion.

Thank you very much, Mr. Chairman.

Chairman DULSKI. Mr. Hillis?

Mr. HILLIS. I have a few questions, Mr. Shaffer. I certainly appreciate your statement and congratulate you on it.

I was one of those, as I mentioned earlier, who had the privilege to make this trip, and as I stated to Secretary Volpe, I was very pleased with what I found.

Could you give us an estimate of the age of the average air traffic controller who is active either in the centers or facilities towers?

Mr. SHAFFER. We will provide that in detail by FAA region. But the average age is over 37 for tower controllers, and over 34 for center controllers.

(The following tabulation was furnished.)

AIR TRAFFIC CONTROLLERS—AGE AND LENGTH OF SERVICE AS OF DEC. 31, 1970

	Total	Eastern	Southern	South- west	Central	Western	Alaska	Pacific
Terminal.....	8,694	2,318	1,572	1,206	1,482	1,881	118	117
Average age.....	37.3	37.8	37.9	38.4	35.6	36.8	37.9	38.4
Average length of service.....	15.3	15.4	15.7	15.5	15.4	14.6	15.7	16.6
Center.....	10,829	2,878	1,956	1,384	2,305	1,945	171	190
Average age.....	34.1	33.7	34.6	35.1	32.4	34.7	36.7	38.5
Average length of service.....	11.0	10.8	11.3	12.0	9.8	11.2	13.1	16.0

Mr. HILLIS. What would be the experience of that type of person? How long would he be there, what would be the average, if you could pick out the typical controller?

Mr. SHAFFER. For those in terminals, 15 years would be the average, and it would be about 11 years for those in centers.

Mr. HILLIS. What would be the prospects of a person 40 years or older becoming an air traffic controller, in your opinion?

Mr. SHAFFER. Dr. Siegel is better qualified than I am to answer that. But once controllers are in the second half of their career, they do start to decay.

Mr. HILLIS. My question is, initially, if a person 40 years of age—if you were to accept him into training—what are the chances of completing the program and being a successful air traffic controller?

Mr. SHAFFER. They are not especially good, but there are always exceptions. Some people just never age; others have that process set in quite early.

Dr. Siegel says his chances are about 1 in 20.

Mr. HILLIS. That seemed to be the thought at the Academy, too. The point I am getting at is, would you characterize this as a young man's game?

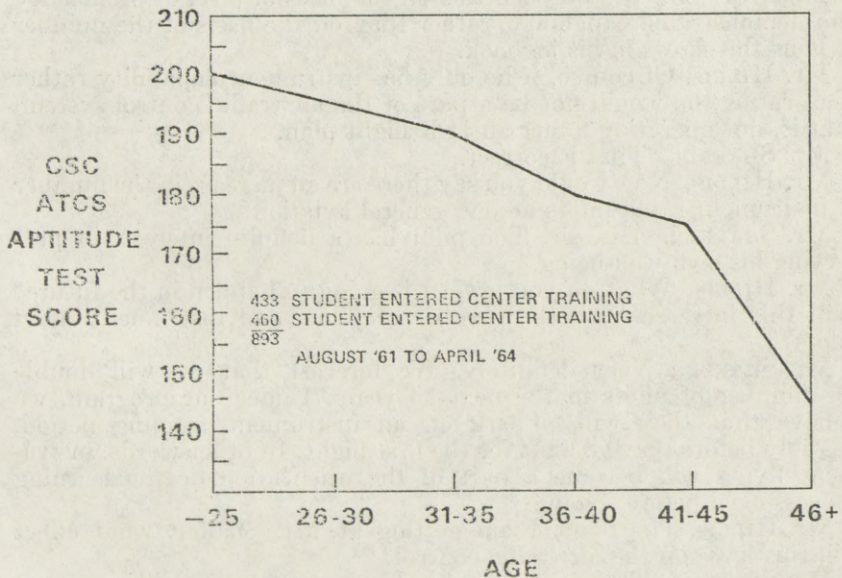
Mr. SHAFFER. Very definitely. I wouldn't want to be doing it 8 hours a day.

Mr. HARDING. If I could add a little to that point, we have an interesting chart that we will furnish for the record. It shows the aptitude test scores by age from age 25 to age 46. The line is almost straight down starting at around 200 and falling off to around 145.

Now aptitude is not necessarily a direct index of an individual's ability, but it is strongly indicative that his capacity to do this job decreases proportionately with increased age.

AVERAGE ATCS APTITUDE TEST SCORE BY AGE GROUP

(TRAINEES HIRED BASED ON EXPERIENCE ONLY AND
PRIOR TO USE OF APTITUDE FOR SCREENING)



Mr. HILLIS. Once a person has the skill, and of course the training, his aptitude necessarily will not decrease as rapidly, am I correct in that?

Mr. HARDING. That is correct, but you do have another problem coming into the picture. After he has been an outstanding controller at an early age, he seems to lose that capability for one reason or another as he grows older.

Mr. HILLIS. Another general interest to me, as a private pilot, can you tell us approximately the number of general aviation pilots today?

Mr. SHAFFER. There are 730,000 pilots. Of these, about 35,000 hold airline transport pilot certificates. That leaves 695,000 "general aviation" pilots.

Mr. HILLIS. Under the regulations of your agency, there are VFR and IFR pilots—approximately how many of these pilots are IFR rated?

Mr. SHAFFER. We have a little book on that. The number of pilots with instrument ratings is 169,800.

Mr. HILLIS. I think this is important for the record. Is any consideration being given by your agency at this time in requiring an instrument rating at the time of acquiring a commercial rating?

Mr. SHAFFER. I think another approach is more appropriate, Mr. Hillis. Rather, we would like to have them demonstrate instrument capability or proficiency.

We don't specifically require commercial pilots to be instrument rated. But we do suggest to them that they ought to learn how to

fly on instruments and we urge them to demonstrate their proficiency. This is one of our basic philosophies. We really don't believe that the total number of hours or the number of hours on instruments that a man has necessarily makes him a good pilot. His ability as a pilot depends on the level of proficiency he is able to demonstrate. Some can do that quickly and easily; others never.

Thus, we want to approach this on the basis of level of proficiency and demonstrated capability, rather than on the basis of the number of hours he shows in his logbook.

Mr. HILLIS. Of course, if he only has instrument capability rather than rating, he would not be a part of the air traffic control system, that is, not operating under an IFR flight plan.

Mr. SHAFFER. That is correct.

Mr. HILLIS. Now would you say there are an increase in the number of instrument rated pilots among general aviation?

Mr. SHAFFER. Yes, sir. The pilot has a definite interest, in preserving his own well-being.

Mr. HILLIS. What do you project is going to happen in the future? Will this increase both the number of pilots and instrument rated pilots?

Mr. SHAFFER. Very definitely. We forecast that we will double the number of pilots in the next 10 years. Under our program, we believe that they will embark on an instrument training period, possibly before they go aloft for the first flight. In other words, instrument flying will become a part of the orientation or the learning process even before soloing.

Mr. HILLIS. The point I am getting at, Mr. Shaffer, what effect will this have on the air traffic control?

Mr. SHAFFER. That will impose a bigger workload on the system, in the en route centers particularly. This is the flight under instrument flight rules (IFR flight). The more instrument pilots there are, the bigger will be the airborne population of those pilots who require assistance or direction and management from the air traffic controller force.

Mr. HILLIS. Will this require more controllers in the future?

Mr. SHAFFER. Yes. We expect that our controller force ultimately would grow to something in the neighborhood of 37,000 by 1981. The force won't grow quite as fast in the future as it has in the past, however, simply because we are bringing more automation into National Airspace System. The automation program will not cause any loss of employment, but will simply depress the rate of growth of the controller force.

Mr. HILLIS. But the vast increases of traffic pressure and stresses will still be present?

Mr. SHAFFER. Yes, sir. The automation program does a good job of managing minutia, but the judgment is still with the man.

Mr. HILLIS. The equipment can't do this. The computer is there, but it can't exercise judgment.

Mr. SHAFFER. That is right. The human being has to make the judgment.

Mr. HILLIS. So in the future, this legislation will be really as necessary as today, if not more necessary?

Mr. SHAFFER. Yes. I don't see any real relief from the pressure of numbers of operations. I do see a relief from the pressure of or the

worry about, whether the controller has forgotten something. Automation will provide that and it will serve as an instant memory bank.

But the pressure of needing to be sure that two airplanes are not in conflict is still one of the controller's basic problems.

Mr. HILLIS. My final question, speaking of two airplanes in conflict, do you have any comments about the recent accident in Los Angeles, and how that happened, with the present air traffic control system? What might have been done to avoid it?

Mr. SHAFFER. First, the accident is under investigation now. For the record, I can say that the commercial airplane was under positive control. The military airplane was under visual flight rules. Under those circumstances, both should have been using the "see and avoid" principle. Until we know the specific altitude at which the impact occurred, we won't know whether there was any violation.

On the basis of what I know now, I would say that I don't think any rule was being violated. I am not certain why our radar did not pick up the military airplane. His transponder may have been inoperative or may not have been turned on.

We don't know these facts yet. We are trying to get them. The F-4 doesn't present a good radar target in certain attitudes, and we didn't have him on the scope. Of course, we did have the DC-9 under radar surveillance. We don't believe the air traffic controller work force was involved in this one at all. Basically, it was neither a deficiency of the man, nor really a technical deficiency of the radar, but just a characteristic of the aircraft. That is the reason the military builds those airplanes the way they do. They don't want an enemy to pick them up either.

So I think you can appreciate that we would have a little problem with them, too.

Chairman DULSKI. Mr. Purcell?

Mr. PURCELL. Thank you, Mr. Chairman. Mr. Administrator, two questions.

One, in regard to your on-the-job training, as I understand your statement you are now having these trainees go on the job before they go to the Academy?

Mr. SHAFFER. Yes; that's correct.

Mr. PURCELL. They go to National Airport and Chicago's O'Hare, and these busy places, for this on-the-job training?

Mr. SHAFFER. Yes, sir. This really gives them the test and lets them find out whether or not they like that work, and whether or not they think that work will be fulfilling and satisfactory.

Mr. PURCELL. Well, I can see that, but I wonder what it does to the man already there to have one of these trainees looking over his shoulder and asking questions at the very time a crucial decision has to be made. Has this been a problem?

Mr. FLENER. Basically, a fully certificated controller provides on-the-job training to a man who comes into the facility and spends time before going to Oklahoma City. The controller does not devote full time to the training of this particular individual. He allows him to monitor traffic, he answers questions, he provides academic work and training in a room set away from the radarscopes. The individual that goes through this pretraining period then goes to Oklahoma City and then returns when he finishes the Academy.

Mr. PURCELL. But my question is about the effect it has on the trained person. The professional that is there. I think I understand what happens to the trainee.

Mr. FLENER. The journeyman controller himself broke in the same way. He was taught that way—with on-the-job training. He accepts and understands that this is the way he also must train the people who will succeed him.

Mr. PURCELL. And this is, as far as the agency is concerned, not a deterrent or not detracting from the ability of the trained controller?

Mr. FLENER. No, sir. When the controller reaches a point where he becomes too busy to continue training a man, he just puts the trainee aside or allows him to monitor. The controller devotes his full time to separating the aircraft and working the position. When the traffic dies down again, he then allows the trainee to work. He does not allow himself to be distracted.

Mr. HARDING. Mr. Purcell, we also are trying to relieve whatever burden this does impose on the journeyman controller through the added use of simulation devices. We have a setup at our National Aviation Facilities Experimental Center in Atlantic City, and we are putting a much larger and more comprehensive unit into the Oklahoma City facility.

So this releases the controller from much of the on-the-job training, and this can be done on simulation trainers. This will help relieve the problem that you mentioned.

Mr. PURCELL. Our area in Texas—Shepherd Air Force Base, Wichita Falls—is quite an active training base for Air Force, although civilian planes use the same facility.

Now I guess this comes under the category you were speaking of awhile ago; my recollection is that the military controls or occupies the tower there. Is this a unique situation? Is it causing a problem?

We stay in kind of a limbo position with the Air Force as to whether this facility should be exclusively Air Force or whether they can continue to accommodate the civilians there.

From your standpoint, what problems, if any, does this cause?

Mr. FLENER. As far as the agency and our air traffic control system is concerned, that does not create any problems. As I described to Mr. Henderson earlier, there are certain military locations where we do have FAA controllers. But in places like Shepherd, and a number of others around the Nation that handle strictly military traffic, the military has a certain portion of airspace devoted to them—set aside for them. They work in that airspace, and it's no problem.

Mr. PURCELL. And the controllers are all military, and you just coordinate with them?

Mr. FLENER. Yes, sir; that is correct.

Mr. PURCELL. That's all I have. Thank you.

Mr. SHAFFER. Mr. Chairman, may I insert in the record a further response to Mr. Johnson's earlier question to the Secretary about the lack of an instrument landing system at New Haven? There seems to have been a similar set of circumstances in the Bradford, Pa., and the Huntington, W. Va., accidents. I would like to make sure there is no misunderstanding as to why or how these things are done.

Chairman DULSKI. Without objection, that may be done.

(The following was furnished:)

Many of the airports that air carrier aircraft serve are not equipped with an instrument landing system (ILS). In addition to directional guidance, ILS provides the pilot with electronic vertical guidance. However, this does not mean that the use of non-precision approach navigation aids, like the visual omnirange station at New Haven, Connecticut, airport is unsafe. The weather minimums that apply at airports having these non-precision navigation aids are higher than those established for airports having ILS. This provides an equivalent level of safety. Because we cannot provide instrument landing systems at all of our thousands of public airports, we have established criteria based on air traffic activity. This sees to it that ILS is installed where they are needed most.

Mr. YOUNG. Thank you very much. Mr. Shaffer, I am wondering about these 1,000 vacancies. In this period of high unemployment, to what do you attribute the problem in filling these vacancies?

Mr. SHAFFER. There really is no problem in filling the vacancies.

First, we want even flow through our training facilities. We like to keep that steady so that we operate as efficiently as we possibly can.

Second, as you can appreciate, there has been an accelerated program over the last 2 to 3 years. We have trained and produced more than 9,000 air traffic controllers in that time.

With the current preoccupation, let's say, with reducing aircraft movements both by using bigger airplanes and by standing down some of the older airplanes, there has really been a plateauing of aircraft movements in the system under instrument flight rules.

Now whether or not we should recruit up to the level of our authorization, we view that as a yearend objective. Probably, we will be very close to that figure at the end of the fiscal year. So we really shoot for that level by fiscal yearend, over the period of the full 12 months. We now are approaching it. We are getting closer to full authorized level all the time. But there are many different influences operating on the system all the time.

In every respect, we try to be as good a manager of the system as we possibly can.

Mr. YOUNG. Can we be safe in assuming that vacancies are not creating any adversity in the operation?

Mr. SHAFFER. They are not, sir.

Mr. YOUNG. I'd like to ask, on the same subject, are all the air traffic controllers male?

Mr. SHAFFER. No, sir. I don't know the number of females as of today, but I think we had about 325 as of the end of May. We are hoping to get more. The women like this kind of intricate work. It's a little bit like needlework, crocheting, and embroidering.

Besides, I know that their presence makes the work more attractive.

Mr. YOUNG. Well, I was going to say that I have been in the flight stations and towers a number of times, and have used them from the air, and I would think that somebody who could do needlework, for example, would have the type of personality to handle this type of job.

And as for making it more attractive, I would hope it wouldn't take the minds of the male controllers off their jobs.

Mr. SHAFFER. Well, we may have to prescribe uniforms, or something.

Mr. YOUNG. The other question I had, on these radar units—are we doing any work at all in the field of some kind of electronic gear to determine the altitude of the aircraft? The blips we see on the screen?

Mr. SHAFFER. Yes, sir. We have automatic altitude reporting devices—the transponder. All of the air carrier airplanes are equipped

with them, and all the military aircraft thus far are equipped with them. This is what I said earlier. I don't understand yet why the F-4 wasn't reporting his altitude, and why we didn't have the transponder signal. But he possibly may have been on a training flight of some sort, and maybe trying to avoid detection. I don't know whether it was a military exercise or not. But we will find out, and we will provide the committee with that supplemental information. But, it's too early to know anything now.

Mr. YOUNG. As an aid to the air traffic controller, of course, the more sophisticated the plane is, the better for the controller that has to do the job.

Are we going to any kind of future plan to require transponders or this new type of transponder in all aircraft that are flying into heavy traffic areas?

Mr. SHAFFER. We would certainly encourage anyone who buys an aircraft to also buy the appropriate equipment. We are using two different approaches.

We are bringing down the floor of the positive control areas to 18,000 feet. I think we will go lower than that. This will mean that there will be adequate airspace for the flying under visual flight rules, but it will be below a certain altitude. Everything above that altitude will be under instrument flight rules and aircraft will be equipped to operate in that IFR environment.

There will still be plenty of airspace for the private pilot who doesn't have a fully instrumented airplane. I don't think he really will need to have an airplane that has all the equipment. There will still be room for everybody, and we will be able to manage the operation, whether or not he has the equipment. Hopefully, we will make some further advances in the radar so that we are able to see an aircraft whether or not he has the instrumentation.

Mr. YOUNG. Thank you very much, Mr. Chairman.

Chairman DULSKI. Mr. Bevell?

Mr. BEVILL. Mr. Administrator, we have had so-called labor-management problems in the past. In your judgment, is this going to help the labor-management problems that have occurred in the past?

Mr. SHAFFER. Yes. This bill will have a direct bearing on improvements in this area. I know and believe that our concern is genuine. This legislation demonstrates we do care.

Possibly, even more important than that is that I really am of the opinion that there won't be too many people who will opt for early retirement under this bill. But, the fact that it is there does relieve them of their often considerable anxiety.

This anxiety is a characteristic of a controller that I don't think is fully appreciated. They are basically very intelligent people who just haven't had the educational opportunities. Probably, this is because they were interrupted in their pursuit of an education by military service.

Then, when they come out of the military, they either have family obligations or are not as interested in going further in college, at the moment. They look for a job like air traffic control work. Because of their intelligence, they catch on, and that is exactly the kind of guy we want.

Because of this demonstrated intelligence level—and they are intelligent, but not formally educated to the level that they really

should be—we believe there is good reason for us to give them the training for a second career.

We know they can accept this. We know they are good students. If we can give them this second career skill, they will become productive employees at a greater total benefit to our economy.

In short, they will make a contribution in a second career, perhaps a greater contribution than they did in their controller career—as substantial as that may have been. This is just too bright a group of people to leave dead ended in a career. I don't want anybody to misunderstand, but I don't find this work too stimulating for myself.

Mr. BEVILL. Is this a case, under the present situation without this legislation, there is no provision for a second career or efforts or a work or program to help these gentlemen after they have served as far as they can as controllers?

Mr. SHAFFER. We have tried to make clear that our second career program is different from the Civil Service Commission's career development program. The controllers already are expert in their field. I don't know that more training will make them any better, although it may hone them to a finer edge. But that's not the kind of training we want.

We want to give them a completely different discipline. We want to equip them for something else because, as I said, they are basically more intelligent than the average person.

Mr. BEVILL. Do you have any program whatsoever now, under the present setup?

Mr. SHAFFER. Only those that are normally available to them through the Commission's program. They may take night courses or university courses on their own initiative.

It's not really only my theory, but the theory is that this is a very intelligent group of people that society really should use to the advantage of all of us. So, I want to train them for something more productive.

They will produce far beyond the average if only we can train them to do some other kind of work—if only we can suck them out of control work into a career in which they may well make a greater contribution to the society and the economy than they can as controllers. At the same time, we can bring in fresh, young controllers, who are more adroit and facile at controller operations.

Mr. BEVILL. I believe the statement was made earlier that plans were made to put in more sophisticated equipment in the airport in Connecticut where the crash occurred yesterday, and of course, what was said was that it may have prevented this accident, but it had been delayed or wasn't installed because of local opposition.

Who makes the decision whether this equipment is going to be installed or not, the FAA?

Did the FAA back off because of local opposition?

Mr. SHAFFER. There is a local court suit involving this airport. There is a community called East Haven. The airport is located in New Haven. The aircraft flight path is over East Haven, and this is what created the problem. A taking of ground is required for the runway and for the installation of the instrument landing system and the lighting system. It's an unfortunate set of circumstances.

However, I don't want to leave the impression that the presence or absence of the instrument landing system would have made any

difference. Had that pilot been operating according to the rules we prescribe, the accident probably wouldn't have happened in my opinion.

I don't know that happened as a fact yet, because I don't know whether or not there was a mechanical problem with the airplane.

But if there were no mechanical problems with the airplane, then I believe that accident happened through a violation of existing FAA flight rules. In other words, the pilot shouldn't have been there on approach using the very high frequency omnirange station. He should not have been at that altitude or that far out.

Mr. BEVILL. This equipment then had not been installed because actually it was a court fight? Not just local objections?

Mr. SHAFFER. I would have to check to be sure that the ILS would have been installed. It was scheduled to have been installed. But, whether it would have been in commercial service yesterday morning, I don't know.

Mr. CARNEAL. There is litigation pending in New Haven. However, to my knowledge, it hasn't directly affected installation of the ILS. A State court judge enjoined the city of New Haven from using the part of the runway which was extended because New Haven had failed to acquire necessary property interests in the town of East Haven. There is an action pending in Federal court to compel New Haven to open up that runway. That extended runway affects only pure jet operations and would not have an impact on the aircraft that went down.

To my knowledge, the installation of the ILS hasn't been part of the lawsuit.

Mr. BEVILL. Well, when FAA decides that more sophisticated more modern equipment needs to be installed then you see to it that it is installed, is that correct?

When the FAA decides that more sophisticated equipment should be put in an airplane, then that decision is made, you do see to it that it is installed. Is that your normal procedure?

Mr. SHAFFER. Yes; there is no reluctance on our part to cause it to happen.

For the record, we have 148 complete or partial ILS systems on order, and they are being programmed to be installed at those qualifying stations by March of 1973. But they will be installed progressively during this period of time. Unfortunately we don't have them everywhere we would like to have them. Eventually, we want to have every airport with turbojet air carrier service to have an ILS—at least one.

Mr. BEVILL. What I am getting at primarily is that as far as the law is concerned, you have adequate power, do you not?

Do you need any more authority to carry out your safety measures, or do you have adequate authority under the present law?

Mr. SHAFFER. I hope that we won't have the problem perpetually. Today, this problem is mixed up with a different problem—the environment. More than anything else, this is a factor.

There is a theory that the presence of an instrument landing system (ILS) and an adequate lighting system at New Haven would induce greater use of the airport. Therefore there would be more noise from aircraft operations. This issue I think had more to do with the problem than the safety issue, which may be unfortunate.

Chairman DULSKI. Mr. Hogan.

Mr. HOGAN. Yes, Mr. Chairman. I want to welcome my friend Jack Shaffer, and his associates, to the committee, I want to commend you for your excellent testimony and response to the questions.

Do I understand from your response to Mr. Young's question that you have no difficulty recruiting controllers?

Mr. SHAFFER. That is correct.

Mr. HOGAN. What is the entrance salary for controllers?

Mr. HARDING. It depends, because he can come in at any one of three grades, Mr. Hogan. A GS-5 would enter at \$6,938; a GS-7 at \$8,582; and a GS-9 at \$10,470.

Mr. HOGAN. With regard to the screening process, I think everyone agrees that there is a great deal of strain on the air controller, and I regret that I was unable to make the tour that some of my colleagues made last weekend to tour air controller facilities.

But in your screening process, do you give any kind of a psychological or psychiatric testing to applicants?

Mr. HARDING. Dr. Siegel can answer that.

Dr. SIEGEL. Yes, sir, as part of the medical examination, we administer a personality factor test to each applicant we are hiring.

(The following was furnished as additional response:)

The test we employ is a Personality Factor test, and each applicant for initial employment takes the test. We initiated the procedure in 1966, when we had all air traffic control specialists then employed take the test. Since then, each applicant has been tested at the time of his initial employment processing. The test is not a diagnostic procedure, and is not of the pass or fail type. The scoring of the test gives us an indication of an individual's relative comparison to what are known to be typical and expected personality factors of the successful journeyman air traffic control specialist. In cases in which the results indicate a significant variance from the typical pattern, FAA obtains at its expense a diagnostic consultation by a Board Certified Psychiatrist supported by a clinical psychological consultation. In those few cases in which an individual is found to have a significant psychiatric illness, medical denial may result.

We definitely feel that a method to identify those individuals who are not psychiatrically suited to air traffic control work is absolutely necessary for two distinct reasons: (1) The actual safety of thousands of air travelers depends upon the correct judgment and efficient performance of these FAA employees; and (2) The nature of air traffic control duty requirements are such that the unsuited person actually is medically harmed by being in this career field. Without a testing procedure to alert us to those who should be referred for diagnostic examination, the identification of an individual's problem would only occur as a result of serious defects in his duty performance, or worse, as the aftermath of an aviation accident or incident—possibly a serious one. The test we employ is not used to disqualify an applicant, but rather to suggest or indicate the need for the diagnostic examination.

Mr. HOGAN. In this context, this committee has before it other legislation which is the subject of hearings, where psychological testing has come under a great deal of fire from a number of critics. I think it would be helpful if we could have an expression of opinion from the FAA as to the desirability of these psychological tests in screening out people that are not equipped for this type of work.

It's not really the subject matter of this hearing, but I think it relates to the problem of air controllers, because if this bill passes, you may not be able to use these psychological tests any more.

One other question. Do you think that air controllers are entitled to premium pay—hazardous duty pay, if you will?

Mr. SHAFFER. I think the statement that they are adequately compensated is where we stand as a matter of policy. There is no question that they are deeply involved in safely conveying airplanes through the system. They don't have the exclusive responsibility.

There is no question that it's a tough job. They are involved and they have a responsibility. But we are trying to make the total thing work as a package, trying to give them better equipment and adequate numbers, and trying to make it possible for them to do their job.

But to say that there is a need for hazard pay, I think we should do it the other way. We pay them adequately. We don't impress them—they are not forced to work here. If they are unwilling to accept the degree of responsibility that goes with the job, then they ought to try to find something different to do.

But I really don't find that characteristic in this kind of guy. They are attracted to this work. They want to do it. They accept the responsibility fully. I don't believe pay is an issue. I don't believe pay has ever surfaced as a deep concern.

Mr. HOGAN. Well, that's commendable, Mr. Shaffer, but if they are the above average intelligence employees you describe them as being, and if it's as rough a job as everyone seems to believe it is, it seems that \$7,000 is a pretty low salary.

Mr. HARDING. That's just the entrance grade—the lowest grade.

Mr. SHAFFER. They get up to \$22,500, or more.

Mr. HOGAN. We have a hard time hiring stenographers here for \$7,000.

Mr. SHAFFER. This \$7,000 is really about where they start, but they quickly reach a higher level. After 10 years of work, I am sure they are working at the level of about \$22,500, or more.

Mr. HARDING. They can go as high as \$27,000, when you consider overtime and night differential. So, they do have an element of premium pay in that. Under special legislation, they are authorized to receive overtime pay at what we call a "true-time-and-a-half" rate. They do not come under the limits of the regular civil service overtime rates. They receive "true-time-and-a-half" for their overtime.

Mr. HOGAN. So this is, in effect, recognition?

Mr. HARDING. A recognition of some elements of additional pay, yes, sir.

Mr. HOGAN. One last question, Mr. Chairman. I don't know whether the Chairman's bill, H.R. 8085, has come under discussion here prior to my arrival. That would seem to eliminate the need, at least partially, for the bill, 8083, which would give the President authority to establish mandatory entrance requirements or exit requirements if the job required, or if age was a real qualifying factor in the job.

I assume you would support that legislation which would make it effective for all government agencies?

Mr. HARDING. Our legislation was conceived before H.R. 8085. We contemplate that if you enact H.R. 8085, then it would supersede our provisions.

Mr. HOGAN. And the retraining provisions you may be able to handle administratively, without legislation?

Mr. HARDING. No, sir, there is no authority to do that administratively.

Mr. SHAFFER. Also, there would be a cost incurred for training.

Mr. HOGAN. I understand that, but that could come through the appropriations process, rather than authorizing legislation.

Mr. HARDING. H.R. 8083 contemplates training for either Federal service or the private sector. We would not be limited in our training activity, as we would be under the Commission's authority.

Mr. HOGAN. I see. So with the Chairman's bill, 8085, it would not solve the problem totally as you outlined here today in that respect?

Mr. HARDING. That is right.

Mr. HOGAN. So perhaps an amendment would be in order at a later date, Mr. Chairman, to amend 8083 to pick up your provisions in 8085, and solve two problems at once.

Thank you, Mr. Chairman.

Chairman DULSKI. Mr. Waldie?

Mr. WALDIE. Mr. Shaffer as I read the bill, I can see that it seems to have great emphasis on granting you greater control than you now have over the careers and opportunities of the air traffic controllers.

Is that a fair assumption?

It does not do anything to induce people to come into this field, because the numbers that are seeking employment in this field already are higher than available positions and recruitment.

So it apparently is an attempt to grant to you greater authority on the assumption that the service, as now constituted, is defective and your greater authority in removing individuals from air traffic control duties is necessary.

You remove them according to the bill by early retirement, reassignment, or retraining for other purposes.

I find no other provisions in the bill that have any other objective. Is that a fair assessment of the bill?

Mr. SHAFFER. Not really. The thrust of our proposal is not to remove people. The thrust of our proposal really is to take full advantage of a very intelligent group of people who, for one reason or another, have not been able to get the formal academic training that their intelligence warrants.

Mr. WALDIE. But they are only entitled to that opportunity after you have made a decision that they, first, become medically disqualified, second, must be displaced in the interest of aviation safety or efficiency or health of the controller, or, third, must be removed because of lack of proficiency.

I find none of those three objectives necessarily directed at enhancement of the opportunities of the individual. I find it coming into play when the individual is found to be inadequate and wanting. Is that a correct assumption?

Mr. SHAFFER. Well, I will have to analyze your question very carefully, and respond for the record.

(The following was furnished in further response:)

The basic purpose of H.R. 8083 is to ensure a young, healthy controller work force, and to provide for the safety of the flying public. The job of air traffic control is a young man's game—a point on which all agree. The maximum entry age would prevent an individual who is past his prime learning and working years from entering controller work. In fact, that individual has a limited probability for success in, and probably insufficient years remaining to him for, a meaningful career in air traffic control. The retirement and maximum age limit provisions have this same basic purpose—a young, vigorous work force. To provide for this through retirement, there must be a reasonable annuity, in short, an income on which a man can live, or readily supplement, to maintain his standard of living.

The thrust of the retraining provision is to enable us to provide a controller with training for a second career if we find that we must separate him for either medical disqualification or inability to maintain technical proficiency, or displace him in the interest of safety, efficiency or his health. Our purpose is not to provide ourselves with authority to reassign or separate employees in these situations—we have that authority now. We do not have, however, the authority to give a separated controller the training that would equip him with the skills he needs to

earn his livelihood in another line of work. We think that filling that gap is necessary. We hire people at a young age, and we intensively train them in a field in which we are a virtually monopoly employer. Then, if we must separate the man because he is medically disqualified or he is unable to keep up technically, we have dumped him on the street—he is unemployed and he has no marketable skills. H.R. 8083 is meant to correct, not give us the authority to create, this situation. If the bill misleads anyone, then we will assist in the amendments needed. We would be remiss, however, if our intention, our understanding, and our motives regarding this legislation was not a part of the legislative history and the public record.

Mr. SHAFFER. We also are trying to protect the National Airspace System, and to insure that it continues to be efficient and safe.

Mr. WALDIE. That, I think, is my first assumption, that the system is what you are seeking to improve here by acquiring greater power over the individual air traffic controller who has deteriorated to the point where he constitutes a jeopardy to the system.

That is a fair assumption, is it not?

Mr. SHAFFER. Yes, Mr. Waldie; that is correct.

Mr. WALDIE. Now, will you tell me, is there an organization still in existence after the strike that represents the air traffic controllers?

Mr. SHAFFER. Yes, sir. As a matter of fact, last Friday, the determination was made by the Department of Labor that the Professional Air Traffic Controllers Organization (PATCO) had succeeded in cleansing itself. So PATCO is an employees' organization, and is in existence. It is not the only one, however; there are five.

Mr. WALDIE. I want to go in a few moments to the process of cleansing itself, what that constituted.

But has PATCO taken a position on this proposal?

Mr. SHAFFER. I think they will testify later this week.

Mr. WALDIE. Is it your understanding they are in support of it?

Mr. SHAFFER. I am sure they are in support of many aspects of the proposal. I believe their position is that "1.4 for 1" retirement is a desirable feature. Of course, we oppose that.

But I think most of the provisions of H.R. 8083 are supported by the PATCO employee organization.

Mr. WALDIE. Are there provisions within the bill that permit a controller to appeal the findings listed as a, b, and c in the Secretary's letter—Mr. Volpe's letter—or in a summary of it? A, b, and c being that you have found he has become medically disqualified, b, must be displaced in the interest of aviation safety or efficiency or health, and, c, must be removed because of lack of proficiency. Are there provisions in the bill that permit the controller to contest those conclusions or findings?

Mr. HARDING. Yes, sir; he has the right to an administrative appeal of that decision to the Secretary, or his designee.

Mr. WALDIE. He has the authority to appeal it to the man who makes the decision?

Mr. HARDING. Yes, sir.

Mr. WALDIE. To whom does he appeal it?

Mr. HARDING. He does not have an administrative appeal beyond the Secretary, under the provisions of our bill.

Mr. WALDIE. If the Secretary finds him incompetent, he has a right to appeal to the Secretary?

Mr. HARDING. As you know, the finding of incompetence or ill health would not be made by the Secretary, but at a lower part of

the organization. The administrative appeal is provided to the Secretary, or his designee.

Mr. WALDIE. But that is the extent of it?

Mr. HARDING. That is the extent of it; yes, sir. Our understanding is that PATCO is opposed to that provision of the bill.

Mr. WALDIE. What did PATCO have to do to cleanse themselves? In what way were they dirty, if they were required to cleanse themselves?

Mr. HARDING. The Department of Labor found that they led and conducted a strike against the U.S. Government, and required that they post in facilities throughout the country their assertion that they would participate in no such actions in the future.

They were required to submit to the Department of Labor a statement as to their present organization, their leadership, their activities during this "cooling off" period, and they have submitted that statement. As Mr. Shaffer said, on the basis of that submission and the actions they took during that period, they were declared to be an acceptable employee organization last Friday.

Mr. WALDIE. What penalty was assessed against those who participated in that strike, and what disposition was ultimately made of those penalties?

Mr. HARDING. The basic penalty, Mr. Waldie, was a day's suspension without pay for each day of unauthorized absence by the controller. In addition to that basic penalty, a penalty of removal from the service was given to those who were adjudged either to have led the strike, or to have encouraged others to participate.

Mr. WALDIE. How many found themselves in that position?

Mr. HARDING. In the latter position, sir?

Mr. WALDIE. Yes, sir.

Mr. HARDING. We started with approximately 85 that we believed fell into that category.

Mr. WALDIE. Out of how many in the country?

Mr. HARDING. Out of about 3,000 who participated in the strike.

Mr. WALDIE. And what did you end up with?

Mr. HARDING. At the moment, we have ended up with 45 employees off the rolls. However, appeals are pending in many of those cases, either with us or with the Civil Service Commission, and ultimately perhaps with the courts.

That is our general situation now.

Mr. WALDIE. What sort of discussion, or collective bargaining if you will, is entered into at the present time between the agency and PATCO?

Mr. HARDING. None at the moment, sir, because we were not in a position to bargain collectively with the organization until after the determination by the Secretary of Labor that the organization was a bona fide employee organization.

Mr. WALDIE. What is now contemplated?

Mr. HARDING. I think we will enter normal collective bargaining relationships with them.

Mr. HENDERSON. The Chair takes pleasure in welcoming our new Member from Maryland to the committee.

Mr. MILLS. Thank you, Mr. Chairman. I have no questions.

Mr. HENDERSON. Thank you very much, Mr. Administrator. Unless there are further questions; you have been very responsive and

helpful. We appreciate your experience and presentation, and I present Chairman Dulski's appreciation.

Mr. SHAFFER. It has been a pleasure. Thank you very much.

(The attachments to the statement submitted by Mr. Shaffer follow. See pp. 153-174 for further attachments. One attachment, "The Air Traffic Controller Career Committee Report," is retained in the files of the committee. See p. 29 for summary of such report.)

DEPARTMENT OF TRANSPORTATION,
OFFICE OF THE SECRETARY,
Washington, D.C., August 8, 1969.

AIR TRAFFIC CONTROLLER CAREER COMMITTEE

Purpose

This Order establishes the Air Traffic Controller Career Committee, an ad hoc committee reporting to the Secretary of Transportation.

Background

It has become increasingly apparent that the rapidly growing number of aircraft operations in the United States requires additional airports, facilities and personnel. In addition to legislative proposals to provide funds needed for airports and additional facilities, plans are under way to add a corresponding number of air traffic control specialists. The present FAA workforce is composed of in excess of 40% air traffic control specialists and this percentage will increase as new controllers are employed. Moreover, the percentage of controllers employed in high density facilities is expected to increase significantly in the next few years. This growth has produced a necessity to examine the career needs of the controllers and the personnel policies and practices which govern them. A committee, composed of persons drawn from outside the Department, has been determined to be the most effective means to accomplish the study.

Composition of committee

The Committee will be chaired by John J. Corson, a noted consultant, and will consist of six additional expert members from outside the Department of Transportation. The Committee will designate a Staff Director to accomplish the necessary administrative functions.

Scope of committee review

(a) The Committee will inquire into various aspects of the air traffic controller's career. This inquiry will cover, but not be limited to, employee compensation, work environment, employment practices, training, employee-management relations, organization and direction. Specific emphasis will be given to the study of physiological and psychological stresses upon individuals engaged in this occupation and to accompanying occupational health problems.

(b) To the degree that it is germane to the overall study, the Committee will also determine the impact of technological advances on the occupation and careers of controllers. Full consideration will be given to other recent studies in this area, including any currently in progress.

(c) An in-depth examination of facts and assumptions in all of these areas will be carried out. This will include field visits, discussions with OST and FAA management, controllers, union officials, members of other groups studying various aspects of the traffic control system, the Civil Service Commission and others.

(d) The Committee will identify those problems which are unique to air traffic control and which have significant impact on their personnel management. As feasible, the Committee will recommend alternative solutions (with costs) to these problems.

Administrative support

Office space, equipment, supplies, clerical and other administrative and financial support required by the Committee will be arranged by the Assistant Secretary for Administration with the cooperation of FAA.

Responsibilities

The Assistant Secretary for Administration shall serve as the principal DOT liaison officer with the Committee and with other Secretarial Officers and the heads of operating administrations.

Cooperation

The cooperation of all officials and employees of the Department is essential to the successful accomplishment of the Committee's review and recommendations. The work of the Committee has been given high priority: therefore, requests from the Committee to review records, visit facilities or meet with officials and employees should be promptly granted. Deadlines established by the Committee must be adhered to.

Completion date

It is anticipated that the Committee's review will be completed by the end of December 1969 and it will submit its report and recommendations to the Secretary at that time.

JOHN A. VOLPE,
Secretary of Transportation.

THE CAREER OF THE AIR TRAFFIC CONTROLLER—A COURSE OF ACTION— EXECUTIVE SUMMARY OF THE REPORT OF THE AIR TRAFFIC CONTROLLER CAREER COMMITTEE

INTRODUCTION

Background

The air traffic controller career problems that gave rise to the establishment of this Committee have existed since the early Sixties. During the years since then, these problems have been aggravated by the rapid growth in air traffic, delay in the resumption of controller recruitment following its virtual discontinuance between 1963 and 1967, and by the lack of positive efforts to diagnose the personnel needs of the system and to meet them. By mid-1968, these factors had caused acute unrest among the controller work force, unprecedented strife between organized controllers and FAA's management and in two or more instances, the threatened breakdown of a service that is essential to the safe and efficient operation of this Nation's air transport system.

The committee's mandate

Department of Transportation Secretary Volpe appointed, on August 8, 1969, an Air Traffic Controller Career Committee "to inquire into various aspects of the air traffic controller career." The Secretary requested that the inquiry "cover, but not be limited to, employee compensation, work environment, employment practices, training, employee/management relations, organization and direction."

The Committee, composed of citizens with a combination of relevant experiences—in aviation, aviation medicine, air traffic control, labor relations, and public administration—endeavored to fulfill this mandate in the following ways:

- Face-to-face discussions with approximately 400 controllers and 100 supervisors at about 30 facilities;

- Study of written views of, and extended discussions with, officials of employee and aviation-related organizations as to problems affecting air traffic personnel and of various recommendations as to what actions should be taken;

- Consultation with representatives of the Civil Service Commission, the Bureau of the Budget, and the National Aeronautics and Space Administration; and

- Extensive staff research to provide objective data for Committee consideration.

A succession of Committee meetings was held to consider the views and analyses derived from these many sources in order to formulate the findings and recommendations presented in this report. The Committee believes that there is a clear need for prompt action.

The context within which the controller functions

The air traffic controller is an essential and central element in a complex system composed of planes, pilots, airspace, airports, facilities and equipment, the Federal Aviation Administration, etc., on which the safe and efficient operation of air transport in the United States rests now and for the immediate future.

Our review indicates that this system has experienced serious shortcomings—particularly during the decade of the Sixties. Recent substantial budget increases and additional financial resources to be made available under the Airport and Airways Development Act hold promise for the future; however, it is our view that the improvement will not materially change the existing system for a number of years. In the meantime, the controller will continue to bear a heavy burden in making an understaffed and underfinanced system work.

The controller's talents and role

The Committee is impressed with the fact that air traffic controllers constitute a unique professional group within the Federal establishment. While many other categories of employees must possess some of the talents, and while many other jobs impose some of the exacting responsibilities, few combine as many demands upon the individual as does the job of the controller.

The successful controller appears to require—at least—the following special talents and aptitudes:

- A highly developed capacity for spatial perception;
- A keenly developed, quick, and retentive memory;
- A capacity for articulate and decisive voice communication; and
- A capacity for rapid decisionmaking, combined with mature judgment.

There is compelling evidence that many controllers work for varying periods of time under great stress. They are confronted with the necessity of making successive life and death decisions within very short time frames—decisions requiring constant standards of perfection.

The operations schedule in most facilities requires that the personnel work on a 24-hour, multi-shift basis 365 days a year. This schedule adds to the day-in-day-out wear and tear on the individual and to the disruption of normal family and social relationships. The controller is convinced that the job is unique in that he will "burn out" between ages 40-50 and will not be able to continue controlling traffic.

MANNING THE AIR TRAFFIC SYSTEM

The Air Traffic Service has been inadequately staffed for at least three years. Recent recruitment has tended to alleviate this dangerous overall shortage of personnel, but serious deficiencies still exist in important facilities. No significant improvement in the demands made upon the controller will be made until these deficiencies in staffing are corrected. The controller authorization for 1970, plus the 1971 request, will obviously improve existing conditions, but—

There is general agreement that the methods currently being used for determining personnel needs are inadequate.

Manpower utilization policies and practices vary greatly among facilities for no evident reasons. This further confuses the issue of the adequacy of staffing.

Extreme staffing shortages, especially in relation to current authorization of journeymen controllers, exist in several facilities (centers in particular) that serve very substantial volumes of air traffic.

The shortage of staff is aggravated by the presence in busy facilities of a plethora of untrained developmentals whose training adds substantially to the workload of the journeymen.

The extremely high attrition rate among those recently recruited (as high as 22% in the center option) further aggravates the staffing shortage.

The current rate of recruitment offers no assurance that the agency will meet its 1970 hiring goal.

Recruitment, hiring, and assignment processes are designed to meet the needs of individual facilities and regions and are not related to the overall staffing needs of the system.

Recommendations

The immediate actions required to alleviate the serious understaffing of facilities and to provide assurance that the air traffic control system can meet its responsibilities are:

(1) Detail fully qualified controllers immediately to those high density facilities in which serious staffing shortages exist.

(2) Substantially improve the system by which applicants are attracted to and recruited for the Air Traffic Service in order to increase the number and improve the quality of those hired.

(3) Develop as promptly as possible revised methods for determining the staff needed which:

- Are based on more equal distribution of workload;
- Recognize the environmental and operating characteristics of individual facilities; and
- Provide adequately for the reduction of presently required overtime, and for training, leave and other non-operational requirements.

(4) Develop immediately and initiate as promptly as possible an accelerated qualification training program for individuals now serving as developmental controllers in facilities.

(5) Develop in fact, as well as in theory, a tradition of geographical mobility among controllers to the end that the needs of the system, rather than the personal preferences of the individual, control assignments.

(6) Require that control experience in high density facilities be a pre-requisite for appointment to higher level staff and supervisory positions in the ATS.

THE CONTROLLER'S CAREER

Perceptions of the controller

Based upon the Committee's extensive discussions with controllers, their supervisors, and the employee organizations which represent them, we conclude that the FAA is confronted with a highly disaffected work force. The major items of complaint are:

Working conditions are unsatisfactory and place an excessive burden on the controller—ranging from poor equipment to inadequate relief from particularly stressful position assignments.

Not enough staff, and particularly fully trained staff, to meet the demands of the system.

Too stringent policies on approval of Familiarization (FAM) trips.

Too much differential in compensation between high and low density facilities (according to controllers at low density facilities).

Not enough differential in compensation between high and low density facilities (according to controllers at high density facilities).

Inadequate training—both at entry and in order to maintain proficiency.

Controllers also complain of the lack of good supervisory training programs. Inadequate provision for reassignment, retraining, or early retirement for controllers who "burn out"—typically between 40 and 50 years of age.

The above views of controllers and their organizational representatives were also discussed, on several occasions, with representatives of FAA management.

Working conditions

The Committee found much justification for the numerous criticisms of working conditions. The major problems are that:

The secluded nature of many of the facilities limit direct contact with the "real world" of aviation, resulting in controller dissatisfaction;

The physical environment in most of the older terminals and flight service stations leaves much to be desired;

Control equipment is inadequate both in terms of quality and quantity, and Management policies affecting working conditions are in need of examination and reappraisal.

The Committee recommends that the FAA:

(1) Reduce the time that controllers are required to spend on operational positions—particularly those involving heavy traffic. This reduction should be accomplished by limiting consecutive hours on positions and total hours per day in operational duties, more liberal annual leave policies and greater use of FAM trips.

(2) Undertake with controllers and their employee organizations negotiations designed to lengthen the interval between shift rotations. Simultaneously, undertake an intensive, system-wide study of the physiological effects of alternative shift rotation practices.

(3) Re-evaluate the nature and quality of annual medical examinations of controllers.

(4) Improve the quality and quantity of existing facilities and equipment.

(5) Undertake a thorough study of the man-machine relationships involved in the controller's exercise of his duties.

Selection

The selection process is fundamental to the development of a viable controller organization. Both the individual and the agency have a great stake in the efficiency of this portion of the personnel process. Many inadequacies were found in the existing system, including:

Failure to attract an adequate number of applicants and to inform adequately those who are attracted about their potential career.

Failure to differentiate between those candidates best suited for service in either centers, terminals, or stations.

Granting of undue weight to prior experience which is of doubtful relevance.

The inadequacy of present instruments used—i.e., written tests, interview, etc.

The lack of reliable objective measures of the proficiency of a controller, thus inhibiting the evaluation and improvement of its selection processes. The Committee recommends the following:

- (1) Improve the hiring bulletin to the end that it more adequately describes the occupation.
- (2) Inaugurate a "pre-hiring" orientation program for applicants in order to further test the individual's capacity for and interest in the occupation.
- (3) Initiate an intensive analysis of the differential talents required for the three controller options in order to refine selection criteria for each.
- (4) Reconstruct the written test to include tests of other required skills and examine the present rules governing the types of experience deemed qualifying for employment.
- (5) Either through the examination process, or by special legislation, eliminate the large number of present hires above age 30.
- (6) Reduce the "wash-out" rate at the FAA Academy through additional coaching and observation.
- (7) Improve the interview process by better selection and training of interviewers and development of more standardized guidelines for the interview process.
- (8) Re-appraise all selection processes to assure that they seek out, and do not discriminate against, minority groups.
- (9) Develop more systematic and objective means for the evaluation of the proficiency of the controller on the job.
- (10) Detail fully qualified controllers immediately to those high density facilities in which serious staffing shortages exist.

Controller training

As in the case of controller selection, both the individual and FAA have a substantial stake in the processes by which FAA develops controller capabilities. The Committee examined the FAA controller training activities at the FAA Academy and at facilities and *found*:

There are currently about 5,000 recently recruited controllers in the training—or developmental—pipeline. It is anticipated that another 4,000 might be added during the current fiscal year.

The FAA Academy is greatly over-crowded as a consequence of recent recruitment efforts. An evening—night shift is anticipated.

On-the-job training at facilities is characterized by nonstandardized course material and proficiency requirements and by instructional staffs which too often appear to have minimal training for their role; radar training at the centers is not sufficiently standardized or undertaken at an early enough point in the process.

Training programs directed at maintaining journeyman proficiency and developing supervisory and management capabilities are virtually non-existent.

The Committee recommends that FAA:

- (1) Revise the basic training schedule and curriculum for both centers and terminals to the end that the training period is shortened and made more relevant to the occupational requirements.
- (2) Establish a new and more rigorous proficiency training program for journeyman controllers.
- (3) Revise and emphasize supervisory and management training programs for present and potential supervisory personnel.
- (4) Provide greater capacity for training through simulation devices.
- (5) Develop the teaching qualifications of the FAA training staffs.

Compensating controllers

The pay system under which controllers are compensated is obviously an important element in any total picture of the career. The Committee *found* that although the pay structure is generally in line with comparable occupations within the Federal structure, many inequities exist as between individuals *within* facilities and as *between* facilities, and that there is unwarranted "compression" of salaries at the supervisory level in many facilities.

The Committee recommends that FAA:

- (1) Provide a monetary attraction for employment in certain high density/high cost-of-living facilities by special pay rates. Authority for this arrangement probably exists in current Civil Service law.
- (2) Revise—and make more realistic—the criteria under which facilities are rated and individuals are graded.
- (3) Seek legislation that will provide FAA with more "supergrades" or will allow authority to place all upper management FAA positions in an "excepted"

status and thereby create higher salary levels for high density facility chiefs, reducing grade compression at these locations.

Career progression

The opportunity to progress—occupationally and financially—is a key requisite for the members of a satisfied and productive work force. It is also a vitally important consideration, if management is to maintain a constant source of qualified candidates for its most important and demanding positions. The Committee found that:

The essential characteristic of the present system is that the employee is recruited for—and remains within—a particular facility.

This tendency toward a largely immobile work force is particularly harmful to the higher density/high cost-of-living facilities. In fact, there a number of disincentives for transfer to these less desirable locations.

There appears to be no national program designed to identify and develop a supervisory managerial infrastructure.

The Committee recommends that the FAA:

(1) Formulate a career development plan that will provide a systematic national program for progressively responsible assignments of controllers. Such a system should culminate, for the most talented controllers, in assignment to the most difficult positions.

(2) Develop various incentives which will attract the most talented controllers to the most difficult assignments and provide means to relieve him of these arduous duties after a reasonable period of time.

(3) Establish an "ATS Managerial Training Corps" designed to provide a carefully selected and trained cadre of managerial talent.

Alternative employment or retirement

A major cause of dissatisfaction among controllers is the widely held belief that they are confronted with the prospect of an early "burn out," after which they will be unable to continue in their chosen profession and will have few, if any, alternative means of maintaining their economic status. The Committee found little fully documented evidence to support or deny the early "burn out" theory, but there is supporting evidence that indicates that the profession is "stressful" and that controllers do, in fact, incur disability at an earlier age than the non-controller employees of FAA. The Committee recommends that the FAA:

(1) Provide exacting annual proficiency examinations for all controllers and promptly remove those unable to meet acceptable standards.

(2) Provide a counseling and training program designed to place in alternative positions, those controllers who can no longer safely and effectively control air traffic.

(3) Make necessary arrangements for selected controllers to take courses from the U.S. Armed Forces Institute, of the Department of Defense.

(4) Seek legislation to provide an "early retirement" provision for those controllers who have experienced high density duty and who cannot be retrained or reassigned to less arduous tasks.

Employee-management relations

The Committee found that employee/management relations within FAA are in a state of extensive disarray, due to ineffective internal communications, to failure on the part of FAA management to understand and accept the role of employee organizations, and to ill-considered and intemperate attacks on FAA management by certain employee unions. The Committee recommends that the FAA:

(1) Re-evaluate and revise existing communication policies and procedures in order to build a more effective interchange between FAA management and employees.

(2) Take full advantage of the opportunity afforded by the new Executive Order (11491) on labor/management relations to revise its practices on dealing with labor unions.

(3) Reconsider its position regarding the appropriate bargaining unit(s) for controllers.

(4) Centralize authority for dealing with employee organizations on national issues, while decentralizing responsibility for handling local problems.

Needed information and research

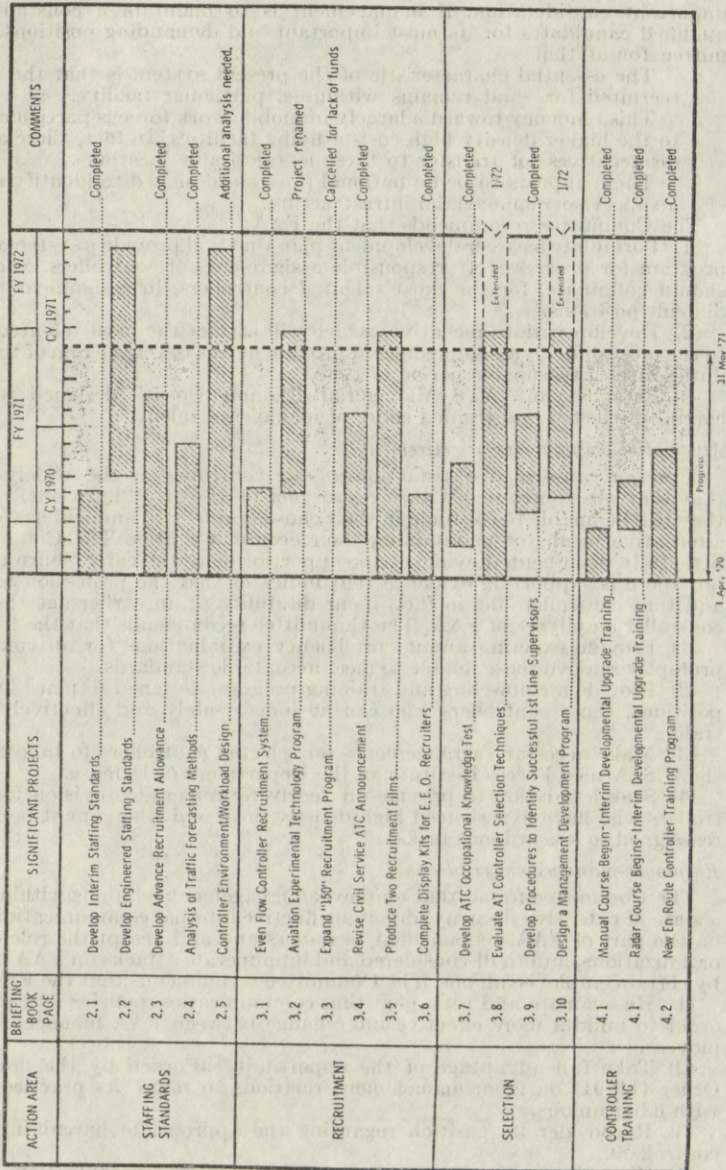
The Committee found that there is insufficient research and analysis relevant to all aspects of the controllers' career, and recommends additional emphasis on and coordination of this vital aspect of FAA's management responsibility.

Department of Transportation
Federal Aviation Administration

AIR TRAFFIC CONTROLLER CAREER IMPROVEMENT PROGRAM

Chart 1

Status Of Implementation

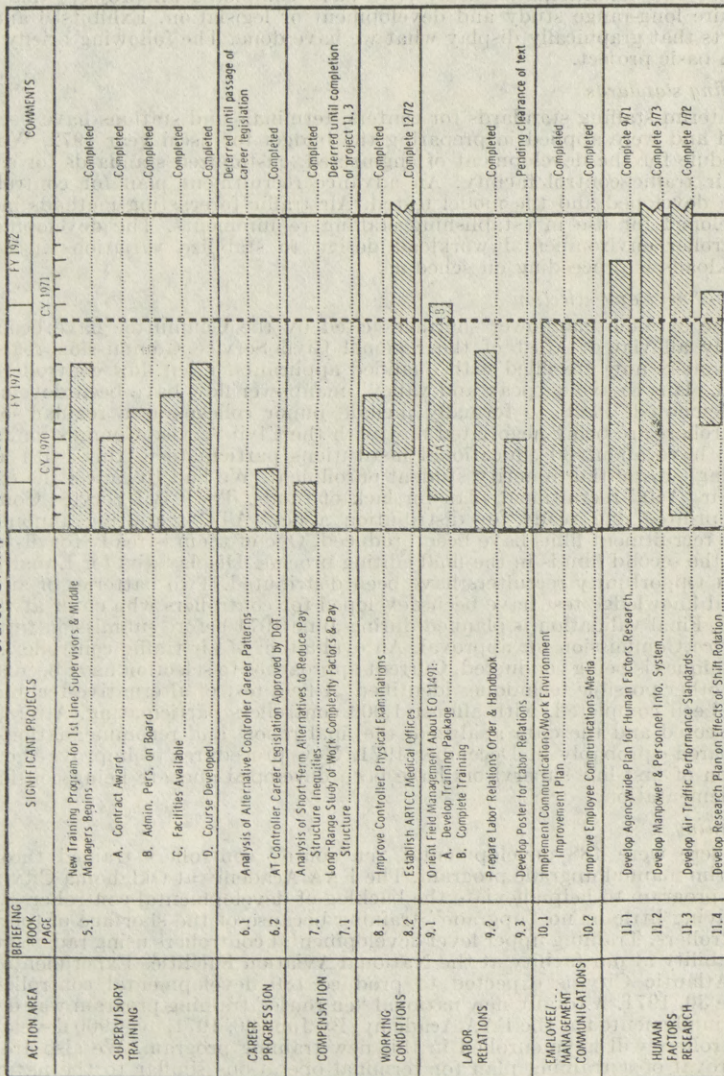


Department of Transportation
Federal Aviation Administration

AIR TRAFFIC CONTROLLER CAREER IMPROVEMENT PROGRAM

Status Of Implementation

Chart 2



1 Apr. 70 31 May 73
Project

STATUS OF THE AIR TRAFFIC CONTROLLER CAREER IMPROVEMENT PROGRAM

MAY 31, 1971.

About one year ago, the Department of Transportation's Federal Aviation Administration established nine basic projects designed to alleviate the problems cited in the report of the Air Traffic Controller Career Committee. Special priority was assigned to these projects to ensure their rapid completion. Except for a very few unanticipated delays, we have completed all projects that did not require long-range study and development or legislation. Exhibits 6 and 6a are charts that graphically display what we have done. The following briefly explains each basic project.

Staffing standards

Interim staffing standards for centers, terminals and stations have been developed and were applied in preparing the budget for fiscal year 1972. Work is on schedule for the development of engineered, customized standards for each type of air traffic control facility. An advance recruitment plan for controllers has been developed and the model tested. Air traffic forecasting methods have been developed for use in establishing staffing requirements. The development of a controller environmental workload design to stabilize variations in controller workloads is proceeding on schedule.

Recruitment and selection

The extreme manpower shortages cited by the Committee have been significantly alleviated. Most of the regional Civil Service Commission registers for controllers now are filled with qualified applicants. Even flow controller recruitment plans to avoid "peak and valley" manpower flow have been developed and implemented. Plans to formally include junior colleges as a regular source for controllers are being negotiated now with the Civil Service Commission. Our aim is to have about 30 educational institutions participate in this, with about 15 having substantial minority student enrollment. We had to cancel the expansion of our "150" recruitment plan for lack of funds. The Civil Service Commission has printed and ready for distribution a new ATC recruiting announcement. Two recruitment films have been produced. One of them is ready for distribution, and the second film is in the final editing process. Display kits for Equal Employment Opportunity recruiters have been distributed. Two batteries of an occupational knowledge test have been developed for controllers who enter at the GS-9 level. Final validation is planned during June 1971 before submission to the Civil Service Commission for approval. An evaluation of air traffic controller selection techniques is being conducted. Current approaches to selection have been analyzed and other possible techniques identified. A field test of alternative techniques has just been completed, with almost 1,000 controllers participating. After the tests are scored and the data analyzed, the final report and recommendations will be prepared—probably in December 1971. New procedures to improve the identification of first-line supervisors have been developed and are being considered for implementation.

Training

There were 488 developmental "en route" controllers trained through the interim manual upgrade program. The FAA Academy at Oklahoma City initiated this program to help alleviate the backlog of developmental controllers who were receiving little or no "upgrade" training because of the shortage of journeyman controllers. Training upper level developmental controllers using radar simulation capability at our facility at the National Aviation Facilities Experimental Center at Atlantic City is expected to produce 180 developmental controllers as of June 30, 1971. A totally new national "en route" training program was developed and implemented at the FAA Academy. By June 30, 1971, over 900 developmental controllers will have enrolled in this new training program. We also are seeking approval of a training plan for terminal operations similar to the national "en route" training program.

A completely new program of supervisory and middle management training courses is under way now at the new FAA Management Training School on the campus of Cameron State College, Lawton, Oklahoma. Prototype courses were conducted, and regular classes are now under way. Our schedule calls for 264 supervisors and middle managers to be receiving training at all times. We anticipate that approximately 3,000 supervisors and 600 middle managers will receive training the first year.

Career progression

Controller career legislation submitted to the last Congress and resubmitted to this Congress would authorize second career training and "early retirement" for controllers. As to higher level positions, a new agency-wide program for identification, selection, and development of managers and executive personnel is being developed. Probably, the program will begin with a limited number of selected key FAA positions. Plans for selecting and developing candidates for the positions of Associate Administrator, Regional Director, and Executive Officer are being developed.

Compensation

A number of alternative approaches to classifying controllers at en route air traffic control centers—the most controversial area—were analyzed. The result was a determination that a long-range, systematic study of the problems must be undertaken.

Working conditions

Environmental improvements at air traffic facilities continue. Sixteen new automation wings now are under construction, and contract bids are being considered on two others. Improvements have also been completed in numerous other air traffic control facilities. Medical clinics at en route centers are being designed. Approximately 12 en route centers and the 4 new FAA regions are programmed to have flight surgeons and medical equipment in fiscal year 1972. Instructions and procedures have been implemented to improve the overall quality and consistency of controller physical examinations.

Labor relations

Since the issuance of Executive Order 11491, training has been given to over 5200 supervisors and managers. A total of 8200 supervisors and managers are scheduled to receive briefings. The Labor Relations Handbook is in final draft and will be issued in August 1971. Designs for posters summarizing agency policy have been reviewed, and text is in the clearance process.

Employee-management communications

The agency has mounted a two-pronged effort to improve employee-management communications. A major study of the techniques used to communicate information to employees was conducted, and resulted in significant changes now being implemented. A new monthly employee magazine, *FAA WORLD*, is now in its sixth edition. The FAA weekly *INTERCOM* has been revamped. New bulletin board displays are being planned, and a new closed-circuit television program is being developed. In addition, a plan to develop and implement a more effective communications/work environment program is under way. This program is aimed at improving both relations between levels of management and between management and employees.

Human factors research

The FAA is developing an agency-wide plan for human factors research and this plan should be completed in September 1971. A related manpower and personnel information system should be in full operation with a limited data base in 1973. Air traffic controller performance standards, now being developed under contract, and should be completed in mid-1972. A stress study relating to shift rotation is scheduled to be initiated in August 1971.

THE AIR TRAFFIC CONTROL OCCUPATION

The Air Traffic Control System—in fact, the National Airspace System—is basically a system of men. The human element is the unique ingredient that makes the system work, and work safely. The successful performance of the air traffic control duties is of critical importance to the immediate safety of millions of people—virtually everyone who flies in any capacity and many other people on the ground. Both in scope and in the nature of the duties, the occupation is unique in the Federal Service.

We are now embarking on a new decade, one that follows on the heels of a decade in which air traffic activity exceeded all estimates. Our system today requires large infusions of resources, both human and fiscal. The 91st Congress enacted the Airport and Airway Development Act of 1970. This law makes available billions of dollars for the decade of the Seventies—for hardware and concrete. As important

as these elements are, without men there could be no system for the orderly and safe movement of air traffic in this country.

The air traffic control specialist brings the necessary human skills to this equation of men and machine. He is a central element in the National Airspace System, on which rests the safe and expeditious movement of air traffic in the United States now and for the immediate future. This system includes the aircraft and the pilots who guide them, the airspace through which they travel, the airports and the men who operate them, the facilities and equipment with which the controller performs his duties, the maintenance technicians who keep this equipment functioning, and finally, the organization which supports, directs and coordinates the air traffic system—The Department of Transportation's Federal Aviation Administration. The current and continuing work situation of the controller can only be appraised with this perspective.

The job of the air traffic controller

The principal objective of air traffic control work is to ensure the safe, orderly and rapid movement of aircraft through the nation's airspace. To accomplish this, air traffic controllers advise, inform, and guide pilots before and during flights. They work through a vast communications network that links them directly to pilots and to each other.

Air traffic controllers provide a wide variety of weather, navigational and other valuable flight information to pilots. They assist pilots who are lost or in difficulty. They initiate search and rescue action for aircraft that fail to report within stated time limits. Along the airways and around airports, they keep aircraft properly separated by giving pilots their speed, altitude and heading. Pilots rely heavily on the information, advice, and guidance provided by the controllers. Responsibility for life and property is a significant characteristic of this occupation.

Air traffic patterns and situations constantly change. To keep a variety of aircraft of different speeds and performance characteristics separated and on course, air traffic controllers must adapt rapidly to those changing situations. They must coordinate their plans and actions with each other while considering the plans and actions of pilots. They must think, speak, listen and act almost simultaneously, often for extended periods of time. Even under very stressful circumstances, they must sound calm and unhurried to avoid disturbing a pilot.

Air traffic controllers must hold a certificate for their work. Certification requires a knowledge of meteorology, air navigation, standard communication procedures, types and uses of aids to air navigation and regulations governing air traffic. Air traffic controllers also must be fully checked out for the work in the particular facility to which they are assigned. Air traffic controllers also must meet rigid and demanding standards of physical health. Annually, they are re-examined. Failure to meet the standards for retention means disqualification from active control of air traffic.

The physical context of control work

Occupational stress and its effects on the health and productivity of people are of concern in a number of occupations. Probably, this subject receives more publicity and more discussion in connection with the air traffic controller career field than any other, particularly during the past ten years. Many people with varying qualifications have spoken and written extensively about this. They cite the weighty responsibilities, the emotional pressures, the sustained demands for intense concentration, the mental agility, the need for rapid and accurate decision-making, and the need for clear, authoritative verbal communication. These are now widely recognized attributes of the air traffic controller's job. Air traffic control, by its nature, requires shift work and is subject to widely fluctuating workload—"peaks and valleys". In complex facilities, a disproportionately large amount of peak traffic requires an all-out work pace of the controller.

The controllers themselves are convinced that the demands of their job are so great that only young, healthy adults can consistently do a safe, competent job of controlling the steadily growing volume of air traffic. A widely accepted premise among the air traffic controller work force is that the accumulated stress of performing this job is a career-limiting condition, causing many controllers to be unfit for their job by age 40, and nearly all controllers to be unfit by age 50. Yet, scientifically and officially, what is referred to in lay terms as "burn-out" has no formal recognition.

An examination of the available data and literature on the subject of stress, age, occupation, and so forth indicated that a time in life occurs for all that some have referred to as a "phenomenon" or as "burn-out". That condition is believed to apply to air traffic control specialists.

We must recognize that in every human being's span of life, a point is reached where he can no longer perform mental and physical activities or combined activities with the same excellence previously attained. When an air traffic control specialist reaches this point, and his specific duty involves the actual control of aircraft, a potential safety compromise is entered into the picture. The man recognizes the period of time himself, and due to the "visibility" of his role in aircraft movement, it is soon recognized by others. Individuals vary and some can maintain a plateau of excellence for some time, neither improving nor deteriorating. Others, once reaching the peak of excellence, deteriorate rapidly in one or more ways.

While it may not be scientifically correct to state that controllers face more stress than all other occupational groups, it is true that stress is a definite factor in this particular occupation. While it also may not be scientifically correct to state that controllers develop stress-related medical problems more often than other groups who are recognized as having equally stressful occupations, it is true that any controller who is psycho-physiologically susceptible to stress will demonstrate one or more stress related medical problems at some early point in his active career in air traffic control.

Dr. A. D. Catterson was a member of the Air Traffic Controller Career Committee, and he is the Deputy Director for Medical Research and Operations at National Aeronautics and Space Administration's (NASA), Manned Spacecraft Center. After comparing the results of a physiological study of the stress hormone levels measured in the urine of controllers serving in the O'Hare Terminal in Chicago with similar studies of NASA astronauts, he concluded: "These data provide clear cut evidence of a strong biochemical response by the air traffic controller personnel who were subject to the study to conditions which were perceived within their bodies as acutely stressful."

The air traffic controller health program was begun in 1966. It was designed to develop experience data to quantify environmental stress levels and the stress effects of control work upon humans.

Time and experience will have a definitive answer to the problem of stress effects. Nevertheless, the controller health records are beginning to provide a continuing and expanding picture of the individual's health on a career basis. At this time, a protocol for an exacting long range study of stress factors among air traffic control specialists is on contract. Should the protocol reveal the value and significance of such a study, as is expected, a long range program is planned.

Aside from the statistical evidence, the health examination program has two other beneficial purposes to fulfill. First, it enables the medical staff to recognize early evidence or symptoms of incipient illness when the condition is most amenable to treatment. Secondly, the examination provides a means for relief from a trying situation, for those few individuals who are especially susceptible to stress and who might otherwise not recognize their own limitations in this demanding environment.

The function of age

Age is closely associated with the phenomenon of decreasing skills. The Civil Aeromedical Institute has found that for new employees, age and success in air traffic training are inversely related. For those over age 35, the odds for successfully completing training are very poor. When age and experience are considered together, a man over 35 without previous air traffic experience has only a one in twenty chance of success.

The factors of aging and slowdown strongly suggest that after age 40 a controller has passed the height of his productivity in his career field. Normally, five years are required to develop a full professional level controller at a complex facility; that is, to progress from the GS-5 entrance level to the full performance level of GS-13. Currently, we are able to shorten this time by hiring those with previous experience and using a Civil Service Commission approved training agreement to permit rapid promotion.

Some minimum period of service after the employee has become trained should be expected from our training investment. However, if a controller begins to experience performance deterioration at 40 and should be removed from the complex facility before age 50, then we must consider a ceiling on the age of air traffic control trainees to obtain a reasonable return on our investment. There is a certain universality in recognizing the need to limit the age level for entrance into ATC work. Canada has imposed a limit of 30 years for entrance into this kind of work. England has imposed an entry age limit of 35 years; and France, 26 years.

Present law prevents the establishment of such an age limit in the Federal service. The number of older applicants could be reduced by setting qualification

standards on recency of experience and careful screening of applicants. These actions do not solve the basic problem, however. During a heavy recruiting push to meet manpower needs, the older trainee gets hired. Individuals retiring from the military service with long years of experience will nearly always meet recency of experience requirements. CSC registers have become clogged, on occasion, with these older applicants.

The upper age limit for controllers to continue in the service is as open as the entry level. The only limit is the mandatory civil service retirement age of 70 with 15 years of service.

The FAA now sets an age 60 limit for air carrier pilots. FAA studies on air traffic training show a strong negative chance of success as one gets older. Controllers, pilots, aviation medical examiners, as well as Air Traffic Service management officials, believe that 50 years and beyond is the grey zone for continuation in air traffic control work. England has established age 60 as the normal upper limit for air traffic control work. France has mandatory retirement at age 55 with optional retirement at age 50 after 15 years of service. Canada has a mandatory retirement age of 65.

As in the case of the entry age limit, no authority now exists within our civil service to establish an age limit less than age 70 or provide for earlier retirement than now established. These limits do not meet out needs and are, in fact, part of the problem. Many air traffic employees stay well beyond age 50 or 55 and into their 60's, mostly in the less complex facilities. Of the 1,573 controllers age 50 and over in all centers and terminals, only 275 are in the most complex. To provide rotation out of the complex facilities at a reasonably early age and after a limited number of years of service, there must be some place for them to go. However, employees in less complex facilities do not usually retire as soon as eligible, creating an obvious bottleneck.

The function of human expectation

At age 40, an air traffic control specialist may reasonably be expected to have dependent children and to have achieved a standard of living that necessitates a continuing income approximately as great as that which he is currently earning. Under present salary scales he will be earning between \$18,500 and \$24,200 per year including the premium pay for night, Sunday and holiday work. While these figures apply to those full performance controllers in the most complex facilities, those in slightly less complex facilities (GS-12 journeymen) can expect total compensation between \$15,700 and \$20,500. These figures are all exclusive of any overtime which might be earned.

Obviously, an individual who has achieved this standard of living will have attendant first mortgage, insurance, and other fixed costs. His present standard of living will likely have created other economic goals. He will want to provide adequately for his retirement years. He will want his children to gain the benefits of higher education. In short, he has become a full-fledged member of the upper middle socioeconomic group and expects as a matter of "earned right" to continue to live in the style to which he has become accustomed.

The controller who reaches the point of skills deterioration is typically "young" by conventional work and retirement standards. He will also have another 10 to 20 years of physical well-being without the prospect of maintaining this standard of living he "earned" through the exacting and sometimes onerous work in the air traffic control system. He has the capacity, and many will have the desire, to continue to work and maximize his earnings. Moreover, should he be actually medically disqualified and forced to retire at this point in his career, he will, under the present system, receive an annuity approximating 40% of his current salary.

Furthermore, the opportunity to find other employment will be limited because his work experience as a controller is quite narrow and does not qualify him for alternative positions. For entry into the occupation a candidate must have three years of progressively responsible experience in technical, administrative, or other work and demonstrate an aptitude for air traffic control. He may also qualify by having a degree from a four-year college or university; however, he most often does not. A survey conducted by the Air Traffic Service in 1967 indicated that of 9,288 controllers responding, 4,920 had a high school education or less; 2,293 had attended college for 2 years or less; 1,528 attended college for more than 2 years but did not graduate; and 547 (less than 6%) had graduated from college.

The non-operational (that is, staff, support and management) positions in the Air Traffic Service total approximately 4,000 positions at headquarters, regional and area offices, the FAA Academy, and in the stations, terminals and centers. This total number includes planning, data processing and training positions in the facilities; positions in the area offices involving responsibility for administrative,

personnel, budgeting and supply matters; positions as instructors at the FAA Academy; and positions in units concerned with procedures and management in the regional and headquarters offices.

Opportunities exist for reassignment into these positions; however, there is an important need to maintain high excellence, particularly in the first-line supervisory level in the facilities. Thus, while it appears there may be substantial opportunity for reassignment to the other positions in the Air Traffic Service, such is not always the case.

Likewise, the capabilities and interests of the individuals who conclude active service as controllers must be weighed in any search for alternate employment, whether within the Federal service or private industry. At the present time, we make substantial use of present authorities to create opportunities within FAA but this effort alone cannot solve the total problem.

In sum, one of the major problems facing us is the necessity to be fair to the individual who has devoted himself in his prime productive years to the needs of the air traffic system and yet maintain the integrity and safety of the service itself. The present prospect for the individual in the system—the lack of other alternative employment opportunities or an effective provision for retirement—is a major cause of the low morale that now pervades the air traffic work force. It poses, for the Federal Aviation Administration, an immediate need for ways of reducing or eliminating these bases of insecurity.

Today's situation

Because of the critical importance of the human contribution to the system and the tremendous growth of aviation, certain human factor problems are being encountered in the system:

(1) The most serious problem we face is maintaining necessary high performance levels in the system. The severe mental and physical stress placed on some controllers is due largely to the volume of air traffic and its uneven distribution across the country.

(2) While a controller loses proficiency with age in any level of air traffic control facility, the loss tends to be more accelerated and to reach the critical point at an earlier age with controllers in the more complex facilities. To preserve his health and the safety and efficiency of the system, we would transfer the controller to a less complex facility. Under existing laws, however, most controllers would have their salaries reduced within two years after transfer, because of the grade differential between the two classes of facilities.

(3) To a large degree the phenomena of early loss of controller proficiency can be mitigated if the period of service of air traffic controllers is limited. Existing laws and regulations neither allow us to establish maximum entry and retention ages for controllers nor do they provide an adequate retirement plan.

(4) Although controllers must possess unique skills, no formal education or training beyond high school is required for candidates. The skills obtained in air traffic work have little transference to other Federal occupations. A controller performs at a grade level that is high when compared to employees in the Federal Service generally. Thus, it becomes difficult to place him in another Federal position at the same grade level outside of the Air Traffic Service.

(5) A similar situation occurs when a controller becomes medically disqualified and is separated from the service. Due to the modest formal education requirement and the fact that the Department of Transportation is virtually a monopoly employer of air traffic controllers, a separated employee is not likely to obtain employment approximating his government salary without extensive additional training.

(6) No matter how statistically or medically difficult the proof of actual skill deterioration among controllers may be, the debilitating effects of continued performance are well known. This perception has a direct bearing on employee morale and can have a serious impact on efforts to recruit the thousands of competent controllers that are needed.

Mr. HENDERSON. Our next witness is Mr. Andrew E. Ruddock, Director, Bureau of Retirement, Insurance, and Occupational Health.

Welcome, Mr. Ruddock, it's always good to have you. You may proceed, sir.

Mr. RUDDOCK. Thank you, Mr. Chairman. My colleague this morning is Harold H. Leich, who is Chief of the Policy Development Division, Bureau of Policies and Standards.

Mr. HENDERSON. It's good to have you, sir.

Mr. LEICH. Thank you.

STATEMENT OF ANDREW E. RUDDOCK, DIRECTOR, BUREAU OF RETIREMENT, INSURANCE, AND OCCUPATIONAL HEALTH, U.S. CIVIL SERVICE COMMISSION

Mr. RUDDOCK. I appreciate the opportunity to appear this morning to present the Civil Service Commission's views on H.R. 8083, a bill to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers.

The Commission endorses the objectives of this bill.

Under current provisions of law, specifically 5 United States Code 3307, agencies are restricted from establishing maximum entrance-age requirements for positions in the competitive civil service.

The law provides for no administrative exceptions, so that an agency must turn to Congress for relief from these restrictions. This relief has been granted the Secretary of Interior with respect to original appointments to the U.S. Park Police, and H.R. 8083 would grant similar relief to the Secretary of Transportation with respect to air traffic controllers.

H.R. 8083 would authorize the Secretary of Transportation, with the concurrence of such agent as the President may designate, to determine and fix the maximum limit of age within which an original appointment to a position of air traffic controller may be made.

In the Commission's view, it would be far more desirable for age limits to be set administratively when found appropriate than for these limits to be set by statute on an occupation-by-occupation and agency-by-agency basis. Consequently, we have proposed legislation, now pending with your committee, as H.R. 8085, introduced by Chairman Dulski, which would, among other things, vest administrative authority in the President, or such agent as he designates to establish maximum age limits for entry into positions in executive agencies and the competitive service when age is found to be a valid occupational qualification.

However, since the authorization in H.R. 8083 would be in general conformity with the Commission's proposal in that the ultimate authority for establishing the age limit would be in the hands of the President's agent, and since the maximum entry age is so closely related to the other provisions of the bill, the Commission has no objection to the proposed authorization.

At the other end of the line, H.R. 8083 would require mandatory separation, when he reaches age 56, of an air traffic controller who is appointed on or after enactment of this legislation. Current employees would not be affected and the Secretary of Transportation could exempt from this mandatory separation requirement a controller with exceptional skill and experience, except that no controller could be exempted after he attains 61 years of age.

Also, the bill would make air traffic controllers eligible for optional retirement on immediate annuity at age 50, with 20 years of air traffic control service, or at any age with 25 years of such service.

Retirement of an air traffic controller under this provision could also be initiated by the Secretary of Transportation in the interest of aviation safety, efficiency, or the controller's health.

Although the Commission has reservations in general about treating one group of employees different than other Federal civilian employees, we recognize that the air traffic controller situation warrants special consideration, and we therefore concur with these mandatory and optional retirement features.

We view the proposed retirement provisions as part of a total career program for air traffic controllers, rather than as a proposed liberalization.

Annuity benefits would be computed under the regular formula that applies to Federal employees generally—1½ percent of high 3-year average salary for the first 5 years' service, 1¾ percent for the second 5 years' service, and 2 percent for each additional year of service—but with a guaranteed minimum annuity equalling 50 percent of the high-three average salary.

The use of this guaranteed minimum annuity makes early retirement with shorter service economically feasible. It is preferable to the 2 percent per year of service annuity computation formula currently used for law enforcement officers which tends to neutralize the incentive for early retirement by continuing the more liberal computation formula for employees who stay in service past the time when they first become eligible to retire.

H.R. 8083 also provides that if the Secretary of Transportation first determines that a career-tenure controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility, such as a high traffic density facility, in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work, he may provide the controller with up to 2 years of training for a new job.

Whether or not such controller receives training, the Secretary may reassign him to another air traffic facility or to different duties in the Department of Transportation.

If a controller has received the "second career" training, the Secretary may assign him to other duties in the Department of Transportation at the same or a lower grade, or release him for transfer to another executive agency. If the controller is not placed with an executive agency, he would be separated from the service.

Separation after training solely because an employee is not assigned to other duties constitutes an involuntary separation within the meaning of the severance pay and the retirement provisions of the law.

The Commission believes that second-career training would increase the opportunities to place a maximum number of controllers who are separated from that occupation in other employment in the Department of Transportation, other executive agencies, or outside Government and raises no objection to this provision.

Based on an estimate that 19,500 employees would be covered by its provisions, enactment of H.R. 8083, would increase the normal cost of the civil retirement system for all employees by 0.14 percent.

Mr. WALDIE. May I interrupt at this point?

Mr. HENDERSON. Yes.

Mr. WALDIE. Would you have objection to the career training provision being instituted in all executive agencies?

Mr. RUDDOCK. Mr. Leich, would you like to respond?

Mr. LEICH. If I may respond to that question, sir. We believe that second-career training for a 2-year period is a unique requirement for this particular occupation of air traffic controller. And we would not see the need for it in other Federal occupations.

Mr. WALDIE. Why would you not need it in others?

Mr. LEICH. One of the gentlemen previously used the term "burned out," and you find that dramatic phrase throughout the Corson report referred to in earlier testimony.

It seems to be a fact that it is a very stressful occupation that does have these unique features.

Mr. WALDIE. Are there other stressful occupations in the Federal Government?

Mr. LEICH. We know of none to the same extent, Mr. Congressman.

Mr. WALDIE. Thank you, Mr. Chairman.

Mr. RUDDOCK. We estimated that the legislation, if enacted, would increase the normal cost of the retirement system by 0.14 percent, and the unfunded liability of the civil service retirement and disability fund by \$642 million.

Under the financing provisions of the retirement law this amount would be amortized in 30 equal annual installments of approximately \$33.7 million. The first \$33.7 million would be payable on June 30 of the fiscal year in which the proposed legislation becomes effective.

In conclusion, we agree with the Secretary of Transportation that air traffic control work is a vocation with unique problems that merit unique solutions. H.R. 8083, represents a carefully considered answer to these problems, and the bill has the Commission's endorsement.

I thank you for the privilege of appearing this morning. Mr. Leich and I will be glad to try to answer any questions you may have.

Mr. HENDERSON. Mr. Ruddock, would you suggest that the provisions of the bill, H.R. 8085, that you referred to be incorporated in this legislation, rather than considering that bill separately?

Mr. RUDDOCK. Mr. Chairman, I think perhaps the committee is in a better position to judge which is the better legislative strategy.

From the viewpoint of the Commission, we consider H.R. 8085, to be quite an important piece of legislation and if incorporating it in this would enhance its possibilities for earlier enactment, we would urge that that be done.

Mr. HENDERSON. And it would not in any way affect the implementation of the proposal by the Administrator of FAA, would it?

Mr. RUDDOCK. No, sir; because the general legislation would give exactly the same authority which is requested here, specifically, for air traffic controllers.

Mr. HENDERSON. Now in the first sentence appearing on page 4 of your statement, you state that the formula proposed in H.R. 8083 is preferable to that which presently applies to law enforcement personnel.

Is there an implication to be derived from your statement here that the law enforcement provisions of the retirement program be amended to conform to the proposal in this legislation?

Mr. RUDDOCK. We are not proposing that at this time, but we do think that the guaranteed 50 percent minimum is more nearly consistent with the objectives of this legislation for air traffic controllers; the law-enforcement formula, which is 2 percent of high three average

salary multiplied by years of service, as you can see provides a strong inducement for the individual to remain in service for a longer career because he continues to receive computation at this bonus rate.

Mr. HENDERSON. That certainly runs counter to the objective of early retirement and keeping a young work force.

Mr. RUDDOCK. Yes, sir; and we do not believe that any one kind of service merits a higher rate of annuity than any other kind of service.

The annuity system is one in which the amount of annuity is related to the length of service, and to the value of that service as reflected by the salary of the position.

Now if you have that kind of a formula, and then provide some additional kicker in the formula, in effect you are doubling up; you have once recognized the value of the service in the salary, and then you recognize it again by giving some kind of retirement bonus.

We are suggesting here that if, in the interest of air traffic safety and in order, to relieve the air traffic controller of the stress or give him the opportunity to be relieved of the stress, early retirement may be desirable, then you need to give something more than the regular formula to make it economically feasible.

If a controller is going to retire, there must be enough annuity to enable him to retire. We think the 50 percent guarantee does that without at the same time providing an incentive to try to remain in the service.

Mr. HENDERSON. On page 5 of your statement you indicate that this legislation would increase the normal cost to the retirement system for all Federal employees by 0.14 percent of the payroll, by granting preferential retirement treatment to air traffic controllers or other Federal employees, and agency contributions may eventually have to be increased to cover the normal cost.

Will other employees in effect be subsidizing the air traffic controllers to this degree?

Mr. RUDDOCK. I hesitate to put it in terms of one group of employees subsidizing another group of employees.

Mr. HENDERSON. I do too, but it is the most dramatic way I know of putting it.

Mr. RUDDOCK. I appreciate the question. However, I would point out that under the retirement system, an employee is guaranteed that either he or he and his survivors will get back every penny he has put into the system. So it's impossible for one employee to make a contribution which will pay the benefits of some other employee.

I think what we are doing really is allocating a larger share of the Government's contribution to a recognition that air traffic safety requires early retirement provisions for air traffic controllers, rather than placing this as a burden on other employees.

Mr. HENDERSON. What you are saying is that if we do meet the requirements of the funding as provided in our act of the last Congress, the Government will be really taking the additional cost of this?

Mr. RUDDOCK. In a sense, although I would have to recognize some validity to your point, but I do want to emphasize that if this eventually resulted in all employees being asked to pay a contribution which is seven one-hundredths of 1 percent higher, at the same time they are asked to do that, they are guaranteed that they will get back at least as much as they have put in.

Mr. HENDERSON. Does the gentleman from California have any further questions?

Mr. WALDIE. I notice that the authority the Secretary has, if he determines that the man should no longer be a controller, is to provide for 2 years or less of training.

Now what does that contemplate? Would you say 2 weeks would satisfy that requirement of the act?

Mr. RUDDOCK. I believe as the legislation is drafted that 2 weeks would technically satisfy that requirement. I don't believe that would be consistent with the spirit of preparing the man for a second career.

Mr. WALDIE. I don't think it would be either. Why then do we permit that latitude on the part of the Secretary, when it seems to me this bill provides that Secretary with more latitude than any other executive in the entire Federal department?

What is the reason, on behalf of the employee, to permit less than 2 years of retraining?

Mr. LEICH. Mr. Waldie, I believe that might depend somewhat on the plans of the employee himself. I am sure that there would be some input from the person involved, as to whether he wants to study accounting or something else.

Mr. WALDIE. It would not then place a provision in here to provide for 2 years or less at the option of the employee?

Mr. LEICH. No, the bill does not so provide.

Mr. WALDIE. I know. The bill as it now provides would say if the Secretary determined that 2 weeks was sufficient, and if at the end of 2 weeks there was no job, he would be released into the private sector. That is contemplated within the bill's provision specifically, is it not?

Mr. LEICH. Well, in our discussions with FAA staff at the time we were considering the whole thing, we certainly did not have that in mind, sir.

Mr. WALDIE. But that would not be a violation of the act as presently posed?

Mr. LEICH. I believe that is correct.

Mr. WALDIE. So that possibility ought to be eliminated. I very frankly see this bill as drafted as providing to the Secretary enormous powers over air traffic controllers that heretofore he had not had.

I find no benefit in this bill for the controllers themselves unless they have a minimum of 20 years service and are 50, or else have 25 years of controller service; that permits them to exercise an option.

But other than that, there are no options in this bill for the employee as I understand it. Am I incorrect in my understanding?

Mr. LEICH. I believe that is correct.

Mr. WALDIE. All the rest of the provisions are designed to increase the power of the Secretary over the controllers.

And it would seem to me to leave that loophole, to permit him to determine that 2 weeks training is adequate for this particular situation, and if it just so happens there is no job, therefore, he should be released. It provides no protection for the employee, particularly when this simply provides no appeal for the employee on the determination of conditions a, b, or c.

I would hope the committee would see fit to amend into that provision at least, if they pass this bill, a provision that less than 2 years training shall be permitted only at the option of the employee.

I have no further questions, Mr. Chairman.

Mr. HENDERSON. The gentleman from Maryland?

Mr. MILLS. No questions.

Mr. HENDERSON. The gentleman from Michigan?

Mr. FORD. Thank you, Mr. Chairman. I'd like to follow up—

Mr. WALDIE. Will the gentleman yield—if I may intrude?

Mr. FORD. Yes.

Mr. WALDIE. I confess that much of my concern about granting this much power to the Secretary is based upon what I have construed to be an improper disposition of the work stoppage that occurred in the past.

I don't find any great compassion or sympathy on the part of the agency for the air traffic controllers, and I see no such sympathy or compassion exhibited in this proposal.

So it would be my intention, at least as one member of the committee, to circumscribe the Secretary in whatever way possible, so that there are not actions taken against the controllers that are not thoroughly justified and in the interest of air traffic safety.

Thank you for yielding.

Mr. FORD. I am delighted you raised that point. I wanted to pursue the point you already started.

I would like to associate myself with your remarks and also your concern. My own experience in trying to get some definition of the motivation of the agency with regard to the basic mission of air traffic safety in dealing with their employees has been such that I have little or no confidence in the capacity of the people who have been administering this agency to understand this human element that their testimony describes.

I am surprised to see that the administration witnesses in formal testimony almost invariably have a statement that the air traffic controller is subject to unique pressures and conditions, because I found no evidence of that being recognized at the time there was tension between them as employers and employees.

It seems to me there is a lot of maturing that will have to take place on both the side of the employees and the employers, to accommodate this special status. We would hope for this.

This bill has a section that Mr. Waldie has mentioned, coupled with another section that seems to me to be a problem. Not only does section 3382, subsection (a), say that on completion of training under section 3382—that is the one that permits training of 2 years or less—the Secretary may assign, reassign, or demote a controller to duties in the Department of Transportation or release the controller for transfer to another executive agency at the same or lower grade.

That is in addition to the authority that the Secretary has been given to remove him, remove him or in effect fire him under section 3381, which is stated to be in addition to all the other provisions involved that permit the Secretary to remove, demote, fire, or transfer him.

What we have here are two sections, back to back, that act cumulatively to add to the ability of the Secretary to get rid of a controller.

It doesn't seem to be quite consistent with the idea that what we are trying to do is establish stability in a very delicate profession here.

I share Mr. Waldie's concern about the fact that, intentionally or inadvertently—and it doesn't really make much difference to the employee and his career whether it is done intentionally or inadvertently—he could be directed to training that in fact would doom him to a downgrading from the day he started it.

And it could be perfunctory training for a dead-end opportunity.

I think we ought to be very, very careful on this committee about contributing to this. We saw in the newspapers how another agency of Government is inhabited by people at a very high level, very delicate positions with regard to our Government in foreign countries, in the State Department, who are demoralized by the fact that they find themselves in a situation where at the peak of their career, at a time in life when they are unable to change directions, they are facing the possibility of ending their career through no choice of their own.

That has been happening in a number of private industries. There is a deleterious effect on a very large segment of the most highly trained people in our country. People have been trained to a highly technical skill only to find themselves being thrown off into orbit with no opportunity to readjust to the real life work that is available to them. This is something that a lot of people are going to be studying a great deal, and I would hope we wouldn't do anything here to add to the situation.

I would like to ask you if you would consider, for example, in section 3382(a), where it says the Secretary of Transportation may assign a controller who is subject to a determination of the Secretary under section 3381(a) of this title, to training of 2 years, or less, duration—a proviso—and I can't word it right off the top of my head, but a proviso that would say, provided, however, that that training would be for a position, one, that did in fact exist or for which there was a reasonable expectation that the training would lead to employment, and (b) that the employment to which the training would lead be equal to or greater in compensation than that of the grade to which this employee would be entitled generally under civil service, if he were retained.

Mr. LEICH. In responding to that, I can state that the Civil Service Commission would be sympathetic to the objective to do this, if possible. I can see some practical difficulties in shaping the language, and even greater difficulties in interpreting it, because the intention is of training for a future career. The second career is not limited to that organization. The second career might be in another Federal agency or completely outside.

Therefore, it would be difficult to have any kind of certification that a vacancy does exist for that training within a 2-year period.

Mr. FORD. I don't see any difficulty at all. We have been doing this for 30 years with everybody that walks into a U.S. employment office. We say that to apply for unemployment insurance, you must make yourself ready, willing, and able to take employment. But that doesn't mean that if you have been a toolmaker, that you have to go out and take a job digging ditches or pitching garbage on a truck.

You are ready, willing, and able to take employment comparable and using the skills that you have had. And the U.S. Employment Service, operating through the States, can't simply get rid of you by giving you training to be a carpenter when there are no jobs available for carpenters.

Even the proposed new welfare bill provides that people on welfare will not be deprived of welfare unless they can find suitable employment. It doesn't say you must take anything available. It says to the lowest skilled people in our society, for the most part, with the least training, that even at that level, you have an option that is based not upon your personal preference necessarily, but upon the fact that you shouldn't be expected to take a job that is a dead end job.

We have too many people in society working now in dead end jobs. All I am seeking here is that we not create a new dead end situation.

And we do have precedent throughout private and public employment for the idea that if you are going to retrain someone, the measure of whether that is in fact valid retraining is whether it is training you for a job that might be expected to be there.

And I would envision this as working in a way so that at least the employee would be able to have some sort of an appeal on this action on the basis of what it meant to his future and the question of whether there was in fact a job opportunity and the question of whether there was in fact a possibility of this person successfully completing the training would have to be decided in each individual case. But there would be some requirement on the Secretary to establish standards and some protection for the employee in asking to have his case examined in the light of those standards.

I wouldn't view this in the limitation on the Secretary being able to set the standards, but they would have to be consistent with these two criteria, and perhaps you gentlemen would be in a position, as well as others who have testified here who may still be in the room, to suggest to the committee how we can put this kind of protection in there that Mr. Waldie and I are asking about.

Mr. RUDDOCK. In our earlier discussions on this legislation with officials of the Department of Transportation, it was my understanding that the employee himself would be a party to the planning of his training; that his decision, inclinations, aptitudes, would be a very definite part of that planning, rather than it being a unilateral action on the part of the Department. Which is entirely consistent with what you said.

Mr. FORD. I gather you or they would not object to setting a standard for the kind of training that would be enough to qualify—what I am concerned about is that automatically after the employee starts training, he then becomes eligible for a new way to be fired that he wasn't heretofore eligible for. As soon as he has entered training then there is absolutely no limitation in here on the reasons for which he can be fired.

He doesn't even have to be unhealthy anymore, or a threat to safety. All these other qualifications go out the window, the way the bill is written, the minute he accepts some kind of training, for 2 weeks or more, and I don't think that is consistent with what you are saying now.

So I assume from what you are saying that you expect your agency would have no objection to putting a standard in there that would require that the training be relevant to the future earning capacity of the employees involved.

Mr. RUDDOCK. I can't speak for the Secretary of Transportation, sir. But clearly this was intended as a provision to be beneficial to the air traffic controller. To be an additional opportunity for him, rather than a penalty of some kind. And so I would assume that the Secretary would be amenable to your views on that point.

Mr. HENDERSON. The time of the gentleman has expired. The gentleman from Texas?

Mr. PURCELL. Not having thought this through to the extent that Mr. Ford obviously has, I assume, as you just indicated, that the employee would be given a choice. I take it that he would be working

toward something, maybe during the early part of his career, and if he came to the category we are speaking of here, he would then have a right to have 2 years of college training of some kind. For example, he might want to be an interior decorator or something that the Government doesn't have a bunch of civil servants doing. It would be difficult to have some kind of a system wherein he was guaranteed a job in an area he might be interested in, when the Government might not have jobs of that kind.

Is this some of the contemplation that you are referring to in your last response?

Mr. RUDDOCK. It would be my expectation in the particular case you have cited, if the man's own inclination and his desire was to learn interior decorating, that the Secretary of Transportation would certainly be inclined to approve up to 2 years of training in that particular line, rather than to try to force him into some other mold.

Again, I can't speak for the Secretary on that, but what you suggest is entirely consistent with my understanding of the intent of this particular provision.

Mr. WALDIE. Will the gentleman yield?

Mr. PURCELL. Yes; I will yield.

Mr. WALDIE. Could the employee demand that training?

Mr. RUDDOCK. Not under this legislation as drawn; no, sir.

Mr. PURCELL. Well, would it be in line with your contemplation of the purpose of this bill that it be somewhat similar to what we would refer to as the GI bill? The employee had a choice, he could go to college, he could take dancing if it led to something there was a market for, and there is nothing inconsistent as far as you are concerned with us amending this bill so that if the employee has a choice of taking training up to 2 years in addition to what he has already given himself, and then if he found a job in Government or found one outside—presumably always trying to get a better job—there's nothing inconsistent with the desire I am trying to express with what you understand to be the purpose of the law?

Mr. RUDDOCK. This is not inconsistent with my understanding of it. I do think it should be checked with the Secretary of Transportation to see whether it would conflict with any of his plans or intentions. I can't speak for him.

Mr. PURCELL. I understand. But from your standpoint of the Civil Service Commission, the purpose of letting these people have the opportunity to retrain themselves to be whatever they wanted to be, and up to 2 years, at his choice, would be in line with what you contemplate the purpose of this proposed bill to be?

Mr. RUDDOCK. Yes, sir.

Mr. PURCELL. That's all I have.

Mr. WALDIE. Will the gentleman yield?

Mr. PURCELL. If I have any time left, I yield it.

Mr. WALDIE. One final question. I asked the Secretary if there was any appeal on the part of an air traffic controller whom he determined fit in either category *a*, *b*, or *c*, and was therefore subject to retraining and all sorts of things, and he said, yes, he could appeal to him.

You were here when I asked that. Does the Civil Service Commission have any objection to amendment to the bill to provide regular appeals to the Civil Service Commission, as is the case with every

civil service employee who is aggrieved by a decision involving their basic career—and this is about as basic a decision as you can conceive of.

Mr. RUDDOCK. The Civil Service Commission has gone along with this provision in the bill on the assumption that it is an authority which is needed by the Secretary of Transportation in order for him to fully carry out his responsibilities for air safety.

Mr. WALDIE. And that the right of appeal would detract from the responsibility of carrying out air safety?

Mr. RUDDOCK. That it would inhibit his ability to do that, yes, sir.

Mr. WALDIE. Why would it inhibit his ability to carry out his responsibility of air traffic safety to appeal this sort of determination?

Mr. RUDDOCK. Only in the sense that, as you will recognize, an authority which may be exercised without an appeal or a series of appeals, is authority which is more apt to be exercised and exercised more promptly.

Mr. WALDIE. It is also authority that is apt to be abused more frequently.

Mr. RUDDOCK. It is authority which may be abused, yes, sir.

Mr. WALDIE. No further questions.

Mr. FORD. Will the gentleman yield?

Mr. PURCELL. Yes.

Mr. FORD. Last year, or the year before, we established by law within the Civil Service Commission a job evaluation and pay review task force which is supposed to go into the whole Federal service and find out really what it is all about, and give us some sort of an inventory of what we have, and what we needed, and what we would need.

How would you view a limitation on this section that said that prior to the exercise or applicability of this section at any given time there must have been filed with the Secretary a report from this job evaluation and pay review task force of all federally funded and connected job opportunities for which the special skills of air traffic controller might be adequate preparation, with limited amount of additional training, so that prior to exercising this section, the Secretary would have before him from this other Federal agency set up within your department, a specific inventory of job opportunities for which he might suggest training for these people, and then limit him in the first instance—or give a priority thereafter—to those positions that this task force would say are relevant to the training and experience of air traffic controller, and likely to produce the same level or greater of employment.

Mr. RUDDOCK. Sir, I am certainly not fully versed with what is being done by that pay scale committee, but I don't believe—it's certainly not my understanding that they are making an inventory of positions, or that they are doing the kind of evaluations which would indicate whether prior experience as an air traffic controller would be particularly leading toward that occupation.

Mr. FORD. If not, then do we have someone else in Civil Service who can provide the Secretary, prior to the exercise of this authority, with a shopping list of potential Federal employment and the needs?

You are experiencing a shortage of a thousand controllers now. Something in that neighborhood?

Mr. RUDDOCK. The Secretary testified they are about a thousand under their authorized ceiling.

Mr. FORD. Well, perhaps we have other places in the Federal Government requiring technical training and expertise where we have a shortage that would be met by this. It would be a terrible waste for the Government if we started somebody on a different training route, and lost all of the experience that these people have. Inasmuch as everybody on all sides of the question agrees that they are very specially trained people.

Mr. LEICH. If I may comment on that, sir. Many people have used the term unique, and it is certainly true of a highly skilled air traffic controller, grade 13, who has taken 15 or 20 years to get to that stage and has been the beneficiary of a great deal of specialized training.

But one of the basic problems is, Where else can you use that kind of training, outside of the FAA? Within the Federal service, I don't know of any other place where he could slide immediately into a grade 13 slot, where he would be using that special skill. That is one reason, of course, for the period of up to 2 years of second-career training.

Now I do think that the Civil Service Commission could be very helpful to FAA, continuously, in providing information as to the current vacancies in the Federal service that might serve as some kind of lead for this training where the man or woman involved could sit down with a counselor in FAA and with information from the Civil Service Commission in helping to shape the kind of training, looking toward the second career.

I think also the State employment services, through the Department of Labor, would be a great help in giving the same kind of judgments for the private sector.

Maybe there are some real practical ideas coming out of this discussion.

Mr. HENDERSON. Will the gentleman yield?

The colloquy you have developed here has put interesting light on it as far as I am concerned. But I would like to ask this question.

Do you envision that the Government has a primary obligation to provide the second career? The second job? Or was the gentleman from Texas suggesting that the Government would discharge its obligation by providing clearly in the bill that the retiring air traffic controller would have the right to make the choice of going to college or dancing or interior decorating, and the Government's obligation, if he chose that route, would be complete and finished?

Mr. PURCELL. If you are asking me, Mr. Chairman, I am not an expert in this area. I contemplated that there should be some kind of a choice. He could be trained in a technical field for continuing work for the Government; but if he chose to have 2 years outside of Government or some kind of formal training, he could make the choice. My contemplation was that if he chose the 2 years' training in an area that was quite different than traffic controllers, the Government would fulfill its obligation by having provided him the money, tuition, or whatever the program worked out to be.

Mr. HENDERSON. I thank the gentleman for his response. Mr. Chairman, if I might make one comment off the record.

Chairman DULSKI. Yes, sir.

(Discussion off the record.)

Mr. PURCELL. We really should consider this. The GI bill was greatly abused right after World War II. They had people who were

going to fender-scraping school, to tailoring, barbering. It was a hodgepodge.

Now the Veterans' Committee has provided adequate training in an area in which there are needed skills now, and I don't contemplate any person spending 20 years in an air traffic controller job and then not using it, but I think there should be some kind of a provision that in a profession or technically trained area, if he chooses to go outside the Government, he may.

Mr. HENDERSON. I think you gentlemen have explored an area that deserves very careful consideration by the committee.

Mr. FORD. I have one more question.

I am sorry I arrived late, but I was in executive session this morning before coming here. I wanted to be here for the people from the Department of Transportation, but I will ask the question here and hope that some are still here in the room, and ask them to carry it back.

I see nothing in the testimony touching on the bill of which I am cosponsor, H.R. 8951, and I wonder if you gentlemen now at the table have any comment you would like to make about that legislation? If you don't, if you would be kind enough in the next few days to submit to the committee for the record your comments on that legislation?

Mr. LEICH. I don't recognize that.

Mr. FORD. H.R. 8951 is the bill led by Mr. Udall covering most of the same subject matter we are talking about. It has some 20 cosponsors.

Mr. LEICH. I am not prepared to speak on that subject, sir.

Mr. FORD. I would appreciate it if you would take a look at that. I understand Mr. Harding is still here in the audience? Is he here? Could we ask you, Mr. Harding, if you would prepare something in the way of a critique or examination of this legislation and submit it to us?

Mr. HARDING. Indeed we will, Mr. Ford.

Mr. FORD. Thank you very much.

Chairman DULSKI. Any further questions?

Thank you very much, Mr. Ruddock.

The committee stands adjourned until tomorrow morning at 9:30.

(Whereupon, at 12:03 p.m., the hearing was adjourned, to be resumed on Wednesday, June 9, 1971, at 9:30 a.m.)

going to tender-keeping school to undertake, perhaps, it was a

misnomer.

Now the College Commission has provided adequate training in an area in which there are needed skills now, and I don't remember any person spending 20 years in an institution, whether for or against, but I think that should be some kind of a provision that not only is in a profession or technically trained area, it has to be in a profession or

the important part.

Mr. HARRISON: I think you gentlemen have explored an area

that deserves very careful consideration by the commission.

Mr. FORD: That is one question.

I am sorry I cannot state, but I was in several sessions in training

before coming here. I wanted to be sure for the people from the

Department of Transportation, but I missed the question period and

hope that some one will be in the room and ask me to say it back.

I see nothing in the program that is on the bill of which I am

conscious. Mr. FORD, and I understand you went to the University of Illinois

have any comment you would like to make about that? I am not

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CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS

WEDNESDAY, JUNE 9, 1971

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met at 9:35 a.m., in room 210, Cannon House Office Building, Hon. Thaddeus J. Dulski (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order. Today we continue hearings on H.R. 8083 and related air traffic controller legislation.

We will hear from a number of labor organizations which represent air traffic controllers and specialists this morning.

Our first witness is John F. Leyden, president of the Professional Air Traffic Controllers Organization (PATCO). And I must say, Mr. Leyden, congratulations to you and your organization on the recent order from the Department of Labor reestablishing PATCO to its former status.

Before we hear from Mr. Leyden, I understand we have our good friend Congressman Wyatt here. We are very happy to have you with us. Do you wish to present your statement or submit it for the record?

Mr. WYATT. Thank you, Mr. Chairman. I have a very short statement which was prepared in great haste. I got in at 2 a.m. yesterday from the west coast on a redeye, and I really was not able to prepare what I thought was an adequate statement.

I would like to have my statement submitted for the record, and just to say a few words to supplement it at this time.

The CHAIRMAN. Your formal statement will be inserted in the record after any comments you may wish to make.

STATEMENT OF HON. WENDELL WYATT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WYATT. Mr. Chairman and members of the committee, I have been involved with the efforts to achieve what I thought was equity for the air traffic controllers for many months now.

And I must convey to the committee that I have no personal ax to grind in this at all. We have very few air traffic controllers in Portland, Oreg. Those we have are very good.

But this goes far beyond my district, and my State, in my interest for them.

I have worked with the air traffic controllers for many, many months now, and I have really discovered that there are no Federal employees in the same category of dedication, of professionalism, of competency, and really of being in complete control of their job, and working under similar conditions.

Now the esprit de corps of air traffic controllers is, I think, extremely important. I have seen them from the time they made a change in their leadership, a very significant change, to the present moment, and this esprit de corps has come from being practically nonexistent to a very, very high point.

And I think that it is very, very important to the traveling public and to the safety of aircraft in this country that this esprit de corps be maintained at a very, very high point.

I believe that air traffic controllers are in a class by themselves from other Federal employees. Now you can make a case, certainly, for the special agents of the FBI. I was one for a year prior to my entry into the Marine Corps, and I know the risks and the pressures that this job has.

But I don't think they can be put in the same category as the air traffic controllers who have extreme mental and physical strain during all working hours.

Now there are other Federal employees that have special risks, and sometimes risk death because of violence. These employees can be taken care of more on an ad hoc basis, where there are personal disasters involved. But I just simply don't think there is any way that you can pay air traffic controllers sufficiently by way of compensation and side benefits that are going to compensate them for the mental and physical strains that they go through if they do their job well, and they will.

And that is why I think a special case can be made and should be made for the air traffic controllers for accelerated retirement.

I think that all this committee has to do is to examine in detail the medical reports, those who reported sick during the sick out, to see the very substantial justification of the physical condition, mental condition, of the controllers at that time.

Now those days of the sickout are far beyond us. We have a responsible organization here; we have responsible leadership.

I am proud of it, and proud to be associated with a leadership and an organization that is determined to work with the Government and to work in a cooperative spirit to solve the problems that we had that have again so recently been brought to our attention by the tragic events of the last few days.

I think it's going to take more than the implementation of the airport and airways improvement bill which was passed last year, in the long haul, to see that we do in fact have real air safety in this country, and I think an integral part of this program is the accelerated retirement bill.

And I am talking about my bill that has the principal feature of the 1.4 credit for every year served, the bill which takes away the autocratic, arbitrary personnel control in the Secretary himself over personnel, and sets up an impartial board to make these judgments.

And the third feature of the bill, of course, would give the Secretary discretion to indefinitely extend sick leave beyond the normal 30 days if a case were made to do so.

I just would point out also, Mr. Chairman, that the other body—not that this is the best argument that can be made before a House committee, at least it isn't to me—but I would point out for the record that the other body did adopt the 1.4 to 1 formula unanimously last year, when we in the House did not act.

So they accepted the proposition that a special case can be made in this situation.

And I just think, Mr. Chairman, in conclusion, that we can't afford to have tired, to have sick controllers, to have controllers working under stress in this age where air traffic safety is becoming so critical to the welfare of this country.

And I thank you, Mr. Chairman and members of the committee, for the opportunity of a hearing this morning.

The CHAIRMAN. Thank you very much, Mr. Wyatt.

Mr. Nix, do you have any questions?

Mr. NIX. Mr. Chairman, I have no questions. I would like to express my deep appreciation for the appearance of our colleague here, which is representative of his deep interest in a very important problem. Thank you very much.

The CHAIRMAN. Mr. Hillis?

Mr. HILLIS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Young?

Mr. YOUNG. I'd like to add to the words of Mr. Nix, and say to the Congressman how much I appreciate the very sincere testimony.

As one who has used the air traffic controllers many times, as a pilot, and as a person who was involved in a crash of an airplane, I have great respect for the tremendous job they do, and I certainly don't see really how in the world they are able to do the job and be under the pressures that they are, and still do as efficient a job as they do.

Without them and their professional attitude, it would be impossible to have air service in this country that we do have today; you couldn't have it without them.

I appreciate very much your strong support.

Mr. WYATT. Mr. Chairman, if I may respond to my friend from Florida, it might be of interest to you to know that just approximately 2 weeks ago, I had an invitation to meet with the air traffic controllers in Jacksonville, in your home State, and I anticipated that I would be sitting down for dinner with perhaps 12 or 15 controllers and just discussing problems and my interest in solving them.

And there were 175 people there. And I was again—as I always have been—just tremendously impressed with the very high level of competency and high caliber of each of these young people, the very special degree of concern.

Mr. YOUNG. With the fog we have in and around our State capital almost every morning, I have used the Jacksonville Center many times. They have gotten me out of trouble on occasion.

Mr. WYATT. Thank you very much.

The CHAIRMAN. Thank you for appearing here this morning. We appreciate your interest in this legislation.

Mr. WYATT. Yes, sir; and I am particularly pleased and proud to be here with the president of Patco, Mr. John F. Leyden, who I understand will be testifying next. I have worked with him for many, many months now.

The CHAIRMAN. Thank you, Congressman.

(The prepared statement submitted by Mr. Wyatt follows:)

PREPARED STATEMENT OF HON. WENDELL WYATT, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OREGON

Mr. Chairman, members of the committee, I appreciate the opportunity to provide this testimony on behalf of H.R. 8951.

I don't think I have to impress on you how very important the air traffic controller is to the safety of the millions who each year travel by air. They are thoroughly professional, dedicated men in one of the most exacting occupations of the modern jet age.

I want to speak to three major provisions of this legislation—the retirement formula, creation of an impartial board to deal with personnel matters, and sick leave and retraining.

Under Section 5(a), controllers would be given 1.4 years credit toward retirement for every year served as an active controller. This formula is based on a recommendation made by the Air Traffic Controller Career Committee appointed by Transportation Secretary Volpe. In short, it provides accelerated retirement for this occupation which is so stressful mentally and physically.

The impartial board is created to permit controllers an avenue of appeal from the present unlimited autocratic authority of the Secretary of Transportation concerning personnel actions. The board would be composed of a hearing examiner designated by the Civil Service Commission, a representative of the Secretary, a representative of the Federal Air Surgeon, and two Air Traffic controllers. The board's decision, either in support of, or contrary to, the Secretary's action, would be final.

Finally, the bill provides for additional sick leave for job-connected medical problems, or if necessary, retraining for new jobs within the federal aviation system for those who are, in the words of the study committee, "burned out" under the stressful conditions under which they are forced to work. The sick leave provision provides for additional medical time off as might be deemed necessary over and above regular sick leave. The determination would be made by a flight surgeon with at least three additional medical doctors required to certify his illness.

Mr. Chairman, I believe this briefly covers the major provisions of the bill. I urge this committee's full support of the measure.

The CHAIRMAN. Mr. Leyden, you may proceed.

**STATEMENT OF JOHN F. LEYDEN, PRESIDENT, PROFESSIONAL AIR
TRAFFIC CONTROLLERS ORGANIZATION (PATCO)**

Mr. LEYDEN. Thank you for the kind remarks in the beginning, Mr. Chairman, and committee members, concerning the recent decision by the Assistant Secretary of Labor.

At this time I would like to introduce my colleagues at the table with me. On my right, the national vice president of the Professional Air Traffic Controllers Organization, a former controller in the Denver center and in the Stapleton Tower in Denver, Robert Greene.

On the far left, Mr. Ben J. Man, deputy executive director of the AFL-CIO Maritime Committee and acting as congressional liaison on this legislation.

On my immediate left is a very good friend, formerly Assistant Secretary of Labor, and members of the Corson committee, Mr. Stanley Ruttenberg.

Mr. Chairman, we are here to testify in support of H.R. 8951, and we would like to commend you, Mr. Chairman, and the others who have joined with you in considering this legislation.

We believe it represents a sound and constructive effort to come to grips with at least some of the special problems confronting air traffic controllers. It is our earnest hope that from these hearings, and from similar proceedings soon to occur on the Senate side, we can look forward to conclusive action at an early date on issues which we of PATCO approach with a sense of urgency.

It is because we have such a sense of urgency about what is involved here that we wish to convey our deep appreciation to you and the others, including Senator McGee who has for some time evidenced his concern over the particular needs of those who are part of the profession of air traffic controllers.

We are, of course, also pleased to see that the administration has, in H.R. 8083, begun to take steps, however modest, with respect to implementation of the recommendations of the Corson committee. That committee, it will be recalled, spent many months studying the complex problems—problems associated with the pressures, with the training, and with tenure on the job—that characterize the profession and the lives of those who are a part of it.

Because that report is so central to the legislation now under review by this body, I am sure it will be of special interest to the committee members to learn that appearing with me today is Mr. Stanley Ruttenberg, former Assistant Secretary of Labor and Manpower Administrator, who is now in private practice specializing in economics and manpower studies.

Mr. Ruttenberg was a member of the Corson committee, and is, therefore, thoroughly knowledgeable about the issues that are relevant to the legislation that is before you.

The fact that H.R. 8083 has the endorsement of the administration should, in our judgment, remove any doubts as to the necessity for action. Both the administration and PATCO obviously agree with the basic thrust of the report of the Corson committee, and we, therefore, will forego any lengthy recitation of why that report makes legislation necessary.

The issue at this juncture is not whether to act, but how. And it is here where we find ourselves in disagreement with the administration on some matters that we consider rather vital, and far too fundamental to be viewed as just minor questions of detail.

At the outset, however, I would like to state that we are in accord with the definition of an air traffic controller as spelled out in the administration bill. Properly, in our view, it restricts the definition to those who are functioning as controllers and to those who directly supervise the controllers.

It is not open-ended so as to bring into coverage persons who have only a tenuous contact with the function of separating and controlling aircraft.

Beyond this, however, we have a number of reservations with respect to the administration bill.

One reason we support H.R. 8951, the Udall-Wyatt bill, for example, and part company with the administration, centers around the formula to be used in accumulating credits toward retirement. The administration bill provides in section 5 that an air traffic controller becomes eligible for retirement after (a) 25 years of service as a controller, or (b) 20 years of such service at age 50.

There are several important points to be made here.

We believe that the intense pressure which attaches to practically every working minute the controller is on the job merits special consideration. The controller does, literally, hold in his hands the lives of the people on those airplanes.

Thus, he must not only be constantly—every minute—on the alert, he is also working under severe stress and strain—to an extent that is equalled in few, if any, other jobs or professions.

The administration bill fails totally to acknowledge this very significant difference from other occupational pursuits. H.R. 8951, however, gives this aspect of the problem appropriate consideration.

First, its formula provides that each year of service as a controller counts as 1.4 years of credit toward retirement. Consequently, a controller under this arrangement would, in approximately 21.5 years, accumulate the equivalent of the 30 years of service necessary to be eligible for retirement.

This formula, by the way, was written into S. 3959, the McGee-Fong bill, which was passed by the Senate of the United States in the last session, and it is in the bill that Senator McGee has introduced in the current session.

Another aspect of the approach of H.R. 8951 which we find preferable is the elimination of any age requirement in connection with retirement. We believe this is eminently fair and sound for a profession such as ours.

For controllers, length of service in the job is a far better measure of the stress and strain—the wear and tear—that earns for a worker that right to retire early, than chronological age could ever be. Therefore, we think that it is right to exclude it from consideration, as H.R. 8951 proposes.

Consider, for example, what the administration bill would do with respect to a controller who leaves the profession—and coverage of the pension program—before reaching eligibility for retirement.

If he happens, for health reasons, to transfer to another Federal agency before achieving retirement eligibility for controllers under H.R. 8083, he loses the entire retirement benefits that he would have accrued as a controller.

In other words, despite the fact that the administration bill is supposedly designed to acknowledge, for retirement purposes, the extremely intense and arduous nature of this occupation, it does so only for those who stay on as controllers long enough to meet length-of-service requirements that are, as I have already indicated, much too stringent to begin with.

The problem of the controller who leaves the profession before becoming eligible for retirement—even 1 year before—is completely ignored in the administration's bill.

H.R. 8951, on the other hand, would, after 10 years on the job, vest his years of service—at the rate of 1.4 years for each year of actual service. If he should leave the profession without achieving eligibility for retirement, following at least 10 years of service, the special stresses and strains of the years as a controller will not be relegated into complete oblivion and treated as if they never really happened. On transfer to another Federal Government job, for example, after exactly 10 years of service, he carries with him 14 years of service credit; and after 11 years, he carries with him 11 times 1.4, et cetera.

Another disagreement we have with the administration's concept of the early retirement program is that it is designed to give the Secretary of Transportation, or his representative—which could mean a facility supervisor—the right to compel a controller to accept early retirement.

We feel that it is unthinkable that he should have this right and unchallenged authority, and we therefore endorse the review board concept that is embodied in H.R. 8951 to deal with such situations.

We are also more than a little distressed by the manner in which H.R. 8083 presumes to deal with an issue that is associated with early retirement; that is, helping the controllers to develop second careers.

In our view, the reason for offering professional controllers assistance with respect to education and training is to enable them to be prepared to move into another occupation—in or out of the Federal Government—when they leave their jobs as controllers.

The early retirement program is an acknowledgement that the nature of the work is such that controllers can—indeed, should—be expected to move out of the profession at a stage in their lives when they still have many working years ahead of them. A controller who is prepared—because he is readily able to shift to another occupation—will be more inclined to accept the need for such a shift than will be a controller who is not trained to pursue another career.

The early retirement program cannot be expected—because of the sharply reduced annuity that is associated with it—to remove such retirees from the labor market. Consequently, the education and training activities should be designed to make such persons ready for a second career.

This is a serious matter, and it should, therefore, be approached in a serious, programmatic method, and not be left to the discretion of the Secretary whenever he feels funds can be squeezed from some other part of the Department of Transportation's appropriations.

In our judgment, this activity is important enough—if the Department is truly concerned about the matter—to justify a separate line item in the budget, with Congress appropriating funds specifically and exclusively to be used to provide education and training opportunities (1) to professional controllers while they are still functioning on the job, as well, of course, for (2) those who may separate from the service before having had the chance to take advantage of such opportunities while they were still functioning on the job.

We would urge, therefore, that H.R. 8951 be modified in order to indicate the clear intent of Congress to establish the manpower adjustment program and that such intent be made unmistakably through a line item in the budgetary process.

Our objective, however, is not to generate programs that will stimulate unnecessary and premature turnover among controllers. We do not feel this is in the interest of the individual or of the Federal Government.

Indeed, we think it is highly desirable to try to prolong the professional controller's career—his career, that is, as an active controller.

One way this might be done is to remove the penalty that a controller suffers when he transfers out of one of the busier facilities. Currently, the employee holds his grade for 2 years and then suffers a reduction.

It stands to reason that more controllers might be inclined toward such transfers if there were no loss of pay involved. Such an arrangement, we believe, has considerable merit, for it helps to extend the career of controllers, who—although no longer able to function at facilities in high density areas—are perfectly capable of performing at high proficiency when the pressures are not so intense. We would recommend, therefore, that a provision be incorporated into H.R. 8951, the Udall Wyatt bill, which would authorize and encourage this departure from present practices.

Finally, we note that the legislation gives to the Secretary some discretion with respect to the maximum age limit on entry into the air traffic controller profession. Under certain circumstances, he is permitted to disregard the age limitation.

While we are in accord with the intent of this provision, we think it would be appropriate that somewhere—if not in the bill, then certainly in the committee's report—the reason for granting this discretionary authority be clearly stated.

The purpose, as we see it, is to enable the FAA to meet a manpower need that may arise unexpectedly—a situation in which, temporarily, the normal inflow of controllers is clearly inadequate, and there are no practical means to step up that flow.

Specifically, we do not believe that it would be sound practice to permit the FAA to breach the age limit simply because there happens to be available a supply of trained controllers.

We are, of course, sympathetic to the job problems of people who are, so to speak, old at 30, but the fact is that air traffic control is a young man's game. An influx of personnel beyond age 30 can only lead to more of the infinitely complex problems that bring us here today to deal with the issue of early retirement, not because the men are old, but simply because they may be too old to work at this profession.

In closing, I would like once again to express the hope that we can look forward to early action on this legislation. It deals with matters that are, to us, vital. And because this is so, I want also to express once again the very sincere sense of appreciation that PATCO feels toward you, Mr. Chairman, and the others present, who have been so considerate of our concerns.

It gives us a great sense of confidence that our very special problems will receive fair and sympathetic treatment.

Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Leyden, for your excellent statement.

We have quite a few other witnesses this morning, so I will confine myself to two questions.

At the present time, what is the labor-management relationship between FAA and PATCO?

Mr. LEYDEN. Mr. Chairman, it has increased from almost being nonexistent to—the Corson committee indicated in their report that in this particular field, nowhere have they ever observed worse labor-management relations than with the FAA.

I will say this, because of a few people now in the labor-management field in the FAA, it has improved, but not to the point we would like.

As a matter of fact, it is very difficult for me as president of the organization to say that things have improved when at the same time they are continuing to fire individual controllers as a result of that last April "sickout."

Just yesterday, a gentleman from Chicago center, 14 months after the incident, received notification of removal. It's a rather sad statement to be making, in view of the fact that there are shortages in the system.

The CHAIRMAN. Do you believe that enactment of this legislation will satisfy the needs of your members and thereby prevent a recurrence of the recent work slowdown of the controllers?

Mr. LEYDEN. Absolutely, Mr. Chairman. I certainly think they are anticipating in the field enactment of the legislation proposed by Mr. Udall and Mr. Wyatt.

The CHAIRMAN. Mr. Nix?

Mr. Nix. Thank you, Mr. Chairman.

I'd like to congratulate Mr. Leyden on the excellent statement. However, on page 8, you say that "Air traffic control is a young man's game." The reason for that possibly being the idea that men older than 30 could not operate with the efficiency that you would get from younger men.

What proof have you that men older are incompetent in this field?

Mr. LEYDEN. Mr. Nix, that refers specifically to the starting age, and I think a good corollary would be the professional athlete. We have talked about a burnout rate in the system, and I speak from personal experience that a controller in the second portion of his career—as both Administrator Shaffer and Mr. Harding were in agreement yesterday—reaches a peak and starts downhill.

We would like to see a limitation provided that is not in effect today, of an entrance requirement into the system. We believe it is a young man's game, and we certainly believe that at a certain age in a man's career he starts downhill.

I don't have specific information to substantiate that, except from the personal experience and exposure in the field.

Mr. NIX. You see, understandably, I reject the notion that people older than 30 are incapable of doing anything.

Mr. LEYDEN. I would concur with you, Mr. Nix, in that observation.

Mr. NIX. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Hillis?

Mr. HILLIS. I have a couple of questions, Mr. Chairman. I congratulate you on the statement, Mr. Leyden. I find it informative.

I know you were in attendance yesterday when FAA was testifying. There are a couple of points I would like to ask you about.

Yesterday, in response to certain questions, Mr. Shaffer testified that on-the-job training at busy facilities, by people within the system, was not, in their opinion, detrimental to the controller at his post, giving the training.

Would you comment on that?

Mr. LEYDEN. Yes. I would take exception to that comment, and certainly I think I represent the view of most of my colleagues in stating that that is detrimental to the operation.

As a parallel to that, I would mention an industry similar to ours, the airline pilot industry. They do not train new men in a live environment. They use simulators.

And I would hope that the money appropriated from the airway user tax last year would be concentrated to provide training for individuals in an other-than-live environment.

I think it's unfortunate that too many of the travelers are unaware that people are working traffic for the first time, are being exposed to a live environment.

An additional workload is imposed on the controller in not only trying to separate traffic on range, but also increases the stress and strain of that position.

Mr. HILLIS. Thank you.

Also yesterday, FAA was quoted as saying that there are thousands of vacancies in the system. What are your views on that?

Mr. LEYDEN. I think they should be filled immediately, and I draw a parallel again to the problems that were created in the system because of a shortsightedness between 1963 and 1967.

At that time, in the controller field there was not an individual hired, and at the same time, the capacity of the system was doubling.

The problems that erupted last spring were partly as a result of that, the frustrations the men felt working 10 hours a day and 6 days a week, because of a lack of foresight in projecting for the future, could be adequately remedied if we would prepare now for the insurge of traffic coming in 1973.

I think the positions should be filled immediately.

Mr. HILLIS. H.R. 8951, the bill that you and your organization support, contains a provision relating to additional sick leave. No attention has been devoted to this subject in your statement.

Would you care to comment as to this need for such a provision?

Mr. LEYDEN. I would like to let Mr. Greene answer that question, because he is our medical specialist.

Mr. GREENE. We have a problem, a critical problem in the ramifications that are generated by the tension, physical and mental problems.

To be specific, in Chicago, we have had 65 cases of controllers, journeymen controllers in their younger years, in their 30's and early 40's, that have applied to the Department of Labor, Bureau of Employee Compensation, for disability.

Most of it is temporary. They have a problem, quite often in the stomach area or a mental problem, and they have to go off work.

We have had 65 cases in 1970 in the Chicago area alone; 69 percent of them have been approved, and the rest are waiting approval.

And we feel that the longevity of an air traffic controller can be increased if he can be taken off when he starts to deteriorate to the point where he needs to get off the job.

Not that he should be rejected out of the system. It's like a major overhaul in an aircraft. Take them out and build them up again.

You won't have to retrain somebody and wait that time period. Take that individual off, build him up physically and mentally, and put him back on the job.

The medical documentation substantiates this to be a good theory.

Mr. HILLIS. I have a couple of more questions. At the bottom of page 2 of your statement, you have a definition of those employees to whom the bill would apply, employees actually involved in controller operation or separation of air traffic, and their supervisors and crew chiefs.

I take it then you would restrict this application only to those employees, and to the exclusion of flight service personnel, electronics technicians?

Mr. LEYDEN. That is correct, Mr. Hillis. And to further substantiate that, I have a gentleman here who conducted a study in the field and I think that was part of the Corson committee statement.

Mr. RUTTENBERG, would you like to address yourself to that—who should be included?

Mr. RUTTENBERG. Yes. Both the administration bill and the one introduced as H.R. 8951 by Congressman Udall and Congressman

Wyatt—both provide for defining the air traffic controller as a person who is engaged in separating and controlling aircraft.

It would not include as an air traffic controller in the bill, would not include people at flight service stations, would not include the maintenance people that maintain the equipment on which the air traffic controllers operate. It would only include those individuals who are involved directly in separating and controlling aircraft and those immediately and directly involved in their supervision, and no others.

Just those, in other words, that are subject on a day-to-day basis to the great tension that is involved in handling aircraft at either a center or tower.

Mr. HILLIS. Thank you.

In lieu of 25 years, or 20 years, age 50, provision that is contained in House bill 8083, you prefer to allow the controller to retire at 21½ years of service, regardless of age?

Mr. LEYDEN. That is correct, Mr. Hillis. The 1.4 formula would apply to an individual when he is vested. He would have to have 10 years of active roll time to be eligible for this.

It would not preclude an individual from going up the career ladder, because he wouldn't lose credit for that time spent as an active controller. I think the distinction between that and the agency bill is that if a gentleman had 19 years as an air traffic controller, he would get no credit for that time if he progressed into another field. That is the distinction.

The CHAIRMAN. Mr. Waldie?

Mr. WALDIE. I join with my colleagues in commending you on your testimony. I noticed that there seems to be a difference in your approach to early retirement, and that of the FAA.

I gather you believe early retirement is in part a compensation for the high risk and high pressures of the job, whereas they seem to think early retirement is based solely to attain the objective of keeping the service young.

Mr. LEYDEN. I would agree wholeheartedly with your conclusion that it is, in a sense, a reward for the stress and strain of that occupation; yes, sir.

Mr. WALDIE. There are those who believe that the reward for stress and strain of an occupation ought to be given while you are performing the occupation in the way of compensation, whereas early retirement should have only the objective of keeping the service young.

I gather you do not concur with that?

Mr. LEYDEN. I do not, sir. I think that we agree on the premise that it is a young man's occupation, but I do feel that, because of what is taken out of the man, because of the stressful nature of the occupation, that the need for early retirement is there, and that there should be a reward for that which he has given so much of his life to.

Mr. WALDIE. You construe that as additional compensation?

Mr. LEYDEN. I would in a sense; yes, sir.

Mr. WALDIE. In terms of the Secretary's proposal for retraining, I personally find it is of little value to the controller because in his bill I see no provision at all guaranteeing any length of time or choice in terms of a second career.

I presume from your statement here—I was not able to determine exactly what you meant—that you are seeking to have the guaranteed amounts of money available for second career training.

But I am interested in learning what amount you believe that should be, what type of option should be given the employees, and how that second career opportunity should be implemented.

Mr. LEYDEN. I would like to address myself to the options for the controller to go into the secondary career, and I would think, after professional guidance and some testing as to what he would be best qualified for, and letting him have some right to selection into that particular career, we would then agree with the premise of the necessity for a second career.

I think Mr. Ruttenberg has some ideas about that, because they studied the second career as part of the Corson committee report.

Mr. RUTTENBERG. It is part of the Corson committee study, which got underway in about August of 1969, was concluded sometime early in 1970.

The basic concept of training and a second career is missed completely in the administration's bill. The whole concept, the whole notion of a second career is to say, here are young men in their forties, still with a great deal of useful life and effort and able to perform at high levels, except in the traffic control where the tensions are such that you need to get younger people into it.

It would be far better to have these people trained to move into a second career, either in the Government, either in the FAA or in the Department of Transportation, or elsewhere in the Government, or outside the Government, rather than to have them retire.

And therefore, what one ought to have is an early retirement bill for the purpose of taking care of those who just absolutely can't go on to a second career or don't want a second career, but basically, the whole thrust should be toward providing them with the opportunity, well before they become eligible for retirement, early retirement, with the opportunity to study for a period of time, to prepare themselves for another career, so that they can move on from that to another occupation either inside or outside Government.

And that if they move to an occupation outside of Government, then the early retirement is a reward to them for having served, as they did, so nobly as an air traffic controller. If they stay within Government, they would continue to accumulate under normal Government procedures, after the 1.4 for each year of service as a controller, and augment their retirement, if they move to another Government occupation.

But in the administration's bill, it is only where you are involuntarily retired or when the Secretary has the right to remove somebody for some cause or other, that that individual would become eligible for training and that concept is completely negative in terms of what was meant in the Corson committee's approach to the issue.

Mr. WALDIE. There was a suggestion on the committee that the second career opportunity should be provided the employee much in the nature of the GI bill of rights, that his decision as to what type of training he decided to engage in would not be subject to review.

He would decide what career he desired, and he would be provided funds to be trained in that career.

Is that the concept that you advocate?

Mr. RUTTENBERG. That certainly is. I don't particularly—you say the GI bill of rights concept—I don't want to say yes or no to that part of it. But what I do firmly believe is that the individual, while he

still is a traffic controller, maybe at the age of 38 or 40 or 42 or 45, when he still has another year or two or five going as a controller, ought to be enabled to select what he wants to do as a second career, and then the Government, the agency, the Department of Transportation ought to provide funds for him to be trained for that career, and to provide those opportunities either by release time from the Government to train for a year or two, or on the job, or training in a school for part time while he is also doing traffic control.

But he ought to be able to prepare himself before he retires for the second career, and he ought to be counseled and helped in that process.

Mr. WALDIE. What do you suggest as the outer limits of the cost of such an opportunity? For example, would you not contemplate that an air traffic controller should have the option to become a psychiatrist if he so desired, as a second career, at Government expense? I presume you would not.

Mr. RUTTENBERG. That is correct, sir. I think the limitation of 2 years of training, to have while in that training, just as H.R. 8951 does provide, for continuation of the salary of the individual at the grade to which he had attained and the right to advancement in that salary while in training if he becomes eligible for an in-grade advance, to have his expenses and tuition at school paid, and if he is going to live off—if his school happens to be in an area beyond his home, to have transportation and whatnot paid to that area.

All of that ought to accumulate into what he should be entitled to have.

Mr. WALDIE. Do I understand you to say that if he is involuntarily retired, that he should receive his salary, full salary, for 2 years while undergoing training, and cost of training?

Mr. RUTTENBERG. If he is involuntarily retired? He should either be entitled to his salary for that 2-year period while in training, or, obviously, if he were involuntarily retired and he were willing to accept that retirement, and the review board upheld that involuntary retirement, he would be entitled to retirement pay.

He shouldn't get both. He should get one or the other. I would be inclined to think it would be better for the 2-year period to postpone the retirement pay and continue his pay for 2 years, but I don't think that issue is really dealt with one way or another in either bill.

Mr. WALDIE. It is not. But it will have to be dealt with, I presume, before any bill is passed. And I am interested in having some testimony on what is proposed. And this is the first testimony, I believe, we have had as to the extent of the value and the nature of benefits of the second career opportunity that you have discussed.

I agree with you. I don't think either bill gives much direction as to what we are talking about when we are talking about training for second career. I have no further questions.

The CHAIRMAN. Mr. Bevill.

Mr. BEVILL. I, too, Mr. Leyden, commend you on your fine statement.

In reading the bill, I notice that it provides, on page 7, starting with line 11, that the "Administrative review under this section is the sole and exclusive administrative remedy available to a controller from any executive agency, and constitutes the final administrative action . . .".

Are you satisfied that the controller's rights are adequately protected under this section, in that the Secretary of Transportation would oversee these cases?

Mr. LEYDEN. Absolutely not.

Mr. BEVILL. You are not satisfied?

Mr. LEYDEN. No. Based on our past experience—and we have had quite an experience in the past year, as you are well aware—as many of your fellow Congressmen who have helped us to get through this year are well aware—that in many instances we have been faced with less than judicial review.

We have had individuals who were fired and have not had hearings or an opportunity for hearing, and we are running into 8 or 10 months for these individuals who have been separated.

The number fired so far is 68. We have been fortunate in getting 23 back to work, but many feel there is less than equality in this country, less than justice.

Many of our fellows are going to Canada to seek employment, and have not had a final decision rendered, from the Bureau of Appeals and Review.

So the lengthy process we now encounter, we would certainly like to see a revision there. We would support an expeditious review that a board of review would give. Our past experience is not a healthy one in that area.

Mr. BEVILL. I felt sure that you were not satisfied with that section.

Mr. LEYDEN. Absolutely not.

Mr. BEVILL. I felt sure that you wouldn't be. You mention the board of review. There is not even a board provided for under this provision.

Mr. LEYDEN. No; the provision is that the gentleman who renders the initial decision is who you appeal to, and that is less than due process, that you are appealing to the man that made the initial decision.

Mr. BEVILL. As a matter of fact, from a practical standpoint, you and I know what will happen if he comes in and doesn't like the look of a controller, he can get rid of him and that's it—the man in charge of that controller. And all the Secretary of Transportation does is sign the paper.

Mr. LEYDEN. You address yourself to the apprehension I have and many of my colleagues have; yes, sir.

Mr. BEVILL. You would like to see a change in that?

Mr. LEYDEN. Absolutely.

Mr. BEVILL. My primary concern, and of all of us in the room, is to improve air safety, but we are also concerned about the rights of the controllers.

And actually, under this provision, under this section of the bill, the controller won't have as much protection as he does really under the existing procedures, would he?

Mr. LEYDEN. That is correct, sir.

Mr. BEVILL. That's all I have.

The CHAIRMAN. Mr. Udall?

Mr. UDALL. I think your testimony is very effective, and I don't have any quarrel with it. I do have just a couple of quick questions.

To what extent in the FAA—if you talk about early retirement and second careers—are there opportunities, jobs, and positions that

a man in his 40's, with 20 years on the radar scope and all the expertise he had, could qualify for and fill?

Mr. LEYDEN. Under the present setup, sir, there are very, very few that he could fill without additional training.

I would envision that in secondary career training he might have options to the computer training phases, accident investigation, and other management functions that he would not be prepared for under the present concept.

Mr. UDALL. What is the figure you are using now, the number of qualified controllers in the service at the present time?

Mr. LEYDEN. Journeymen checked-out controllers in the system today, based on figures that were supplied to me by the agency, approximately 3 months ago, run in the neighborhood of 9,000.

The total complement of people that we are addressing ourselves to in this bill is approximately 20,000. So over 50 percent of the people that have been hired by the agency are still in what we call development or training status, and as you are aware, 3 years ago the total makeup of the work force of FAA was approximately 8,900, so it has doubled in that 3-year period. But many are still in the training category.

Mr. UDALL. These include the guys that run the flight service stations?

Mr. LEYDEN. Not in the figures that I just gave you.

Mr. UDALL. This brings up a tough question, and rather an unfair one, I suppose, from your standpoint. But I'd like to get your comments.

Later today we will hear from Mr. Kraham, who represents the National Association of Air Traffic Specialists. These are the people that as a weekend pilot or amateur pilot I deal with most—the service station people—although I have had the experience many times of being on an advisory basis under the discretion of controllers.

They claim in their testimony that these 4,000 people have as much stress and strain, in a sense, as the controllers, and that they ought to be blanketed into this bill and have the same benefits that you are asking for controllers.

As I say, it's unfair to ask you when you are here to present your own case and not somebody else's case. But there is a cost problem here, and to the extent we brought in this bill, we arouse additional opposition and increase the chances of veto if we go beyond what the administration wants, and so forth.

Have you personally been an FSS man? What is the position of your organization? Do you think they have a case in claiming they qualify, or ought to qualify, for the same benefits?

Mr. LEYDEN. It is a ticklish question, and you have hit the nerve endings.

Mr. UDALL. You don't have to answer if you don't want to.

Mr. LEYDEN. No, I will respond to it. I think the gentlemen in the flight service stations are to be commended for the job they do, and certainly it's a necessary part of the system.

I do, though, think there is a distinction between the type of work they perform and the controllers. We have been in agreement with the administration that their findings are comparable to the position I have taken, and also comparable to the Corson committee recommendation, who had a study on the entire system.

I do think that they do have a stressful occupation. I do think the degree, as related to the controllers, is somewhat less.

I don't have experience as a flight service specialist, I was a controller. Mr. Greene was a flight service specialist and then became a controller. He may be able to answer the question for us.

Mr. UDALL. I'd like to hear from him.

Mr. GREENE. Not to speak in terms of degrading the position, this certainly is a necessary position. It is a very important part in the overall air traffic system.

But the responsibility, the day-to-day pressures were considerably less. I am sure the testimony will bear out that of the 4,000-some air traffic saves, last year, or assists, that flight service people are involved in 50 percent of them.

However, to perhaps another analogy, many firemen deliver babies but that doesn't make them doctors. And every day a controller controls upwards of a couple of hundred aircraft with lives on board. He is the one that has to make the decisions of climb, descent, speed restriction to separate one aircraft from another.

A flight service man does not have this responsibility. He issues advisories as to weather along the route, which is important to the VFR, and suggests other aircraft that may be in the area where he is working, but he is not responsible that that one aircraft does not collide with the other one that is in the area.

Mr. UDALL. Based on what you said, would it be possible for a man who retired as a controller, because of stresses and maybe a burnout to function on this other job? Would he be qualified to work in an FSS station?

Would this be a nice way to phase out of the activity?

Mr. GREENE. Yes, sir; that is the case today. Normally it's not on that end, it's on the other end, where a man does not qualify in a tower or center, and he reverts to flight service station and continues his career in that area.

Mr. UDALL. What percentage, roughly, of fellows who become controllers have come up through flight service stations?

Mr. GREENE. Normally it's a very low percentage. Normally an individual obtains control experience in the military and then goes right into control in the FAA.

Mr. UDALL. What percentage of FSS people are former air traffic controllers, do you think? Very small?

Mr. GREENE. Yes, sir; I venture to say—only a guess—it's a very small percent.

Mr. UDALL. Well thank you for all your testimony. It's been very helpful.

That's all I have, Mr. Chairman.

The CHAIRMAN. Mr. Mills?

Mr. MILLS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Purcell?

Mr. PURCELL. No questions at this time.

The CHAIRMAN. Mr. Rousselot?

Mr. ROUSSELOT. No questions.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. I apologize for missing your formal testimony. I was unavoidably detained, but I have read it since I have arrived.

I am confused about the provision in the bill where a man transfers to another occupation within FAA. What is the result regarding his preferential retirement provision as an air controller.

What happens if he transfers over to another less arduous occupation? How does it all add up to his eventual retirement from Government service?

Mr. LEYDEN. We would like to see implemented in the system—and this was part of the Corson recommendation—a more liberal movement from the less stressful and easier-to-staff facilities into some of the more difficult-to-staff facilities, and then the reverse flow after a number of years at the harder-to-staff facilities back to the lower, without loss of grade, and with the same provisions of 1.4 for the individual controller until he has reached retirement.

Mr. HOGAN. Well, how is it done now?

Mr. LEYDEN. There are very few transfers that are being made now from the high density to the low density—that is the agency definition—from different facilities.

And that is predominantly because of the staffing problem we have had during the last few years. It was almost impossible for a man to transfer from Chicago, O'Hare, or New York center to a less stressful facility because they did not have a replacement for him.

So that movement hasn't taken place, although it was recommended by Corson committee. Maybe Mr. Ruttenberg would like to add to that.

Mr. HOGAN. If he did take that transfer at the present time, would he have to take a reduction?

Mr. LEYDEN. You retain grade for a 2-year period. And after that, you go to the grade in that facility. But under present service provisions, that is only for a 2-year time.

Mr. HOGAN. Thank you. I have no further questions.

The CHAIRMAN. Mr. Henderson?

Mr. HENDERSON. Thank you, Mr. Chairman. I, too, was detained and couldn't get to your presentation, but I have read your statement and commend you on it.

You certainly put one thing in perspective for me; the issue is pretty well drawn now, and our problems are not whether we are going to act, but how and if we act at all.

Speaking as one member of the committee, I think something like 5 or 6 years ago, I was ready to move on the basic provisions here, particularly with the interest that David Thomas, Deputy Administrator of the agency, had at that time.

But it seems to me we had not only the "how" problem, but the necessity of getting the Congress to recognize the basic problems that the Corson report has highlighted. Your organization and others have really done a good job.

But we hope we don't stumble over the way we do this. I think if we can get the administration bill and don't change a word of it—their recommendation—I would rather have that than to wait for another Congress to get some of the changes that you're proposing and that I am in sympathy with.

I think it's time we take whatever action we can along this line to write into law that you controllers have unique problems, and if we don't get everything that we think they ought to have, I believe that, once we get this into law, improvements will come later.

Now, with that in mind, I want to ask this question. How do you—can you tell me how you relate the problems of the controller to what the industry—the airline industry—does with regard to pilots?

Am I right in my impression that it is the airline industry procedure to pay the pilots' salaries only while they are physically able, and not to provide them early retirement? Or what—how do you make a comparison between what would be afforded the Federal controllers under this bill and what the pilots on the airlines have?

First, let me say this: I was impressed by my contact with David Thomas that the controller in the darkroom or on the radar has a far more difficult job than the pilot in the airplane, in that he can orient himself in the cockpit, to the weather, the physical conditions, to rain, he knows his airports, and so on.

And this fellow who is in the dark room is told that it's 200 feet outside. He doesn't really orient to it.

He impressed me that the strain and stress can be even greater on the controller than it can on the pilot.

But it seems to me that this would be information that would be very helpful to us as we handle the legislation.

Mr. LEYDEN. I have 11 years background in radar control in the New York center, which is the busiest in the world and serves the entire east coast, and I would concur with Mr. Dave Thomas' observation that in many instances, and under stressful conditions, the individual controller working in high-density sectors certainly has, during that particular phase of his career, more responsibility than an individual pilot flying one airline.

I have encountered experiences where I have handled up to 20 and 25 jet aircraft at one particular time on a scope. There is no room for error for that individual.

The person working the scope is fully cognizant of that, which adds to the stressful nature of the work.

Our brothers in the airline industry, the pilots, have a tremendous, responsible job. I think, if not on the same level, that I would even go further than that to say that the controller himself has more responsibility in handling the situation and protecting the safety of that flight.

As you have indicated, in many instances the pilot cannot see outside of that cockpit. The responsibility lies with the man on the ground to separate him from all other traffic. He is completely at the hands and mercy of the control instructions given by the controller, and must comply with them, and does without hesitation in order for the system to function.

The controller accepts that responsibility, and it is a grave one, and I think the record speaks for itself with the safety of commercial aviation in this country, that there has been, to my knowledge, only one crash that resulted directly as a failure on the part of a controller to separate traffic.

And in some of these areas, and some of these centers like New York and Chicago, the volume for the past year was a million, five hundred thousand operations during the year. And in New York, I think it was a million, six hundred thousand.

These gentlemen have a great responsibility, and I think the pressures over the years do have grave attrition on the individual who is performing that function.

Mr. HENDERSON. Could you speak to your understanding of the basic philosophy of what does the airline do—what is their policy with regard to compensation? Is it pay, or is it pay and retirement, or how?

Mr. LEYDEN. I think they address themselves not to the retirement as such, but rather to the pay end of it, and I think possibly an example of that that can be utilized to substantiate that would be the Boeing 747 pilot with seniority in the system, who makes in excess of \$65,000 a year.

Pay is not a particularly strong point that we have ever objected to in the system, but I think that you have hit on the point that, rather than going toward a retirement end, they make the pay stronger during the active time of the man's worklife, and I would think the average salary probably of an airline pilot is somewhere in the neighborhood of \$30,000 to \$35,000.

Mr. HENDERSON. May I conclude, Mr. Chairman, by saying for the benefit of the members of the committee who may not recall it. I don't remember, timewise, whether it was 3 or 4 years ago, as a result of studies that visitors made to O'Hare and Oklahoma City and the high-density areas, one of the things we were able to do was to get a grade increase for some of the slots.

It was very obvious to us at that time that we could never in the Federal system get pay comparability with the industry pilots.

So it seems to me that what we are considering today is the inevitable alternative for us. I think it is well for the members of the committee to understand and make this point when we go to the floor with legislation. This early retirement, the system we are trying to devise here, is a way to compensate the air traffic controller when we obviously can't pay him \$65,000 a year, comparable to the airline pilot.

But if we can do this, we ought to be able to make the case to the American taxpayer that it is not going to cost quite as much as an airline pilot costs.

Mr. LEYDEN. May I add—I didn't want to get into this area, but since you brought up the topic of pilots and controllers, there is an absolute maximum limitation on the amount of hours for a pilot—80 per month.

The controller, in some of the high-density facilities, works not only the 5-day workweek, but 6 days, and 10 hours a day.

I did that for 3 years in New York. Six days and 10 hours. There were times during that period where breaks were not provided because of the amount of traffic volume in the system.

That has a derogatory effect on the health of the individual. It has abated somewhat because of economic decline, but we anticipate it will pick up again in 1973.

The CHAIRMAN. Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

Let me say to you gentlemen that I visited your facility at Leesburg, and I certainly am sympathetic with the desires of the air traffic controllers.

You were talking about 6 days a week, 10 hours a day. Is this the standard workweek of the air traffic controllers today?

Mr. LEYDEN. No, it is not, sir.

Mr. SCOTT. What is the workweek of the air traffic controllers day?

Mr. LEYDEN. It is a 40-hour workweek that rotates; in some facilities, an individual works 2 days of day shift, two of night shift, and one midnight shift.

In other areas, a week of days, a week of nights, and a week of midnights.

Which, again, has a derogatory effect on the health of individuals, this constant rotating basis.

In most facilities they are working on a 40-hour workweek, but in some of the less staffed positions, they are still working a minimal amount of overtime.

Mr. SCOTT. I am again sympathetic, but not on that basis. Because I have worked from 12 o'clock, midnight, until 8 o'clock in the morning for 5 years with the Federal Government, and received no special retirement benefits.

So I would not base my own personal views on the timing or the hours.

You are talking on page 3 with regard to credit as a controller, counting 1.4 years of credit toward retirement.

Is that done for any Government employee at this time, to your knowledge?

Mr. LEYDEN. No, not to my knowledge, sir. This was a recommendation of the Corson committee who did the study on air traffic controllers.

And let me say that there are other countries that handle the retirement for controllers in a different manner. In Yugoslavia, they have a straight 20-year retirement, regardless of age. In France, 15 years retirement for controllers at age 45.

So they have accepted the stressful nature of the job, and have made provisions accordingly, that other civil service employees do not get.

Mr. SCOTT. We have to deal with all Government employees and I am fearful of the adverse precedent that this would be setting.

I apologize to you gentlemen for not being here when the committee opened, and again, I am sympathetic with your views, but it just looks to me like this is a flaw that we will have to work out, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Leyden, for your testimony.

Mr. LEYDEN. Thank you, Mr. Chairman, I would like at this time to submit for the record a letter which speaks for itself and is an unsolicited testimony of the problems inherent in the controller profession.

Mr. DULSKI. Without objection, so ordered.

(The letter referred to follows:)

BURBANK, CALIF., September 5, 1970.

BUREAU OF EMPLOYEE'S COMPENSATION,
San Francisco, Calif.

DEAR SIR: I, Phyllis S. Jones, am submitting this claim for Employment Related Disease Disability for my husband, Reuben S. Jones, because he is unable to submit it himself. Reuben suffered a massive cerebral hemorrhage, with major involvement, secondary to hypertension, on December 6, 1969 and he remains totally disabled from this.

At the present time my husband cannot walk, cannot see enough to read or watch TV, has his right eye closed due to paralysis of the eyelid, has extensive facial paralysis, has no sense of feeling on his entire left side, and has Vertigo so badly that the only way he is even reasonable comfortable is when he is flat on his back. Various and numerous types of medication have been tried to relieve the Vertigo, over the past nine months, but with no success. It now appears to be a

question of whether this is permanent brain damage. If this is the situation, he will not even be able to exist with any degree of comfort. Reuben remains in the Veterans' Administration Hospital in Sepulveda, Calif.

Reuben was employed as an Air Traffic Controller, at the Hollywood-Burbank Airport at the time of his great misfortune. He had been a Traffic Controller at the Burbank facility since December of 1956 and had been a Controller for nineteen years.

I firmly believe that the constant working conditions of stress and tension imposed upon Reuben, in his profession, is the reason for this stroke, that the attending physicians have stated was secondary to hypertension.

As an Air Traffic Control Specialist, Reuben was responsible for the safety and control of aircraft operating within controlled airspace for the purpose of preventing collision, minimizing delays and avoiding traffic congestion. He was required to make split second decisions and he had sole and immediate responsibility for the safety of many lives.

In December of 1962, Reuben was the Controller on duty that was the last person to be in contact with a Flying Tiger Aircraft that crashed in North Hollywood, Calif. This resulted in the loss of life of the crew aboard and also a young person on the ground. Reuben was called to testify in the investigation of this tragedy. He developed a personality change which became very progressive as the years went by. I believe that this terrible thing was something that he tried to live with but didn't succeed in very successfully.

I am enclosing some copies of information that was in Reuben's file. This is the type of thing that Traffic Controllers live with. A good many Controllers live with the fear that someday they may be involved in an accident that results in fatalities; one such as the Flying Tiger Aircraft.

The job of controlling air traffic requires the ability to present essential information to pilots clearly, concisely and quickly either before or during flight and in emergency situations to act decisively which calls for judgment to quickly take the safest and most effective course of action. This results in frequently occurring stressful situations and the necessity to remain alert over sustained periods of pressure.

Controllers are daily faced with the responsibility of insuring that handling a heavy volume of air traffic is accomplished. This has to be done safely, orderly and expeditiously and this brings on tension. My husband was continuously "wound up". He was absolutely exhausted both physically and emotionally.

The first record, that I can locate, of Reuben having a problem passing his physical for his Class II Certificate was in February, 1965. The problem was high blood pressure. He was assigned to Administrative desk duty and very shortly with regular hours and away from the pressure of traffic controlling, his blood pressure subsided to allowable levels and he was returned to traffic controller duties. The hypertension became a very progressive problem. Along with the obvious tensions inherent with having to be alert for lengthy periods of time, constant attention to numerous details, the many hours of continuous intense concentration with no latitude for error, the one thing that is most difficult for me to understand, is the hours that Traffic Controllers work. Reuben worked eight hours on watch, eight hours off watch and eight hours back on watch. This working sixteen hours out of twenty-four occurred twice during a forty hour week. He frequently worked a six day week. His entire system was in constant turmoil due to short changebacks, irregular working hours, insufficient rest and inability to eat properly due to extreme fatigue.

Reuben also was concerned about an unsatisfactory condition that exists in the radar system at the Hollywood-Burbank facility. He tried unsuccessfully to get the condition corrected by filing an UCR which went through channels from the local level to Washington, D.C. I believe that this condition continues to exist at Burbank.

These are some of the reasons that I believe that Reuben's severe and incapacitating disability is due to a job incurred disease-hypertension.

Your earliest consideration of this matter will be greatly appreciated. Our income is due to cease with the expiration of sick and annual leave about the 14th of October.

Very sincerely yours,

(Mrs.) PHYLLIS S. JONES.

(Enclosure.)

EMPLOYEE'S NOTICE OF INJURY OR OCCUPATIONAL DISEASE

Federal Employees' Compensation Act

This notice should be submitted to the immediate superior by an injured civil employee of the Federal Government, or by someone on his behalf, within 48 hours after the injury. Notice may be given either personally or by mail. It should be retained by the official superior unless the injury causes disability for work beyond the day or shift when injury occurred, or results in any charge against the Bureau for medical expense, when it should be forwarded to the U. S. DEPARTMENT OF LABOR, Bureau of Employees' Compensation, together with the official superior's report of injury, Form C. A. 2. Before compensation is paid, written claim on Form C. A. 4 must be submitted to the Bureau.

Date of this notice September 5, 1970

1. I hereby certify that I am employed as an Air Traffic Control Specialist
(Occupation)
 at the Hollywood-Burbank Airport, Burbank, Ca.
(Place of employment)
 and on Saturday, December 6, 1969, at 4:00 P.m.
(Day of week) (Date) (Hour, a. m. or p. m.)
 I was injured in the performance of my duties at 1037 E. Valencia Ave., Burbank, Ca.
(Location where injury occurred)

2. Cause of injury Massive cerebral hemorrhage, with major involvement
(Describe as best you can how and why injury occurred)
secondary to hypertension.

3. Nature of injury Damage to eyes, right eyelid, facial paralysis, loss of
(Name part of body affected—fractured left leg, bruised right thumb, etc.)
sense of feeling entire left side, extreme and incapacitating Vertigo
resulting in inability to walk, loss of hearing in left ear, etc.

4. Names of witnesses to injury

Gregory M. Jones (son).

Jeffrey C. Jones (son).

5. If this notice was not given within 48 hours after the injury, explain reason for delay and state name of person to whom notice was first given, and when Mr. Lemmer, Chief of Burbank Tower,
notified through watch supervisor, via telephone; this report
delayed due to waiting for a determination of final outcome.

This injury was not caused by my willful misconduct, intention to bring about the injury or death of myself or of another, nor by my intoxication, and I hereby make claim for compensation and medical treatment to which I may be entitled by reason of the injury sustained by me.

Name Robert S. Jones by Phyllis S. Jones

Address 1037 E. Valencia Av.

Burbank, Ca. 91501

(City or town)

(State)

C. A. 1
Revised October 23, 1952

FRA AC 94-5449

The CHAIRMAN. Our next witnesses are representatives from the National Association of Government Employees, Mr. Stanley Lyman, national vice president, and Mr. Alan Whitney, executive vice president.

Mr. LYMAN. Good morning, Mr. Chairman. May I introduce the gentlemen with me this morning. On my right is Roger Kaplan, general counsel for the association. On my left is Mr. Alan Whitney, executive vice president, and to his left is David Venti, one of our association's officers at the National Tower in Washington.

STATEMENT OF STANLEY LYMAN, NATIONAL VICE PRESIDENT, NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

Mr. LYMAN. Mr. Chairman, members of the committee. We would like to express our appreciation for being granted the opportunity to

appear before this committee in behalf of our members who are employed by the Federal Aviation Administration. In response to the committee's request, our statement will be brief.

Actually, we believe there is no topic less in need of further discussion and study than the necessity for providing early retirement for air traffic control personnel, and, as a supplement to early retirement, a program for providing "second careers" for those many individuals who have been drained of their most productive years by a demanding system.

The record is clear that controllers, technicians and flight service station personnel experience a loss of proficiency which is directly related to the aging process. Stress is the single most significant factor, and those affected by it either fall victim to a variety of illnesses, or their mental faculties and stamina decrease by a considerable and measurable degree.

The report of the air traffic controller career committee, familiarly known as the "Corson Report," dated January 1970, stated a series of conclusions which describe the problem precisely. They were as follows:

1. Proportionately, controller personnel report significantly more headaches, ulcers, chest pains and cases of indigestion than do noncontrollers. As controller personnel progress through their careers, they report more stress-related symptoms than do non-controllers.
2. Certain objective measures such as heart rate and urinary hormones show definite evidence of significant stress response in a sample of controllers as compared with a control population.
3. The average age at which disability retirements are made lower for air traffic controllers than for all other FAA personnel. For example, of those under age fifty, retiring for disability, fifty-four percent are controllers; forty-five percent are other; between the ages of twenty and forty-four, sixty-seven percent are controllers while only thirty-three percent are other (and here the report notes that controllers approximate forty-five percent of the total FAA work force).
4. Nervous and psychological reasons accounted for thirty-eight percent of the controller disability retirements during the FY 67-69, compared with only twenty percent for other FAA employees."

The committee noted that "burn out," a stage typically reached between the ages of 40 and 50, at which the employee becomes physically unable to continue work:

Is also attributed to the lessening, with age, of those abilities essential to effective performance as a controller.

Aging may tend to diminish the individual's capacity to perceive the relationship in space of a number of planes moving at varying speeds, to retain in his memory the identity, altitude and speed of each of the planes he has under control, to coordinate mental processes and physical actions rapidly, and to make prompt and balanced decisions.

In fact, performance on controller simulation devices is revealed to be generally poorer for older controllers. The impact of age on needed talents and aptitudes, similarly has not been subjected by the agency to the thoroughgoing analysis it deserves, but professional opinion confirms the belief of men who work at this job that there comes a time when most individuals are unable confidently and safely to control traffic.

The magnitude of the problem becomes clear when we consider the truly awesome importance of the function performed by these individuals. Employees assigned to air traffic facilities, flight service stations, and airway facilities sectors bear the burden of assuring air safety. Their importance to the Nation's commerce is undeniable; their importance to the physical well-being of the flying public is obvious.

Given the undisputedly critical nature of their mission, it is incumbent upon the Federal Government to take those steps necessary to alleviate the harmful toll that mission takes upon their physical and mental well-being and that of their families.

It is a demonstrable fact that the day-to-day demands and pressures of the system cause the work to become less attractive and more burdensome as employment time increases. Physical disabilities, even deaths, because of over-work and stress mount each day.

A sample recently taken by the NAGE gives us an outline of the breadth of the problem—

Within the past eighteen months, approximately twenty percent of the workforce at the Bradley Field, Conn., at the Airway Facilities Sector, has become physically disabled due to heart conditions and hypertension.

Among controllers assigned to the New York Air Route Traffic Control Center at Islip, Long Island, some ten percent of the workforce has become physically disabled and either reassigned to non-control positions, or medically retired.

Some seven percent of the employees of the Houston, Texas, Airway Facilities Sector is medically disabled.

Among air traffic personnel assigned to the Miami Flight Service Station, ten percent have become medically disqualified.

In Los Angeles, the percentages of disabling illnesses among employees assigned to the Flight Service Station, the Airways Facilities Sector, and the Air Route Traffic Control Center, range from seven to thirteen percent at the present time.

In broader terms, the Corson committee found that of 320 controllers released from their positions following the required annual medical examination in 1967, as of October 1969—

194 had been retired as physically disabled; seven had left the FAA by transfer, resignation, or termination; 42 remained in a "pending status," i.e., in most instances being "tried out" in other positions; and 77 had been assigned to other positions of which about 90 percent were in work involving air traffic control skill or knowledge.

Those 194 who were retired as physically disabled were simply turned out of their careers, at a greatly reduced income, and with no attempt by the agency to provide them with retraining for another career field; and this at a point in life when most Americans are attaining their peak earning years.

All parties appear to be in agreement that this relatively heartless manner of treatment must be stopped and replaced with a procedure that guarantees, not just compassion, but a truly equitable benefit to FAA operational employees that equates fairly accurately to the contribution they have made.

In the opinion of the NAGE, the pending measure that would best provide this benefit is H.R. 8841, introduced by Congressman Thomas P. O'Neill of Massachusetts.

One major objection to the proposals advanced by the Department of Transportation regarding early retirement and medical disqualification is the lack of any appeal of a determination by the Secretary that an employee is to be retired or separated.

H.R. 8841 does not present this problem, in that it would establish the right of an employee to appeal such a determination to an impartial medical review board in the event of a proposed medical disqualification.

We believe that such a provision is absolutely necessary, and that any legislation purporting to improve the careers of FAA employees should not deprive them of appeal rights presently enjoyed.

We also object strenuously to the stringent retirement requirements proposed by the Department, i.e., 25 years of controller service, or 20 years of controller service and attainment of the age of 50.

This formula is simply unrealistic. No individual should be expected to endure the pressure cooker environment of air traffic control for 25 years; nor should an arbitrary age minimum be set irrespective of other factors.

We believe, again, that H.R. 8841's provisions for optional retirement at age 50 and entitlement to an annuity upon completing 20 years service offers a rational balance between the system's need to maintain a youthful work force, and the right of a still productive and efficient employee to continue his employment within the system.

That concludes our statement, Mr. Chairman. We would be happy to respond to any questions members of the committee might have.

THE CHAIRMAN. Thank you very much for your fine statement. You kept it brief, but informative. I have no questions. Mr. Nix?

MR. NIX. Mr. Chairman, thank you. Mr. Lyman, any question that I might have should not be construed as expressing objections to the legislation.

I, of course, agree with you that the record is clear that the controllers, technicians, and flight service station personnel experience a loss of proficiency which is directly related to the aging process.

I would, however, make the observation that that could be true of any one in any profession.

I notice you quote the Corson report on page 2 of your statement, items one, two, three, and four. But on page 3, in the second paragraph, you say, "Aging may tend to diminish * * *"

"May tend." And you go on to say: * * * "In fact, performance on controller simulation devices is revealed to be generally poorer for older controllers."

Then you say, "The impact of age on needed talents and aptitudes, similarly has not been subjected by the agency to the thoroughgoing analysis it deserves * * *"

Now it seems to me that when you make that statement, you weaken the validity of the conclusions you have reached. And, so far as I am concerned, that statement might have been deleted.

Now you go on to say, further down, "* * * professional opinion confirms the belief of men who work at this job * * *"—which also weakens the value of the argument. It's an excellent argument that has been made in support of the legislation. I would rather have read that it has been concluded by competent medical authority that the statements set forth above are without question true.

Thank you, Mr. Chairman.

THE CHAIRMAN. Thank you, Mr. Nix.

Mr. Mills?

MR. MILLS. No questions.

THE CHAIRMAN. Mr. Bevill?

MR. BEVILL. I'd like to commend you on your fine statement, and I know you point out your concern about the protection in these bills. Especially H.R. 8841, about the lack of protection that the controller has as far as his appeal rights are concerned.

Now if this is true of that one, as well as 8083, I believe, it just simply provides administrative review under this section as the sole and exclusive administrative remedy available.

In other words, as a practical matter, if the person in charge of the controllers really doesn't like his looks, he can transfer him and he has no right of appeal.

Mr. LYMAN. That is correct, that bill does call for that. That is why, again, sir, the House bill that has been introduced by Congressman O'Neill on behalf of our association provides for a review and restores the appeal rights of the employees that they presently enjoy.

In addition, it would also establish an impartial review board to determine if the action taken by the Secretary of Transportation is justified when he would notify a controller that, based on the opinion of the Agency or the Department of Transportation, that he were no longer physically or mentally able to continue in employment.

It is an impartial review board that we provide for in H.R. 8841, which would then be able to review the actions of the Secretary, and further, the bill also allows an appeal to the Civil Service Commission, which again Federal employees have at the present time.

Mr. BEVILL. Do you prefer the O'Neill bill to the administration bill?

Mr. LYMAN. Yes, sir.

Mr. BEVILL. What is your position on Senator McGee's bill? How does it compare with the other bills?

Mr. LYMAN. The bill introduced by Senator McGee obviously is a substantial improvement. I much prefer it over the Agency bill.

But our association, faced with a choice between the Agency bill and Senator McGee's, obviously we prefer Senator McGee's.

Mr. BEVILL. One of the main things that you feel that the O'Neill bill gives advantage over the administration bill is that the O'Neill bill does give a man a right to review, that he has some appeal rights or protection against indiscriminate firing or transfer?

Mr. LYMAN. That is just one area, Congressman. There are a number of other provisions within the bill introduced by Congressman O'Neill that do not appear within the Agency bill, which provide additional benefits for the FAA employees which we feel are fully needed and warranted.

The CHAIRMAN. Mr. Waldie?

Mr. WALDIE. No questions.

The CHAIRMAN. Mr. Rousselot?

Mr. ROUSSELOT. To follow up the point made by Mr. Nix, you refer quite a bit to the Corson report, which I have not read. Is there much medical backup for some of the statements that you have made?

Mr. LYMAN. I will have Mr. Whitney respond to that, because he has been handling that particular aspect of it.

Mr. WHITNEY. Mr. Congressman, I hope this is also a partial response to Mr. Nix's observation.

Both the conclusions and the following descriptive material which appear in our statement were direct quotes from the report of the Corson committee.

And frankly, we did rely upon the study of the Corson committee. It had developed its own background material and data and so forth, in arriving at those conclusions.

I have not seen any attacks upon the validity of the conclusions reached by the Corson committee report, with regard to the validity of the medical data that it derived and released.

Mr. ROUSSELOT. Have you read the report?

Mr. WHITNEY. Yes, sir; I have.

Mr. ROUSSELOT. Well, was it confirmed? Were many of the points made by the report confirmed by medical consultation? I haven't read it, so I don't know.

Mr. WHITNEY. I am not sure of the extent to which the committee itself engaged in—I think you used the word medical consultation.

I do know, however, they had an eminently qualified medical doctor and psychiatrist served on the committee itself, and as I say, I just have seen nothing that would cause us to question the validity of the finding of that committee, which I understand, in this particular area, stemmed in large measure from studies and reports of that particular psychiatrist.

Mr. ROUSSELOT. Thank you.

The CHAIRMAN. Mr. Udall?

Mr. UDALL. I came back in and very quickly went over your statement. I don't want to start a war or a battle of claims but we had a figure earlier that there were 9,000 journeymen controllers and another 10 or 11,000 in the system.

Looking at the witness list, it is apparent we have fragmented representation of the people who work as controllers.

How many controllers does NAGE represent presently? Do you have any figures on that?

Mr. LYMAN. I could answer in two ways. One based on dues paying membership, and one based on the fact that we enjoy exclusive recognition throughout the country.

Mr. UDALL. Give me the two answers.

Mr. LYMAN. On the dues paying basis, I would say we have somewhere in the vicinity of some 5,800 dues paying members.

In exclusive recognition areas, I'd say the figure would run in the vicinity of 9,000 maybe 10,000.

Mr. UDALL. These are controllers or total membership?

Mr. LYMAN. This is in the air traffic control and flight service station categories.

Mr. UDALL. How many of those numbers that you have given me are active controllers or controller trainees?

Mr. LYMAN. I'd hesitate to try to break it down, because we don't retain a membership list that would give us that type of information. When we talk air traffic controller, we are talking, as far as our own association, the series GS-2152, which identifies air traffic control specialists, as they are described by the FAA itself.

Mr. UDALL. Is your representation concentrated regionally? Are the controllers you represent in the Northeast?

Mr. LYMAN. No, sir; we have national representation, and the same applies for the electronic technicians we represent, on a national basis.

Mr. UDALL. Has there been any consultation or an attempt to coordinate the various organizations that represent controllers to arrive at a common position on this legislation that you are aware of?

Mr. LYMAN. That I am aware of, no, sir.

Mr. UDALL. That's all I have.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. No questions.

The CHAIRMAN. Mr. Purcell?

Mr. PURCELL. No questions.

The CHAIRMAN. Mr. Scott?

Mr. SCOTT. Thank you, Mr. Chairman.

Following up with Mr. Udall's questions, I'd like to know something more about your organization. How many local chapters do you have? I am not talking about air traffic controllers for the moment, just talking about your organization generally.

Mr. LYMAN. Talking about our organization, within and without FAA, sir?

Mr. SCOTT. I'm talking about your total organization, the National Association of Government Employees.

How many locals or how many chapters do you have?

Mr. LYMAN. Some 800, sir. In excess of 800 locals throughout the country.

Mr. SCOTT. And are they concentrated in any one part of the country, or are they as heavy in one place as in another?

Mr. LYMAN. We tend to find that the concentrations are much greater on the east and west coasts. The central part of the country, because of the nature of the Federal employment, is not as heavily represented by the association.

Mr. SCOTT. What is the total paid membership of your organization?

Mr. LYMAN. I'd have to ask Mr. Whitney that. He would have some of those records available.

Mr. WHITNEY. Just an off-the-cuff estimation, I think the total dues paying membership is on the order of 145,000 to 155,000. Somewhere in the vicinity.

I should point out, however, that that includes members, for example, in numerous police departments in various areas of the country, and State, county, municipal employees.

Mr. SCOTT. Non-Federal employees. How many Federal employees would you have that are members of your organization?

Mr. WHITNEY. Again an estimate—120,000 to 125,000.

Mr. SCOTT. Thank you. I wasn't attempting to be critical. I just like to know who you are representing.

Turning for a moment to the bill introduced by the chairman, H.R. 8083, it provides on page 2 that the Secretary of Transportation may designate the maximum age for an original appointment of an air traffic controller. I wonder if you could comment as to your views on this.

Mr. LYMAN. We have no objection to that particular provision based on the information we have presently available or provided to us by the FAA and the DOT.

And my understanding is they are thinking of a maximum age of hiring of 31 years of age.

Mr. SCOTT. This would give them discretion. You have no objection to whether it is 15 or 50? You have no objection to them fixing the age?

Mr. LYMAN. No, sir; again, I'd have to refer to the bill introduced by Congressman O'Neill, which would call for the very same provision.

Mr. SCOTT. Of course, I am not talking about Mr. O'Neill's bill. I am talking about Mr. Dulski's bill.

Now turning to page 5 of the same bill, it indicates that an air traffic controller may be involuntarily separated from the service when he becomes eligible for retirement.

This is something that is somewhat foreign to our general retirement law. If he is eligible for retirement, what would your opinion be as to

a provision of law that he can be separated involuntarily from the service when he reaches retirement age?

Mr. WHITNEY. If I might respond to that, Congressman Scott, stated as baldly as that, it would be unacceptable to us.

Mr. SCOTT. I am not stating it baldly at all. I am just reading here:

An air traffic controller may be involuntarily separated from the service for retirement when he becomes eligible for an immediate annuity under subchapter III of chapter 83 of this title * * *

This is at the bottom of page 5 of the bill. Do you favor or not favor this particular portion of the bill?

Mr. WHITNEY. If that were as far as it went, we would not favor it. If, however—the bill itself goes on to state three basic criteria under which such an action can be taken and such a separation could be accomplished only in the event that the Secretary determines that the separation of the controller is in the interest of one, aviation safety, two, efficient control of the air traffic, or three, preservation of the physical or mental well being of the controller.

This goes back to the point we were discussing a few minutes ago. It is sound, but only if it does incorporate or have built into it appropriate safeguards to permit the controller to be able to enjoy some due process.

After the Secretary's arrival at that decision, he should have appeal rights in which he can be represented.

Mr. SCOTT. We are talking about involuntary retirement. That is the word that is used.

Now turning to page 10 of the bill, it provides for retirement after 25 years in service regardless of age, and 20 years service after reaching age 50.

What is your reaction to this?

Mr. WHITNEY. Well, as we testified, we think a different formula is more in order, and would be more appropriate.

Mr. SCOTT. Do you favor the Dulski bill? Would you urge us to adopt this bill?

Mr. WHITNEY. The administration bill?

Mr. SCOTT. I am talking about the Dulski bill, without tying it in with the administration or O'Neill. I am just talking about this particular bill for the moment.

And I realize your testimony is prefaced on another bill, but how do you feel about this bill? Taking the whole bill, its four corners, do you favor this bill?

Mr. WHITNEY. We have certain reservations toward the bill.

Mr. SCOTT. What are the reservations?

Mr. WHITNEY. Well, basically, as we have said, that we do not feel the controller himself is afforded adequate safeguards in the determination that the Secretary would be entitled to arrive at regarding medical disqualification and involuntary retirement.

And the second basic issue we had with the bill was that we think a more liberal formula should be enacted with regard to the age and service requirements for retirement or entitlement to annuity—

Mr. SCOTT. It should be more liberal than 25 years, regardless of age, and 20 years at age 50?

Mr. WHITNEY. Yes, sir.

Mr. SCOTT. Well now, you represent Government employees in every occupation, or various occupations, and you have no objection

to a special category being given this liberal retirement, but you would make it more liberal than that?

Mr. WHITNEY. Well, we have other members and other agencies, for example, who at the present time are beneficiaries of a more liberal retirement.

Mr. SCOTT. What? Who are the beneficiaries?

Mr. WHITNEY. Law enforcement categories.

Mr. SCOTT. They can retire with less than 20 years of service?

Mr. WHITNEY. Basically, it comes down to 20-year retirement.

Mr. SCOTT. Are there any Government employees of which you are aware that can retire with less than 20 years of service regardless, at age 50?

Mr. WHITNEY. Not on full annuity; no, sir.

Mr. SCOTT. Or 25 years of service, regardless of age?

Mr. WHITNEY. No, sir; I can think of none.

Mr. SCOTT. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Chappell?

Mr. CHAPPELL. Mr. Lyman, let me ask you, first of all, I personally appreciate the very fine job which the air controllers do throughout the country, wherever I have had experience with them.

I think all of us who travel by air are grateful to them. What age is the normal controller to start in that capacity?

Mr. LYMAN. Well—

Mr. CHAPPELL. In other words, how many years of experience and training does he normally have, and at what age would he normally commence work as a controller?

Mr. LYMAN. That would vary. The present employment within the agency—

Mr. CHAPPELL. I wanted to have the figures showing the average age.

Mr. LYMAN. The present age, average age of the work force at the present time?

Mr. CHAPPELL. No; commencing age.

Mr. LYMAN. I'd say they'd be somewhere in the middle twenties at the present time.

Mr. CHAPPELL. And then the average retiring age now is what?

Mr. LYMAN. Right now we can't really point to an average retiring age, because, based on the lack of a realistic retirement bill, many of these individuals that should be retiring regardless of age, are not retiring. They are staying on in the work force.

But as we pointed out in the testimony, a number of these people that are becoming medically disqualified, outside of retirement, in the age bracket, it's somewhere—

Mr. CHAPPELL. I understand that, but I wondered if you have the averages.

Mr. LYMAN. No.

Mr. CHAPPELL. An average beginning and retirement age.

Mr. LYMAN. We have no records of an average retirement age.

Mr. CHAPPELL. Let's go to another question then. On page 6 of your statement, if I understand you correctly, you do not agree that the provisions of this bill should apply only to those personnel involved in the actual separation and control of air traffic, is that correct?

Mr. LYMAN. That is correct, sir.

Mr. CHAPPELL. Now where do these people that are in just the actual control of air traffic and separation of air traffic—where are

they located? In, of course, the towers—and you are including the tower operations, tower controllers there.

Now along the air way, which people are you talking about?

Mr. LYMAN. There are three basic facilities, sir. The air traffic en route centers, air traffic control centers.

Mr. CHAPPELL. They are in the en route centers. Do you have people that are working in those centers that are not actually air controllers?

Mr. LYMAN. There is a work force there—teletypists—that are not considered air traffic controllers.

Mr. CHAPPELL. What would be considered as an air controller in that facility?

Mr. LYMAN. Those employees who are 2152's are air traffic controllers, identified by the agency itself.

Mr. CHAPPELL. You are talking about what—technicians?

Mr. LYMAN. No, the technician is in another series, sir. Just the men that work the radar and nonradar positions in the function of providing separation to the in-the-air traffic system.

The technician is not in the 2150 series.

Mr. CHAPPELL. Well, are you including the technicians in your proposal for inclusion in this category?

Mr. LYMAN. Yes; we are including the technicians and flight service station employees.

Mr. CHAPPELL. What is there about the work of technicians that you say puts him under this?

Mr. LYMAN. The duties of the electronic technician, not only at the en route centers but at the terminal facilities and flight service stations where they are located, include the responsibility of maintaining the electronic equipment being used in the actual separation of air traffic control.

Mr. CHAPPELL. Then does he have the same pressure that the air controller has?

Mr. LYMAN. Not as much, but he is under extreme pressure to provide the equipment that the controller must work with.

Mr. CHAPPELL. Aren't all these people under that kind of pressure, to maintain all the equipment? Whether it be a flight service station or other type of radio communication station of any sort?

Mr. LYMAN. Yes, sir; they are.

Mr. CHAPPELL. But you are not saying they are under the same pressure that your air controllers are, right?

Mr. LYMAN. No; that is why in the bill we have testified to or related to, which is H.R. 8841, we establish a different formula for determining the stress they work under, sir.

Mr. CHAPPELL. But you are still trying to have them under this type of retirement proposal.

Mr. LYMAN. Yes; that is correct, because again, whether he be a technician or a flight service station specialist, he is working under extreme pressure, unlike those you would find in a day-to-day commercial job or the normal employment within the Federal Government.

Again, the technician is called upon on a minute-by-minute basis to provide a workable system as far as equipment goes.

If the air traffic controller finds his radar is out of alignment, if he feels equipment is not performing properly, he immediately calls for the technician to provide him with the system that he feels is proper to work with.

Mr. CHAPPELL. This is true in all maintenance work, isn't it?

Mr. LYMAN. No, sir.

Mr. CHAPPELL. Why isn't it?

Mr. LYMAN. Well, we are in a unique category. When you say other maintenance—

Mr. CHAPPELL. I understand that, but you are not trying to have all technicians to be in that?

Mr. LYMAN. The difference being that the controller needs his equipment right then. He cannot afford to wait a half hour.

Mr. CHAPPELL. Let me approach this from this standpoint. In your statement, you made the point that the age of a man determines, or had a lot to do with his capacity to retain the information by memory and so forth.

Now the technician doesn't have that tremendous responsibility, does he?

Mr. LYMAN. Yes, sir, he does, sir. I'm sorry to disagree.

He is going to the agency-required schools on the basis of 5 and 6 months, to update himself on new sophisticated electronic equipment that far exceeds the scope of the equipment you find being used in your normal work categories outside of the air traffic system.

Mr. CHAPPELL. Any technician, dealing with electronics especially, has to know or remember how to repair something or remember the specifications, or remember how to read the manual.

But aren't you talking about a different situation when you are dealing with an air traffic controller who has to remember the number of the airplane, its altitude, speed, position of other aircraft? That is a bit different responsibility. With all that changing every second and minute.

Mr. LYMAN. Again, we are not saying the pressure is exactly the same, but we are saying there is pressure there, unlike that found outside this particular work.

And again, the fact that we relate that to the provisions of H.R. 8841, which provides a separate formula for determining the type of retirement that the electronics technicians and the flight service stations individuals would attain.

Mr. CHAPPELL. There is no question but there is a difference between air traffic controllers and technicians, as placed in these different categories for these purposes, is there?

Mr. LYMAN. That's right.

Mr. CHAPPELL. Then what we are saying is that we do need to put air traffic controllers specifically in a category of their own because of the factors of memory and so forth?

Mr. LYMAN. We feel the air traffic controller needs a retirement bill recognizing the stress and strain he is working under, but further, the other two categories of employees must be recognized as working under a strain which takes its toll on these people.

They work rotating shifts, and they work 10 days in a row before they get time off. They are called upon on a day-to-day basis to provide—

Mr. CHAPPELL. I hate to cut you short, but—Mr. Chairman, may I have time for one more question—having to do with the equipment which they have, particularly in your en route traffic facilities, for handling of flight plans, particularly instrument flight plans and so forth?

Aren't you now developing equipment, computers, which follow that, and which tremendously reduce the problems of memory for the air controller?

Mr. LYMAN. We have been told this type of equipment is coming.

Mr. CHAPPELL. Isn't it installed already in some facilities?

Mr. LYMAN. On a test basis. Not under a fully operational basis.

Mr. CHAPPELL. Are you familiar with any of that equipment?

Mr. LYMAN. Somewhat; yes, sir.

Mr. CHAPPELL. Is that going to relieve some of the tremendous pressure-cooker proposition that you are talking about?

Mr. LYMAN. Without a doubt, it is going to reduce some of the pressure, but it still does not resolve the problem of providing, relating to the controller and these other individuals the factors——

Mr. CHAPPELL. You won't have the burnout problem that you have now with that equipment, would you?

Mr. LYMAN. You may or may not. If that equipment was a hundred percent effective, and you had no need for the human resources, I suppose we could agree to that, yes.

Mr. CHAPPELL. It's going to ease the memory item, the projection along the course of an aircraft.

Mr. LYMAN. The memory is one feature of the stress, sir; yes.

Mr. CHAPPELL. And that is one of the main ones, isn't it, to remember where a plane is in relation to another, whether it is overtaking, and the altitude and separation?

Mr. LYMAN. Again, I would have to say that would be one feature of it. But the machine itself is not going to provide the individual with any relief time, any time away from his machinery, any rotation of work and so forth, that takes its toll.

Mr. CHAPPELL. I am not trying to minimize the activity. I appreciate very much the fine work which you people do. I am just trying to see how this pressure cooker might change in its aspects as you develop these other things.

Mr. LYMAN. Well, the employees of the FAA have been told over the years that as we get this sophisticated equipment, it is going to make it unnecessary for, or greatly reduce the need for early retirement. The machinery is supposed to make it possible for these people to continue on beyond what we are talking about, an age factor in the 30's and 40's. But in reality this isn't so, because the machine is still the tool of the individual, and it's going to be up to the individual to make that machine work. His knowledge is going to make it work. The machine is not going to work by itself.

Mr. CHAPPELL. Thank you.

The CHAIRMAN. Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

Before I ask a question I had intended to ask, I would like to pursue the point Mr. Chappell was getting to, for just a moment.

We have before us, H.R. 8085. With all due respect to the sponsor whom I hold in very high regard, on the basis of several years of work we did on the Education and Labor Committee on the question of age discrimination, I see in this bill, rather than a piece of legislation that is itself designed to prevent discrimination on the basis of age, in fact, a tool whereby discrimination because of age in the hiring of and promotion of people can be broadened to an unlimited degree solely within the discretion of the executive branch of the Government.

While it paraphrases the language of the general legislation which we passed in 1967, which provides basically, that you cannot discriminate in employment or promotion against a person under the age of 65 unless you can establish a definite job-related correlation between the age of the applicant or person seeking promotion, and the duties of the job to be performed—what this does is go considerably further when it is viewed in the context of the practice of public hiring—public in the sense that the Federal Government is distinguished from private hiring.

Other legislation was intended to prevent a factory from saying, we won't take an application for employment from a man because he is past 35 or past 40 or 45.

If he is under 65, under Federal law, Ford Motor Co., if it refuses his application, has violated the law, unless it can show that a man under 65 cannot perform on the day he is hired for those duties.

What I am concerned about is, as you start to broaden out these definitions, it seems to me you may be aiding and abetting the passage of legislation like this. And at this point I am very reluctant about whether this would be beneficial to the overall Federal service if we started down this route.

I don't see anything about this bill in your testimony. I hope before the hearing is closed you can give us some comments on how you feel about 8085.

Mr. LYMAN. I am not that familiar with 8085.

Mr. FORD. I wish you would take a look at it after the hearing, and give us the benefit of your thoughts on what you think the effects of that might be on the entire Federal service.

Mr. LYMAN. Fine. We will certainly do that, sir.

Mr. FORD. Your interest goes far beyond the controllers we are talking about?

Mr. LYMAN. Right.

Mr. FORD. The next thing I would like to explore with you is something we started on yesterday, the correlation of sections—this is back to the administration bill, H.R. 8083—the correlation between sections 3381, 3382, 3383—and 3384, as a matter of fact.

Every time I read this I find, more and more, that when you put them all together, you have here a process by which an air controller could be singled out of all the Federal service for a summary course of action by the administration, by the Government, that would be entirely unique.

The only thing that is necessary to trigger this whole series of things is that first, for example, if I can trace it here, 3381 sets up a provision for the Secretary to make a determination that: (1) The controller is medically disqualified for duties, or (2) the controller must be displaced in the interest of safety, or (3) that the controller must be removed from duties because of his inability to maintain technical proficiency.

Having said that, you go to section 3382, where it says, that a person who is subject to the determination—but it doesn't say a person upon whom such a determination has been made. It simply says that, rather than making this determination, the Secretary can choose a second route which is to give him training not to exceed 2 years.

So that if the Secretary decides that he doesn't have a case under section 3381, he doesn't have to bother with it. He simply says, well, I will exercise the right that he is a person who would be subject to this kind of determination, but he hasn't had the determination—I don't want to go through that, so I will simply assign him to training.

Having done that, regardless of what kind of training this is, and without consultation with the employee, he then has the right to transfer him all over the place and in fact has the right, if he can't find a job for him in the Department of Transportation or another executive agency, to separate him from the service.

And then it goes on in section 3384 to say that the involuntary separation of the controller under this subsection is not a removal for cause and charges. And what we actually have is a procedure set up for summary discharge, transfer, and demotion, coupled with a specific exclusion of the residual rights that might have been left if this language wasn't in there to call this an involuntary separation.

So this doesn't just omit the appeal; specifically, it takes it away from this kind of an employee.

If we can do it here, it seems to me we can do it in a lot of other places in the Federal Government.

I wonder how you feel about the idea of having—while our attention is focused on this person being under high pressure and being subject to a fast burn out and so on—while we are focusing our attention on that, we might very well be setting a precedent here for a way to get rid of people—a very effective way, without bothering with all of the appeals that have been put into the law.

What is your feeling about these several sections in terms of that effect they might have?

Mr. LYMAN. Congressman Ford, that has been an objection of ours to the bill, but rather than elaborate, I'd like to have Mr. Kaplan, counsel for the association, respond, because he is the individual who has also been gravely concerned with those particular features in the agency bill.

Mr. KAPLAN. Our organization shares this feeling with you. Whether the FAA calls it not a removal for cause, the end result is the same. The controller is going to be out of a job.

Under the present setup, he has the appeal right to the Civil Service Commission. If the agency determines that he is medically disqualified.

And our opposition to the present bill supported by the FAA is that the Secretary of Transportation will have too much discretion in getting rid of controllers when he feels that it is for the preservation of the well being of the controller or for the efficient control of air traffic.

And we feel there is just too much unfettered discretion left in his determination, by that bill.

Mr. FORD. I think that you would agree with me that the Secretary ought to be able to remove or transfer a controller for the reasons that are set forth in the first section that I stated, if in fact they exist?

Mr. KAPLAN. Yes, sir.

Mr. FORD. The problem I have with this is that this seems to narrow, if not totally eliminate, any remedies the employee might have to question the judgment of the Secretary's representative, when he sends him a slip and says, this is what we are doing to you.

And I hope that you could suggest to us—and we have asked this of the other organizations representing these people—some language that

if this is a vehicle that is to be moved here to accomplish the real purpose of this legislation, some language that would guarantee either an appeal or temper this training section so that the training could not become, intentionally or inadvertently, an easy avenue.

I recall that we had trouble, for example, with the airline industry, with the airline stewardesses. Some of the airlines had the idea the girls were no longer pretty enough to be stewardesses after 32, or some said 35.

We were startled to find there were over a hundred ladies still flying at past the age of 50 at the time the American airlines said at 32 they were burned out.

Through a variety of things, including legislation, that has been changed. But the common device was not to fire people but simply transfer them from the status of a flight crew attendant—the technical title they have—to a ground person.

And where a young lady might be flying a premium route from San Francisco to Tokyo, making pretty good money, she suddenly found herself in some small town up in northern Pennsylvania or northern Michigan, taking tickets. She didn't get fired, but she quit.

And they always said to us, in front of the committee, well, we haven't fired these people, they quit on their own accord.

That is a kind of device I would not like to see moved into the system. I would not like the FAA to use this to put people in a position such as this. We are dealing with highly trained people who have been working under great pressure, as everybody has described.

It seems just as bad to put them in a place where there is no longer any challenge to their intellect or capacity, as it is to farm anybody else out. It's an old technique that has been used by administrations over the years to get rid of people they didn't like, to send them to an unpleasant place.

Sending a ground controller to some place that presents no challenge at all, as opposed to what he has been up to, might be as bad as no job at all.

I would hope you could suggest to us two approaches. One, how we guarantee to continue appeal rights, and two, how we circumscribe the definition of training, so that in fact it would be calculated to lead this employee toward a decent job.

Mr. KAPLAN. In our bill, we propose an independent medical review board which would determine whether controllers are in fact medically disqualified to perform their duties, and we feel by this independent board, it would give the employee the due process that he is entitled to, rather than solely the determination of the Secretary of Transportation.

Mr. FORD. Except this bill is a little better after you reach that point, because it has a positive duty to provide training, while what you would have in the situation you describe is that you would negotiate training.

What would happen is that if the fellow looked like he had a pretty good appeal, he would negotiate with the Secretary for training in lieu of firing, and settle the case out of court, in effect.

And that doesn't satisfy me either, because that would only work to the employee's benefit when he was properly represented and knew what he was doing and had a good case.

That is not a very satisfactory way to leave the thing hanging, it seems to me.

Mr. KAPLAN. Presently, if the agency determines that the controller is medically disqualified, he goes before a review board to determine whether he can be placed in another job area.

A lot of times he has no experience and is placed in any area within the agency. So we can concur in the agency's attempt to provide training for these people at an age before they retire to go into another career field.

I don't specifically know how to provide for a system where there is going to be no bargaining between a man transferring between positions, and a man fighting his disability.

Mr. FORD. I have had suggested to me the following language, and I'd like to have you consider it, to replace the language—

No more than two years of sufficient time period and skill that will afford the individual a standard of living similar to that of an Air traffic controller; Training program and time period should be mutually agreed upon by the individual and the Secretary's office after consultation with professional counseling.

I have an idea that whoever wrote this bill for the FAA isn't going to like that, because I am beginning to think that this training provision was merely a device and not really intended to be a positive benefit to the employee at all.

But giving them credit for being completely honest and above board with the employees, taking them at their word, I am sure they shouldn't then object if we try to improve this bill somewhat and make it clear that the employee will agree to the kind of training he gets and that the agreement will be predicated by professional counseling.

I am sure that if in fact they are motivated by a desire to train these people into a different position, we won't hear any objection from the administration.

I will welcome your comments on putting that kind of limitation on the committee.

Mr. LYMAN. The wording you just referred to, right off the top of my head, we would have no objection to. We agree there has to be a revision to the agency thinking and its bill.

There is another feature within the training bill that has not been touched upon, and it relates to the supposed term retirement, and again I refer to the bill that Congressman O'Neill has introduced for us, because in the agency bill, if there is a determination to retrain this individual, and he is retrained, he would then have to wait within the Federal service, in the function he was put into, to attain the normal Federal retirement age before becoming eligible for retirement.

His time as air traffic controller, or whatever function, would cease to accrue, by the provisions as outlined in the agency bill.

So that a man who, say, put in 18 years as an air traffic controller, and then with retraining was put into another function, would no longer be able to achieve the 20 years as air traffic controller as provided in the agency bill. He would have to wait for the normal process of Federal retirement, ignoring the fact that he was retrained or put into another function because of medical problems, and he now finds he is now going to have to hang on and wait with the problems he has run into as a result of the pressure cooker environment.

So that we refer back to 8841, which has a multiplication factor which would eliminate this particular problem of giving additional

time in the air traffic field or electronics field or flight service station field.

The CHAIRMAN. Mr. Henderson?

Mr. HENDERSON. No questions.

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. I am trying to get clear in my mind the scope of your bill compared to the other bills proposed, and I gather there are two more categories in your bill—the electronic technician, and the flight service station specialist, that are not included in the other bills.

Can you tell me, No. 1, the number of air traffic controllers that are contemplated as being covered by the O'Neill bill? Just a rough estimate?

Mr. LYMAN. Somewhere in the vicinity of 16,000 to 17,000 individuals in that category.

Mr. WALDIE. Can you tell me the starting salaries of air traffic controllers?

Mr. LYMAN. Well, the grade that they hire into at the present time would range between GS-5 and GS-7.

Mr. WALDIE. What is that salary?

Mr. LYMAN. Somewhere around \$6,000 to \$7,000.

Mr. WALDIE. Can you tell me the numbers of electronic technicians that would be covered by your bill?

Mr. LYMAN. Approximately 8,000 to 9,000.

Mr. WALDIE. And the starting salary?

Mr. LYMAN. Grades seven to eight, that would be somewhere in the vicinity of \$8,500 to \$9,000 per year.

Mr. WALDIE. And the number of flight service station specialists?

Mr. LYMAN. That refers back to the air traffic controllers. The flight service category was in that air traffic controller count.

Mr. WALDIE. You listed them in the bill as three separate categories.

I want to know the air traffic controller as compared to the flight service station specialist.

Mr. LYMAN. I would have to revise that earlier figure I gave you. It would be 14,000 air traffic controllers in the en route and terminal facilities, and combined station towers.

Mr. WALDIE. What would be the starting salary?

Mr. LYMAN. Again, GS—

Mr. WALDIE. GS-5 to 7?

Mr. LYMAN. Right.

Mr. WALDIE. And the flight service stations specialists?

Mr. LYMAN. The flight service station specialists, approximately 5,000.

Mr. WALDIE. Starting salaries?

Mr. LYMAN. Starting salaries would be GS-5 to 7 category also.

Mr. WALDIE. Then going back to the air traffic controller, what is the highest salary they attain?

Mr. LYMAN. GS-13 would be the operational controller.

Mr. WALDIE. And what is the highest salary of the electronic technicians?

Mr. LYMAN. GS-12.

Mr. WALDIE. And the highest salary of the flight service station specialists?

Mr. LYMAN. GS-11.

Mr. WALDIE. No further questions.

Mr. HENDERSON. Will the gentleman yield on that point?

Mr. WALDIE. Yes.

Mr. HENDERSON. Following that question, would you give us the typical or average time that flight controller goes from the lower grade to the higher grades that you just gave?

Mr. LYMAN. You are talking about the air traffic controller?

Mr. HENDERSON. Yes.

Mr. LYMAN. At the present time, I'd say the time range would probably average out somewhere around 3 years.

Mr. WALDIE. What about the electronic technician?

Mr. LYMAN. I'd have to really stretch—somewhere around 3 to 5 years.

Mr. WALDIE. Flight service station specialists?

Mr. LYMAN. Somewhere around the 3-year category. Very similar to the air traffic controller.

In the 13 grade, we are talking about high density locations. They have a different training formula than the other locations.

Mr. WALDIE. The electronic technician starts at a higher grade than the air traffic controller?

Mr. LYMAN. Yes, and you find this because of the technical skill needed for that particular field.

Mr. WALDIE. Just one final question. I thought those figures might give me a lead as to the stress factor. They apparently do not.

If those figures are in any way an indication of stress factor, the stress factor would seem to be relatively equal. You go to the top grade within the same length of time. Your salaries are not greatly different, ranging from GS-11 to 13.

Mr. LYMAN. Well, we have not found that the grades have any relation to the stress factor.

Mr. WALDIE. How do they now compensate for the stress factor? Is there any effort to compensate for the stress factor at all in your view?

Mr. LYMAN. Well, right now the GS-13 category, when we are talking of air traffic controllers, is related to an agency identification of high density or complex facilities.

Mr. WALDIE. Which would be a stress factor.

Mr. LYMAN. This is supposed to take into account the stress factors.

Mr. WALDIE. Is there such a distinction made in the electronics technician and flight service station specialist for high density facilities? Do they also get paid more?

Mr. LYMAN. They go to this higher grade. In a less busy—supposed—location, the air traffic grade could be a 12 instead of 13. The flight service station category could be a nine or 10.

Mr. WALDIE. The point I am making, they all go to a higher grade if they are in the high density station?

Mr. LYMAN. As identified under what the agency now terms high density. But again, the fact has been ignored that much of the stress and strain that is encountered at other locations is based on the work force available.

Mr. WALDIE. I am not taking issue with that. I am trying to determine, has anyone, anywhere along the time, attempted to make a determination of high stress and I presume only in the categories of paying more if you work in a high density station, and in that one determination of high stress, all three of your categories receive higher pay for working in those high density stations?

Mr. LYMAN. That is correct.

Mr. WALDIE. Do the janitors also receive higher pay for working in high density stations?

Mr. LYMAN. Not to my knowledge; no.

Mr. WALDIE. These are the only three categories that they recognize in the high density?

Mr. LYMAN. That is my understanding, that would be correct.

Mr. HENDERSON. Could I ask one question on this? What differential is paid for second- and third-shift work by controllers or in the other categories?

Mr. LYMAN. Well, in the controllers, being in the GS series, they obtain 10 percent, if my memory serves me right, for night differential pay from 6 in the evening to 6 in the morning.

This would apply also to the electronics technicians and flight service station. They all fall in the GS categories.

Mr. HENDERSON. Differential pay for both second and third shift?

Mr. LYMAN. Yes, sir; again, by law, it is related to work between the hours of 6 and 6 in the morning. Now when they work from 8 in the morning until 4, they receive no shift differential. From 4 to 12, they get differential from 6 to midnight.

When they work the third shift, midnight to 8 a.m., they get differential until 6 in the morning.

Mr. HENDERSON. Again touching on the stress factor, would you say that the stress is as great on the third shift as on the first two?

Mr. LYMAN. Trafficwise, we have to say "No," because you are talking between midnight and 8 in the morning. But this is another stress factor, being up and working between those hours.

Yes; there is a stress factor involved. And as pointed out, the work force is reduced between midnight and 8 shift.

Mr. HENDERSON. Of course you could get weather factors that could give stress on any shift.

Mr. LYMAN. That is correct.

The CHAIRMAN. Are there any other questions? If not, thank you very much, Mr. Lyman.

Mr. LYMAN. Thank you, Mr. Chairman.

The CHAIRMAN. The next witness is Mr. Donald Francke, executive director, Air Traffic Control Association, Inc.

Mr. FRANCKE. I have with me James D. Hill, our general counsel, on my left. I didn't know whether he would be able to make it. So he was not on the witness list.

The CHAIRMAN. Happy to have him with us this morning.

STATEMENT OF DONALD E. FRANCKE, EXECUTIVE DIRECTOR, AIR TRAFFIC CONTROL ASSOCIATION, INC.

Mr. FRANCKE. Mr. Chairman and members of the committee. I am Donald E. Francke, executive director of the Air Traffic Control Association, Inc. With me is James D. Hill, general counsel.

First let me say that the air traffic controllers are indeed greatly indebted to this committee for holding these hearings, and that the Air Traffic Control Association welcomes this opportunity to present its views regarding legislation under consideration.

Mr. WALDIE. May I interrupt for a moment? Would you, for my information and perhaps others in the committee, clarify your organization from the preceding two that have testified before us?

Mr. FRANCKE. Yes, sir. Air Traffic Control Association is a professional society. This means we are not a labor organization as such. We do not seek recognition.

We do represent a large segment of the professional air traffic controllers, and we have facilities to give them a voice to expound on their ideas, participate in various studies, to also have an association represent them.

This essentially is it.

Mr. WALDIE. Do air traffic controllers that belong to your organization not belong to the other two organizations that have testified?

Mr. FRANCKE. No, sir.

Mr. WALDIE. There would be dual membership?

Mr. FRANCKE. As a matter of fact, some do have dual membership.

Mr. WALDIE. What are the numbers that you represent?

Mr. FRANCKE. Our membership at the present time runs over 2,000 professional air traffic controllers.

Mr. WALDIE. Thank you.

Mr. HENDERSON. Will the gentleman yield on that point? Your association does not enter into any negotiations?

Mr. FRANCKE. No, sir.

Mr. HENDERSON. With the agency? Therefore you are not an organization defined under the Executive order as the other organizations are, for the purposes of representation of the employees with the agency under labor-management?

Mr. FRANCKE. That is correct.

Mr. HENDERSON. Thank you.

The CHAIRMAN. You may proceed.

Mr. FRANCKE. The matter of early retirement has been pending for many years. The necessity to provide the air traffic controller the opportunity for relief from an arduous job is well documented.

Air traffic controllers play an exacting and important role in the safe and expeditious flow of air traffic through the air traffic control system.

An air traffic controller's job was difficult 10 years ago, and it has been made twice as hard since that time because of the fact that air traffic volume has doubled the last 10 years. Air traffic volume is forecast to triple in the next 10 years.

The air traffic control system is being expanded and automated to cope with the increase in the volume of air traffic. The 29th report by the House Committee on Government Operations entitled "Problems Confronting the FAA in the Development of an ATC System for the 1970's" summarizes very well the past mistakes made by the FAA and the deficiencies that developed in the air traffic control system relative to almost every aspect except the man who makes the system work—the air traffic controller. The air traffic controller has suffered through the deficiencies of the system, absorbing the burden and responsibilities that should have been eased by R. & D., proper procurement, proper funding, and proper staffing, in order to make the system work. This has taken its toll of air traffic control personnel, and continues to do so.

The hazard of air traffic control duties is not newly discovered. This is something Congress knew 13 years ago. When Congress enacted the Federal Aviation Act in 1958, it inserted section 302(g) into the act which read:

(g) The Administrator shall make a study, in consultation with other affected Government agencies, of personnel problems inherent in the functions of the Agency, giving due consideration to the need for (1) special qualifications and training, (2) special provisions as to pay, retirement, and hours of service, and (3) special provisions to assure availability, responsiveness, and security status of essential personnel in fulfilling national defense requirements, and shall report the results thereof, and make recommendations for legislation thereon, to Congress on or before January 1, 1960.

When the FAA's investigation and report was delayed, the then Majority Leader McCormick of the House urged its quick submission saying:

The question of a realistic retirement policy, such as Congress provided a number of years ago for the FBI and the question of the limitation of the hours of work which Congress provided for the airline pilots 22 years ago, are perhaps the two most important issues involved, and presumably dealt with in the Administrator's Report which we have not yet received.

The FAA's report, pursuant to section 302(g) of the act was ultimately submitted to the Congress in September 1961, entitled "Special Personnel Problems in the Federal Aviation Agency" (Senate Document No. 57, 87th Congress, first sess.). The report said in part:

A number of FAA occupations involve work which imposes requirements on the individual that are uncommon in Federal employment. Air traffic control exemplifies FAA's extremely demanding, high-stress work, which necessitates special retirement legislation.

The controller knows that error or poor judgment on his part may mean tragic loss of life and property. His job requires that he work long periods under pressure without relief—often under nerve-racking physical conditions. The everyday pressures are heightened critically by adverse weather conditions, and stress has increased continuously with the introduction of fast moving jet traffic and unconventional aircraft.

The FAA added:

It has been evident for some time that the pressures and stress placed on a controller are not conducive to providing a reliable, efficient and safe service. Steadily increasing demands of a growing aviation industry have introduced greater complexity of air traffic control procedures and equipments and have imposed a heavier responsibility on the individual controller to protect the lives and property under his direct control. He is required to be highly trained, thoroughly indoctrinated and constantly alert under pressure.

The agency continued:

Other means for meeting the problem of gradual deterioration in peak performance are inadequate. By the time an individual case has progressed to the stage where disability retirement or injury compensation is indicated, it may be too late. Public safety demands that management and employees anticipate deterioration in performance—and have a prompt and acceptable course of action open to them. Current age and optional retirement provisions either are not available to given employees or constitute inadequate incentives to early retirement.

The FAA then concluded:

The Federal Aviation Agency must have available for timely use a means for bringing about earlier retirement of, and thus humanely relieving from service, employees prematurely incapacitated for air traffic control work. As in the case of Federal investigatory personnel, the answer lies in special retirement legislation for air traffic controllers, providing for retirement with an adequate annuity at age 50 and after 20 years of service.

At that time a government economy wave ensued, and the FAA was never subsequently permitted to send recommended legislation for early retirement for controllers to the Congress. Bills have been introduced by various controller organizations in subsequent Congresses, but none have been enacted. The only improvement which has been obtained was in 1966.

At the beginning of the 89th Congress, in 1965, the Congress was faced with an unusually large number of bills to improve salary and fringe benefits for Federal employees, including more than 25 bills which proposed an increase in civil service retirement provisions. The President wished to formulate his own recommendations to the Congress with respect to such legislation, and in the course of it appointed a cabinet committee on Federal staff retirement systems. This committee considered the various pending bills, took testimony from employee organizations, and gave a report to the President on February 15, 1966, recommending changes in both civilian and military Federal retirement systems.

The Air Traffic Control Association was one of the organizations which appeared before the President's cabinet committee, and urged consideration for early retirement for air traffic controllers. The committee ultimately recommended to the President a provision permitting all Federal employees to retire at age 55 with 30 years of service. The committee added:

The committee has reviewed a number of other suggestions in the area of early retirement, including (1) retirement with unreduced annuity after 30 years of service at any age, (2) lower age-service requirements for involuntary separation retirement (now permitted after 25 years of service, or age 50 with 20 years' service), (3) more restrictive application of the involuntary separation retirement provisions, and (4) modification of the preferential early retirement provisions now applicable only to certain law enforcement personnel so as to permit the coverage of other groups, such as air traffic controllers, and provide a guaranteed minimum annuity of 50 percent of the employee's high-5 average.

To a major extent the recommendations in this report will accommodate the purposes underlying those various suggestions.

The President sent his recommendations to the Congress, for improvements in pay and fringe benefits, including the recommendation for retirement of all employees at age 55 with 30 years of service, on March 7, 1966 (H. Doc. 402, 89th Cong., 2d Sess.), and these recommendations were enacted into law by Public Law 89-504, July 18, 1966.

Controllers, of course, welcome this improvement and are grateful to the Congress. However, this legislation grants them only the same retirement rights as are granted to all other Federal employees, with no recognition of the unusually arduous and stressful natures of their duties, and leaves them in a position inferior to that of law enforcement officers and others whose duties are regarded as hazardous, stressful, or prematurely aging.

The Federal Aviation Administration has remained committed to early retirement for controllers down through the years, although for many years it was prevented by the administration from recommending such legislation to the Congress. Over the past 2 years, Administrator John H. Shaffer has made public statements of the agency's support of early retirement for controllers, and announcements to this effect have appeared in the agency biweekly newsletter to its employees, the Intercom.

The undisputably valid basis for early retirement for controllers rests upon the provable fact that the business of assuring expeditious and orderly movement of air traffic, and safeguarding against midair collision, is a highly stressful occupation which lays a heavy toll on the mental and physical capacity of the controller and which limits his productive life. There must be an orderly phasing out of the older controllers when they can no longer make the rapid and accurate

decisions essential to the preservation of human life. This calls for recognition of the highly important fact that early retirement is not solely a matter of fairness to the controller, it is primarily a safety measure. The Federal Aviation Act of 1958 requires that air transportation shall not merely be conducted with safety, but with "the highest possible degree of safety." Early retirement for controllers is necessary for the attainment of the high standard of safety ordered by the Congress in the Federal Aviation Act.

The heavy stresses and tensions on air traffic controllers have been multiplied many times by the explosive growth in air traffic volume. At the time FAA recommended to the Congress in 1961 that controllers were in need of early retirement, airlines were then flying 50 times more passenger miles than they had flown 25 years previously. Controllers were handling over a hundred thousand aircraft, as against less than 10,000, 25 years previously. Not only was the controller confronted with serious airport and airways congestion, he was controlling aircraft at speeds undreamed of 25 years previously. Since 1961, air traffic volume has doubled. Estimates of the FAA and of the aviation industry are that volume will triple again from the present level by 1980. Today, controllers who should be handling no more than five aircraft at a time are handling 25 to 35 at a time, including aircraft capable of transporting over 350 passengers, and which approach the speed of sound. Further, the pressure is continuous, for long periods of time. Many occupations have occasional pressure and tension. The airline pilots sometimes refer to their occupation as "hours of boredom intermixed with moments of sheer terror." The controller has no such hours of boredom; he must frequently work for 8 hours at a stretch without rest periods and gulping his lunch at his position. Because of shortages of personnel, many of them have been on 6-day weeks for several years. This situation is further worsened by the fact that air traffic control is a 3 shift per day, 7-day a week operation, and each controller must take his turn standing midwatches. This is usually not too onerous on the younger man, but older men usually have difficulty in changing the rhythm of their life, and in sleeping during the daytime in the periods that they are on midwatches.

Unrelieved pressure and tension will ultimately take its toll of even the hardest constitution. Dr. Henry I. Russek, of the Russek Foundation, Inc., Staten Island, N.Y., has reported the results of studies showing that an overwhelming majority of coronary patients have been subjected to unusual stress related to their profession or vocation. The foundation made a study of 11,000 doctors, dentists, and lawyers and found that the general practitioner of law, for example, who engages in trial work is a victim of coronary disease three times more often than the patent attorney who does not engage in trial work. Dr. Russek stated, "the results clearly demonstrated a striking correlation of coronary heart disease prevalence with emotion stress." And of course it is well proven that stress and mental illnesses result from stress. We understand that the medical profession has recently come to believe that diabetes also results from stress.

Our association has found that a large percentage of controllers suffer from the minor effects of pressure and tension, including irritability, inability to sleep, nervousness, tremors, cramps, headaches, and nausea. As time passes and as tension and pressure are unrelieved, these degenerate into the usual product of unrelieved tension

and pressure, heart attacks, ulcers, or mental illnesses. All of these affect controllers to a much greater extent than the general population.

These facts do not rest solely on the large number of letters which we have received from our members, and doctors' reports concerning them. This is also the unanimous result of a large number of investigations and tests which have been conducted by responsible bodies over the years. For example, the report of the Air Force Human Factors Operations Research Laboratory, Report No. 41, July 1963, states:

The second important point which merits special attention is the fatigue and feelings of tension that were reported time after time in interviews with both individuals and groups. There are no physical explanations for the fatigue in the job situation. The job is not physically demanding and yet operators talked about spending an unusual amount of time sleeping, particularly after a day of heavy traffic. Ability to remain calm under stress is apparently one of the important characteristics demanded for effective performance on the job. However, it was pointed out in interview situations that even experienced men develop tenseness and irritability. When an experienced controller has been in the A-position for a long period of time, he may develop hand tremors and begin to stutter or to "freeze" on the microphone. At these times he will ask another man on the shift to take over for him while he moves to the flight data position or to other duties. These same feelings of fatigue and tenseness were reported in the Fitts Report and also were reported by Nagay (3) in a study of the proficiency of CAA air traffic controller.

Another study, conducted at a U.S. airbase by the Air Force Medical Corps reports:

Medical officers of a major U.S. Air Force base have recently been impressed by the unusual number of air traffic control operators who have exhibited symptoms of free anxiety or psycho-physiologic complaints. These complaints have included the range of minor illnesses usually thought of as psychosomatic, such as dizzy spells, feelings of nervousness, insomnia, digestive upsets, headaches, tenseness, excessive fatigue, and so forth. * * * medical officers found these complaints occurring disproportionately among persons assigned to a specific occupational specialty—air traffic control—as compared with personnel on flying assignments or performing office services. . . . Medical personnel at the base under discussion were unanimous in their impression that the number of visits by air traffic control operators for anxiety and job-connected psychosomatic complaints was roughly equivalent to the number of similar visits by flying crews, a population about twenty times greater.

As long ago as 1949, the Royal Norwegian Air Force Aeromedical Institute reported:

If one thinks of the concentration and strain which the air traffic controller goes through during rush periods and the constant anxiety in view of the serious consequences which may result from a mistake, these are typical psychological factors which have proved to be contributory causes of digestive disorders (dyspepsia) and gastric ulcer. To this is added the fact that the work is carried out in watches at widely differing hours which has a very disturbing effect upon the bodily functions.

A more recent investigation was that conducted by the Flight Safety Foundation, together with the FAA. The foundation's report said that the major air traffic control problem lay in the area of subjective fatigue rather than physical fatigue; that the controller's job carried inherent mental stresses and that the psychological and emotional factors were the major ones governing controller fatigue. The foundation found that the almost continuous responsibility for the proper separation of aircraft, accompanied by the fear of the consequences of mistakes was the major underlying cause of controller fatigue. "Without laboring the point," the FSF concluded, "there is a growing body of evidence in the medical and scientific literature that

such anxieties or fears are producing reactions similar to what has been defined here as subjective fatigue, and furthermore will lead to real psychological impairment of individuals over periods of time."

These results have also been confirmed by studies conducted over the years by FAA's Office of Aviation Medicine. For example, a 1965 report tested controllers at various centers and towers to ascertain the number of days on which they experienced the various incidents of stress, such as headaches, dizziness, sweating, twitching, poor appetite, indigestion, tenseness, nausea, insomnia, nightmares, etc., and correlated the results by both experience and age. As to age FAA found that those in the 20 to 29 age group reported virtually the same percentage of symptom-days as those in the 30 to 39 age group, whereas those 40 years of age and over reported a significantly higher percentage of symptoms. More surprising were the findings with respect to experience. FAA found a startling increase in the incidents of stress-related symptoms with an increase in ATC experience. For example, the symptom "tense" was reported less than 5 percent of the days by 40- to 49-year-old controllers who had 3 years or less of ATC experience, about 15 percent of the days by 40- to 49-year-old controllers who had from 4 to 10 years of experience, and nearly 25 percent of the days by 40- to 49-year-old group who had over 10 years of experience in air traffic service. The result shown is that the job pressures of this profession begin to affect a controller's health significantly after the age of 40, and to a steadily increasing degree as his years of service as a controller increase.

As the result of another testing of controllers in 1967, FAA's Office of Aviation Medicine found that job performance generally tended to increase up to age 41, and up to 11 years of experience, and then steadily deteriorated.

During 1966 and 1967, for a 25-month period, the Office of Aviation Medicine also conducted an analysis of disqualifications of controllers and airmen. Both of these groups must pass a rigorous and somewhat similar physical examination for original certification, and must continue to pass the test yearly. FAA found that the rate of incidence of coronary artery disease among controllers was twice the rate experienced by pilots; that the incidence of coronary thrombosis among controllers was twice that experienced by pilots, that the rate of hypertension was approximately $2\frac{1}{2}$ times greater among controllers; peptic ulcer about $1\frac{1}{2}$ times greater among controllers; and diabetes more than twice as frequent among controllers. FAA's conclusion was that:

The controller rates per 1,000 for such disorders as coronary artery disease and coronary thrombosis, hypertension, with or without medication, peptic ulcer and diabetes, which are generally regarded as more or less stress-related illnesses, average $1\frac{1}{2}$ to 4 times higher than the comparable rates for the airman population.

In view of the fact that both groups must pass rigorous and similar physical examinations, both for original certification, and annual renewal, there should logically be no difference whatever in the incidence of stress-related illnesses between the two groups. The remarkable difference which in fact is found to exist can only mean that one group is subjected to stress in its daily occupation far in excess of the other.

A 1969 report issued by the Office of Aviation Medicine on controller stress has the following to say:

A distinctive feature of air traffic control under heavy traffic is that the individual controller does not directly control his rate of work. The aircraft just keep coming. With high traffic density, the controllers are able to maintain a high per-

formance level but, as they do, the stress level rises accordingly. Ultimately, the stress level that they can safely tolerate can become limiting factor on the workload that the system can handle with safety.

Age.—While the air traffic controller's ability to handle traffic increases with experience for a few years, eventually it levels off and at some point in time will decrease to the point where he warrants retirement. However, this point in time is very indefinite and depends a great deal on the type of management that has been exercised up to that point and the amount of stress that has occurred.

Anxiety—Fear of mistakes.—A very important stressful factor on the controller is fear of the consequences of mistakes that he is likely to make or fears that he might make. The ultimate of this, of course, is a collision with fatalities but in many cases mistakes happen without a crash actually occurring. Worry about premature termination of his career by loss of health or as a result of his mistakes can create a great deal of anxiety. This can become a major stress factor.

Fatigue.—Each operator has his own individual normal rated capacity for carrying out air traffic control work for a prolonged period without undue stress. He can operate at a higher capacity for short periods of time, but after fatigue begins he has to rest or else endure increasing stress. If staffing is inadequate in a high density installation and adequate rest schedules are not possible, the stress on the air traffic controller is increased greatly and the capacity of the system ultimately is reduced. In a sense the air traffic control specialist is a "perceptual-motor or psychomotor athlete." These athletes differ enormously in their capacity for performance just as other types of athletes do. Athletes can maintain a much higher level of performance for a short period than they can for a longer period. If he maintains a high performance more often or longer than an optimal schedule, an athlete's fatigue mounts rapidly, stress factors increase and eventually his performance suffers seriously.

Shift rotation pattern. One of the distinctive characteristics of the air traffic control system is that it is a 24-hour system where the men have to work around the clock at one time or another in shifts. In recent years it has been found that flying across time zones or changing shifts has a powerful effect on many of the biological or circadian rhythms of his biological functions. These functions rise to a maximum and then decrease to a minimum in a regular 24-hour pattern. When the individual changes to a new daily schedule by crossing time zones or changing work shifts these biological functions begin to adjust themselves to a new 24-hour rhythm with a new starting point. However, they do so at unequal rates and so, for several days, the biological rhythms are not in proper relation to each other and this results in biological instability with too much of some functions and too little of others. When the controller changes shifts, his biological rhythms are thrown out of equilibrium and take some time to re-establish themselves in a new stable 24-hour pattern after the shift has been made. When shifting is frequent, the individual will spend a considerable proportion of his time in a condition of biological instability. There is evidence such as in 20-hour flight crews on long-range bombers, that young health individuals can grow accustomed to rapid changes of shifts and apparently function satisfactorily for some time. However, there is no information regarding the effects of many years of such rapid changing of shifts. There is much reason to believe this would be an unfavorable health factor and no grounds whatever for thinking it would be a favorable health factor. It is likely that changing shifts too often places additional stress on the already stressed air traffic controller. Over a long period of years this could be a really major factor in placing stress on the controller.

Another FAA study showed that 40 percent of controllers, age 40 and over, were rated as unsatisfactory or barely acceptable in job performance, while only 11 percent of those between 26 and 30 were so rated. This report also showed that in on-the-job training of newly hired trainees the failure rate ranged from a low of 19 percent in the age group 20 to 25 years, to 86 percent for all trainees aged 45 or over.

The foregoing are excerpts from a substantial bibliography of literature on this subject. All such studies point to the same conclusions; first, that a controller's occupation is filled with unending pressure and tension which ultimately result in premature aging and a slowing of his ability to perform his job; and second, that this profession suffers high rates of loss of life and health from stress-related causes.

The files of our association contain a large number of letters from members, reporting such incidents as a nervous breakdown requiring a controller to be committed to a mental institution, the 34-year-old controller who had 70 percent of his stomach removed for ulcers, with a doctor's statement that the only cure is to remove the cause, the tension of his work as a controller; or the 32-year-old controller who died of a heart attack at his position while attempting to resolve a potential traffic complication. Our files also contain many doctors' reports such as the Mayo Clinic's letter to one controller advising him that he would have stomach trouble as long as he stayed in air traffic control. Almost every issue of the FAA's newsletters to the Agency's employees, published by each FAA region, contains notices of condolence to a controller in the hospital with a heart attack, or offering condolence to his widow and children.

Such individual instances could be related to this committee almost endlessly. We do not do so because we suppose that every profession could cite some horror stories, and we thought the committee would be more interested in the medical and scientific studies which have been conducted.

Another unwholesome result of the present situation arises from the controller's feeling of need to conceal the effects of aging, and of tension, because of lack of sufficient years of service to retire. We have one report from a member that every controller at his particular tower was either suffering from ulcers or had an ulcer history, but that the Agency was unaware of the fact. We frequently have reports of the controller who has slowed down to the point he can no longer really handle his position, but that friends on either side of him "carry" him and attempt to conceal the situation from the facility chief. All of these unwholesome situations result from the same cause—the controller has nowhere else to go. He has no other profession. And so he must stay on, even though he can no longer really perform the job. This emphasizes a point I mentioned earlier, that early retirement for air traffic controllers is not merely a matter of simple justice to the men who have literally given their health in the Federal service; it is an urgent matter of aviation safety. As recently as August 29, 1969, the Air Transport Association, the association of our Nation's air carriers, wrote to the Department of Transportation, urging early retirement for controllers. The ATA said:

FAA should initiate immediate action on early retirement legislation for air traffic control personnel. There has been much discussion about this subject over 14 years; yet very little action has resulted. It is time that those concerned face up to this problem and either support early retirement for controllers or present a well documented case against early retirement. It has been said that as a controller nears 50 years of age his ability to react to air traffic control situation tend to deteriorate. In our view, we believe there is justification for early retirement legislation and the government should get on with the job as quickly as possible.

On August 14, 1969, a similar recommendation was sent to the Department of Transportation by the Aviation Development Council. On this subject the council said:

Early retirement with full or equitable pension provisions should be incorporated in legislation at the earliest possible moment. Provision should be made whereby the controllers' talents could be retained by the Agency, with transfer to supervisory positions as an option; recognition must be given the fact that only a relatively few slots become available for this type of personnel action. Ultimately, of course, I would hope that Congress would revise the FAA Act to

the end that FAA personnel be given honorable discharge under the provisions comparable to those pertaining to the Military Services and the State Department; in this way, additional supervisory slots would become available. Until this time, however, early retirement for the controller would be a constructive move.

While these groups are of course interested in equitable and fair treatment for this group of human beings, their primary concern is with aviation safety, and they regard early retirement for controllers as essential for the realization of this purpose. Their concern is valid. It is as unreasonable to expect a 55-year-old controller to handle high-density traffic as it would be to expect a 55-year-old athlete to play major league baseball—and for the same reasons.

H.R. 4275 introduced by Mr. Wyatt is a most simple provision; it would amend the present retirement law, contained in title 5, United States Code, to provide that for each year or month of service, a controller shall be given 1.4 years or months of creditable service for retirement purposes. Thus he would retire on full annuity, based on 30 years of service, as so computed, after approximately 22 years of active controller work. Or, he could accumulate 30 years of creditable service in part as a controller, and in part in other Federal positions. The most common case would be that of a controller's promotion, or his medical disqualification and reassignment to non-controller work. In such case, his years of duty as a controller would be computed by multiplying by 1.4, and his years of service in other positions would be counted on the usual one-for-one basis. This system, we think, is much preferable to the usual provision for retirement at age 50, with 20 years of service, which law enforcement groups now have, because of the large number of controllers who cannot complete 20 years of service as an active controller. A man who completes 10, 15, or 18 years as a controller should retain his retirement credit for such service, and should not lose it because of the circumstance of being transferred to noncontroller duties. There are a large number of cases in the service in which a controller is promoted to the position of facility chief or assistant chief, or to a desk job in a regional office; there are many instances in which a controller is medically disqualified and is transferred to a desk position. When this occurs to a controller after 10 or 15 or 18 years of service, the man should be entitled to retain his early retirement credits.

H.R. 4275 is identical to S. 3959 which passed the Senate on July 13, 1970, but was not considered by the House. We favor this proposal without reservation, and we urge the committee to approve it.

H.R. 8083, introduced at the request of the Department of Transportation, is totally unacceptable to us and, we think, to all organizations of air traffic controllers. There are many defects to this bill. To enumerate some of them:

1. It proposes retirement benefits for a controller who has completed 20 years of service as a controller and has reached 50 years of age, or who has completed 25 years of service as a controller, at any age. The 50-20 proposal is the standard early retirement formula which present law now provides for law enforcement officers and others in hazardous duty positions. But persons in those professions retain their early retirement rights, even though they are promoted to administrative positions, and even though they become medically

disqualified and are reassigned to desk duties. But this is not so as to the DOT proposal as to controllers—to get the benefit of the DOT legislation, an employee must complete 20 full years on active controller duty. A man who completed 19½ years of duty and was then promoted or reassigned could lose all of his early retirement rights. A Federal agency has full authority to reassign an employee to any place and to any job it wishes, for the good of the service, as long as he does not suffer a reduction in grade or rank. Many FAA air traffic controllers have been arbitrarily reassigned to desk positions by the agency. It would be completely outrageous for the agency to have the authority to do this to an employee who had completed, say, 19 years as an air traffic controller, and who as a result would lose all of the early retirement benefits which he had accumulated. Under the DOT bill it would be possible for the agency to reassign a man from a controller position 1 day before the completion of his 20th year of service, and thus deprive him of all of his early retirement rights.

2. The bill will certainly interfere seriously with the normal progression and promotion of worthy air traffic controllers. What controller, after 19 years of service, would accept a promotion to the position of chief of his facility, even though it meant a grade increase, under the DOT bill? The effect of this promotion would be to cost him all of his 19 years of accumulated early retirement benefits.

3. The DOT bill would create considerable inequities as to controller retirement benefits. The bill would provide that a controller may retire on an annuity if he has 25 years of service, or if he has completed 20 years of service and is 50 years of age. The bill adds that his annuity may not be less than 50 percent of his "average pay." (We assume that "average pay" is intended to mean his high three average pay, as this is stated on page 3 of the Secretary's letter of April 29, 1971, but the bill itself is unclear as to the meaning of "average pay.") Ordinarily, an employee would be required to work approximately 27 years in order to have an annuity of 50 percent of his "high three." If we understand the effect of the DOT bill correctly, controllers who reach the age of 50 and have completed 20 years of service, and who choose not to retire, would receive no increase of annuity for continuing to work. The annuity of such an employee would stay at 50 percent after his 20th year of work, until he had completed more than 26 years of work. In other words, for the next 7 years, between the ages of 50 and 57, the controller would continue to work, would continue to build up creditable retirement service, would have deductions from his paycheck for contributions into the retirement fund, but his annuity would remain at 50 percent. Or, to take another example, there would be no difference whatsoever between the annuity of a man who retired at age 50 with 20 years of service and that of a man who retired at age 50 with 25 years of service. Although one had worked 5 years more than the other, they would both get 50 percent. If they both stayed on until they had 27 years of service, they would still get 50 percent. Such capricious results as this give us the impression that the DOT's retirement proposal had not been carefully thought out.

4. The DOT bill would define an air traffic controller as an employee who is actively engaged in the control of air traffic "or who is the immediate supervisor of an employee who is actively engaged in the control of air traffic." This deprives one important class of controller

of early retirement benefits—supervisors at larger facilities. At a small air traffic control facility the controllers are supervised by watch supervisors (Assistant Chiefs) who are in charge of the facility for an 8-hour shift. They work on the floor with their men. During periods of busy traffic they take over a position and operate it. According to agency regulations they are required to operate a position a certain number of hours per week in order to maintain current proficiency, so that they are always qualified to take over a position in an emergency, or during a personnel shortage. At some small facilities a journeyman controller who works a position full time is designated as a "working watch supervisor," and in effect wears two hats. Under the agency's bill these people will be included among those eligible for early retirement benefits. But at large facilities there is an intermediate supervisor known as a "crew chief" (team supervisor), who works with his crew at a specific position. The watch supervisor, in charge of the facility during an 8-hour shift, is a second-level supervisor at large facilities, and would be excluded from the benefits of early retirement under the DOT bill.

We appreciate that high executives with desk positions are not intended to be included in this legislation, as it is a measure to compensate for the pressures and tensions that cause journeymen controllers to "burn out" at an early age. The dividing should be between the men who engage in shift duty working on the control room floor, on one hand, and persons who work in 8:30 to 5 desk jobs on the other. Under this standard, watch supervisors, at both small and large facilities, should be included within the benefits of the legislation. The definition of air traffic controller contained in Mr. Wyatt's bill, H.R. 4275, obviates this difficulty which exists in the DOT bill. It includes any "supervisor directly engaged in supervising air traffic control specialists." It does not contain the limiting word "immediate" supervisor.

(5) A major portion of the DOT bill, and one which is completely unacceptable to us, is the proposal that air traffic controllers be removed from the merit system, and be subject to discharge at the whim of the agency, without the adverse action appeal rights which are accorded to all other career civil servants. The bill submitted by the departments provides that the Secretary of Transportation may demote or release from the service a controller, if the Secretary determines that he is medically disqualified or should be discharged "in the interest of aviation safety" or "because of his inability to maintain technical proficiency." The DOT bill would provide that the Secretary of Transportation may (but is not required to) assign such a controller to training for 2 years, or less, to fit him for other duties, and at the end of that period he again may be reassigned, demoted, or discharged. In either case, with or without the 2 years of retraining, the DOT bill specifically provides that "chapter 75 of this title does not apply to any demotion, transfer, discharge or any other determination or action by the Department." Chapter 75 is the chapter of title 5 containing provisions with respect to adverse action rights granted to employees by the Veterans Preference Act, and the Lloyd-Lafollette Act. We know of no reason whatever why the 20,000 members of the Air Traffic Service should be removed from the merit system, to be subject to discharge at the whim or caprice of the Department, without the adverse action appeal rights granted to all

other Federal employees by law, Executive order, and the regulations of the Civil Service Commission.

(6) The DOT bill also has a number of provisions which would establish age limits for entry into the service and for retirement. In the 91st Congress, the Secretary of Transportation sent to the President of the Senate and the Speaker of the House a similar bill, on September 17, 1970. It provided specifically for a maximum of 30 years of age on entry into the service and mandatory retirement at age 56, with the Secretary having authority to grant individual waivers. This year's bill gives the Secretary complete discretion in setting maximum age limit on entry into the service. In the Secretary's accompanying analysis he says that he intends to set 30 years of age as the maximum entry age, with individual exceptions for persons having previous experience in related work up to age 36. But the language of the bill would not obligate him, or a successor, to adhere to this intention.

With respect to a proposed mandatory retirement age of 56, we suspect that most controllers will be happy to leave at that age. But the age at which a man "burns out," and his reflexes slow, and he commences to have ulcers and coronaries, varies. Resistance to stress is highly individualistic. If a man is still performing well at age 56, is not medically disqualified, and wants to continue, we see no justification whatever for his enforced discharge. But our principal complaint to these sections, however, is that their merits are controversial, and that they have no relation whatever to the subject of early retirement. The Department is simply abusing early retirement legislation to get before the Congress an unrelated proposal which should have been separately submitted and justified.

As indicated previously, our association supports H.R. 4275 and is strongly opposed to H.R. 8083. We greatly appreciate the opportunity to present our views on this most important subject. Air traffic controllers have been seeking early retirement legislation since 1958, and are greatly indebted to the committee for its consideration of this subject.

The CHAIRMAN. Thank you. On page 19 of your statement, you said "H.R. 4275 is identical to S. 3959 which passed the Senate on July 13, 1970."

Mr. FRANCKE. Yes, sir.

The CHAIRMAN. Pursuing this a little further, was a bill reintroduced in the Senate this year?

Mr. FRANCKE. Yes; it was introduced in the Senate.

The CHAIRMAN. By whom?

Mr. FRANCKE. By Senator Fong.

The CHAIRMAN. Mr. Bevill?

Mr. BEVILL. Thank you, Mr. Chairman.

I have one question. Your association supports H.R. 4275?

Mr. FRANCKE. Yes, sir.

Mr. BEVILL. Do you have a copy of that? Whose bill is this?

The CHAIRMAN. Is it the same bill as that introduced by Mr. Udall, H.R. 8951?

Mr. HILL. It is much different. H.R. 4275 was introduced by Mr. Wyatt in 1971.

Mr. BEVILL. Thank you, I have a copy now. That's all I have.

The CHAIRMAN. Mr. Mills.

Mr. MILLS. No questions.

The CHAIRMAN. Mr. Udall? Mr. Rousselot?

Mr. ROUSSELOT. No questions.

The CHAIRMAN. Mr. Purcell?

Mr. PURCELL. No questions.

The CHAIRMAN. Mr. Chappell?

Mr. CHAPPELL. One quickie. Page 22, subsection 4, you mentioned the fact that the supervisors—you state another place in the testimony that this was completely unacceptable. Is this the main reason for its being unacceptable?

Mr. FRANCKE. No, sir; not this provision. The bill itself. Our objections to the bill, going down section by section, were primarily the retirement benefits provision. We would prefer the 1.4 formula, with the retention of credit, once he has 10 years vested interest.

And our objection also against the lack of adverse action procedures afforded to a Government employee. When the Secretary has the option to assign, reassign, downgrade or involuntarily separate, without a normal procedure offered every other Federal employee, I think we object to this.

Mr. CHAPPELL. Are you of the opinion that technicians should also be covered by the same type of provisions as stated earlier? Or do you put them in a different classification as far as stress is concerned?

Mr. FRANCKE. Electronics technicians?

Mr. CHAPPELL. Yes, sir.

Mr. FRANCKE. I would say they are a different group entirely. We represent the air traffic controllers, both in the centers and terminals, and believe that the stresses and strains that air traffic controllers come under are much greater than what a technician would have.

Mr. CHAPPELL. Thank you.

The CHAIRMAN. Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

I have a little difficulty. We now have H.R. 4275. The bill that you are endorsing does not cover any of the other aspects of the legislation we have been discussing, just the retirement benefits?

Mr. FRANCKE. That is correct.

Mr. FORD. So does that mean that you think we ought to pass a retirement benefits bill without any of the rest of these provisions?

Mr. FRANCKE. I think you should pass the retirement benefits separately, and then consider the other provisions separately.

Mr. FORD. So you have no position on the other provisions in the bill, such as training?

Mr. FRANCKE. On 8083?

Mr. FORD. 8083 and even our bill, 8951, which is like 8083 until you get to the procedure for taking action after training where we set up an appeal procedure.

Mr. HILL. May I answer that, sir? I must say of 8951, it is much better than the administration bill, because it does provide some kind of a review for a fellow who is going to be fired.

The administration bill, if we understand it correctly, just takes the air traffic service out of the merit system entirely, and gives the Secretary the right to fire a controller with no hearing or appeal.

Now 8951 does provide a board of review, but I don't know why there should be a different system for controllers than is now pro-

vided by the Veterans Preference Act and the Executive order—President Kennedy's Executive Orders 10987 and 10988, which extended the appeal and hearing rights of veterans, to nonveterans. I think the present civil service appeal system works pretty well. Personally, I prefer that to this unknown board of review which would be set up by 8951.

H.R. 8951 also would exclude watch supervisors, like the administration bill would, and we don't think they should be excluded.

The last two witnesses represented labor organizations of non-supervisory employees. We are a professional society that has all ranks of people in our membership. We think the proper dividing line is that people who work on the floor and have shift duty with their men ought to have the benefits of early retirement legislation, and people of higher rank, supervisors with desk jobs, shouldn't have the benefits of it.

At the large facilities there is an intermediate supervisor called a crew chief, between the journeyman and the watch supervisor, so at the large facilities the watch supervisor wouldn't be included under this bill, although he works on the floor with his men doing shift duty at all times. At small facilities, with no crew chief, the watch supervisor is the first level supervisor, and he would be included. We think this is capricious. H.R. 4275 provides that anybody who actively supervises air traffic controllers is covered by the bill; and that would include everybody that did shift duty on the floor with the men.

And so we prefer that. It seems to us that what we started out with here a year ago was simply early retirement legislation, and the administration has now tried to misuse it by attaching to it a number of things it wants and that really don't have any relationship to early retirement, such as taking the air traffic service out of the merit system and permitting controllers to be fired with no rights whatever, and so forth. So we must say that we prefer 4275 to 8951.

Now I am happy to note that 8951 does preserve the 1.4 formula. We note that Mr. O'Neill's bill also has a version of that—1.5 for some, 1.3 for others. I suspect that the committee will find, before these hearings are over, that all controllers want the 1.4 formula, and none of them want the 50-20 provision which the FAA proposes.

Mr. FORD. Well, since we do have this legislation before us, and, since the administration so strongly supports it, I would hope that your organization would not simply dismiss the legislation, by saying that you are against it. But would assist the committee by directing yourselves to the two other aspects of the bill in which I think everyone else has demonstrated their interest: one, this whole training provision, and what it may mean in terms of a different way of dealing with an employee, and two, the arbitrary age determination.

Mr. Chairman, I had counsel look up for me the statute I referred to a few moments ago—it is Public Law 90-202, which we passed in December 1967.

In that law, we direct the Secretary of Labor, not later than 6 months after the effective date of this chapter, to recommend to the Congress any measure he may deem desirable to change lower or upper age limits set forth in the bill.

We also directed the Secretary of Labor to conduct a second study. The Secretary of Labor is directed to undertake an appropriate study of institutional and other arrangements giving rise to involuntary

retirement, and report his findings and any appropriate recommendations to the President and the Congress.

I would like to ask unanimous consent that the staff be directed to contact the Department of Labor and determine if either or both of these studies were filed with the Congress as required by law, and that they be made available to us; because it seems to me that what we attempted by clear congressional action in 1967 to prevent, by stopping the habit of forcing retirement with an arbitrary age limitation, is now being offered to us as a piece of legislation here in H.R. 8083.

And we would in fact, in effect, be saying that we are telling all private employers in the United States that it is a policy of the Federal Government to oppose this arbitrary cutoff of employment, while now enacting a new law that says it shall be the policy of the United States with regard to Federal employees to sanction an arbitrary cutoff.

Because on page 9 of the bill, section 4, it clearly says this, without any discretion, without any relation to age being connected with infirmity or anything of the kind; it is an arbitrary cutoff.

It would fly in the face of what the Congress overwhelmingly—that bill passed both Houses of Congress almost unanimously, as I recall—overwhelmingly said should be the public policy with regard to all employees covered by the Fair Labor Standards Act, and it is inconsistent for us now to be flying in the face of that unless the administration can come up with a rationale for why it should be different.

Why we should tell private employers that it is not good public policy to do this, and then do it in the Federal Government.

And I hope you gentlemen will look at these two, and give us the benefits—and any other organizations that are here—the benefits of your thoughts on why we should be treating Federal employees philosophically—starting down the road of treating them philosophically different than we tell private employers they should treat their employees.

The CHAIRMAN. Does the gentleman mean to direct the Chairman?

Mr. FORD. Yes, Mr. Chairman, I'd like to ask if they have filed the two reports. I must confess that even though the committee I worked on wrote the legislation, I never bothered to see if they actually did what we told them to do.

The CHAIRMAN. Thank you very much. I regret very much that we are not able to conclude the hearings on this very important legislation this morning. As you can see, the committee is very much interested in this legislation, and I am very proud of our committee membership for coming here in such large numbers and participating in questioning the witnesses that have appeared.

Again, I want to thank you for being here. The committee stands adjourned until June 22.

(Whereupon, at 12:20 p.m., the hearing was adjourned, to be resumed at the same place on June 22, 1971.)

CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS

TUESDAY, JUNE 22, 1971

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met at 9:30 a.m., in room 210, Cannon House Office Building, Hon. Thaddeus J. Dulski (chairman of the committee) presiding.

The CHAIRMAN. The meeting will come to order.

The Committee on Post Office and Civil Service is meeting this morning to continue and, hopefully, to conclude receiving testimony on H.R. 8083 and related bills designed to provide an orderly and adequate system for the retirement of air traffic control personnel, in the interest of attaining the highest possible standard of public safety.

I regret that time did not permit the submission of all testimony on June 9, and the committee appreciates the witnesses scheduled to appear this morning for returning to give us the benefit of your views on this vitally important subject.

I am aware that you have addressed yourselves, at least to a degree, to this same subject before our Subcommittee on Retirement, Insurance, and Health Benefits. In order to avoid any undue repetition, it is suggested that the witnesses may desire to submit their prepared statements for inclusion in the record and devote your verbal presentation to a summary of those views.

Our first witness today is Mr. John F. Griner, national president, American Federation of Government Employees, accompanied by Mr. Carl K. Sadler, legislative representative, and Mr. James H. Lynch, assistant legislative representative.

We are very happy to see you, John.

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, ACCOMPANIED BY CARL K. SADLER, LEGISLATIVE REPRESENTATIVE; AND JAMES H. LYNCH, ASSISTANT LEGISLATIVE REPRESENTATIVE

Mr. GRINER. Thank you, Mr. Chairman, and I appreciate the opportunity of being here and expressing the views of our organization with respect to this particular piece of legislation.

While the American Federation of Government Employees represents only approximately 400 air traffic controllers, Government-wide we represent approximately 650,000 employees in practically every agency of Government.

Furthermore we represent approximately 60 percent of all the white collar workers who are under exclusive recognition. Consequently we not only have a direct interest in this proposed legislation as it affects air traffic controllers but also an indirect interest due to the fact that it will have an impact upon all Federal employees by the precedents it establishes.

The American Federation of Government Employees is interested in a better general retirement system, including an early retirement program for certain groups of employees such as: customs and immigration inspectors; building guards; juvenile court and other law enforcement personnel; firefighters; air traffic controllers, civilian pilot instructors; mine inspectors; psychiatric ward nurses; personnel handling munitions, other explosives, or exposed to radiation, chemically toxic and incendiary material; couriers and escort officers accompanying classified or controlled material; and certain other groups performing hazardous duties.

Although I recognize that several other bills have been introduced in both the House and Senate dealing with the retirement of air traffic controllers, my remarks this morning will be directed primarily to H.R. 8083. I am very much concerned about the terrible precedents and horrible effects this bill would produce if enacted.

As it is now written, its early retirement provisions can be easily abused or misapplied to fire or dismiss Federal employees without a proper appeal procedure or a hearing outside the Department's own management channel. Thus it represents a threat by precedent to all employees.

The real purposes behind H.R. 8083 have been concealed, of course, by such cosmetic proposals as "expenses of training" for so-called second careers for air traffic controllers. Its special cosmetic retirement formulas also sound good on paper but harsh in fact.

Through a "selection out" system management could throw the controllers into the ranks of the unemployed at annuities ranging at best between \$5,200 and \$7,600 per year. If the controller wished to provide a survivorship annuity for his family those amounts would be further diminished.

That is the best possible retirement under selection out. Later in my testimony I shall speak to the issue of less than the best and indicate what that can mean. Let me speak here to the "best retirement" formula.

"THE BEST THE BILL OFFERS IS NOT ENOUGH"

But the best that the bill offers air controllers is not enough. What situation would confront an air traffic controller retired under this bill? What are his needs and what does he get?

The average air traffic controller entered the federal service in his mid to late twenties, usually after several years of active military service. It is improbable that even under H.R. 8083 many employees will ever be hired for air traffic control work before the age of 21. Thus, the earliest age at which any covered employee could complete 25 years of qualifying service would be 46 years of age. Thus the majority must be in their mid-forties or at age 50 to be affected by the bill. Under the proposed annuity schedule the employee who qualified for retirement would be entitled to a gross annuity of 50 percent of his highest 3 years average earnings.

However, let's consider the needs and the interest of the covered employees who complete a minimum of 25 years of covered service at age 46, or an employee at age 50 with 20 years of qualified service. The typical air traffic controller in his mid-forties probably has teenage children to clothe and educate with perhaps one of them about to enter college. He has a considerable mortgage on his home and sizable household and other financial commitments. He may have experienced several relocations of posts of duty over the years.

Let us now take an air traffic controller at age 50 with 20 years of service. Although we hope he has less of a mortgage loan to pay off, his children are probably in college and his and his wife's parents are reaching that stage where they need special attention and often even financial help.

In short, the air traffic controller is faced with the peak of personal financial obligations, precisely at the age group, 46 to 50, when he needs full salary income and maximum earning power more than at any other time in his life.

H.R. 8083 would render him totally vulnerable at this most crucial age period to the catastrophe of having his earnings cut fully in half. I can't think of anything more inhuman than to put this emotional and mental strain on these air traffic controllers who are already under the terrific stresses of their occupation.

I have referred up to now to what is known as the "best." Now let me turn to the "less than best" features of this administration bill.

"SELECTION OUT"

Despite every effort at paint and perfume and promise of good intentions, the real character of the "retirement program" involved is clear: it is firing by selection out, without any appeal rights.

The heart of the bill lies in section 3385, entitled "Controllers; certain actions not adverse; review procedure."

That section states clearly that this bill will deprive the controllers who are fired or retired of any appeal procedure outside the agency.

That section would deprive every air traffic controller who is a veteran of the provisions of the Veterans' Preference Act of 1944.

This section would deprive every air traffic controller who is not a veteran of the benefits he enjoyed since 1962 under Executive Orders 10988 and 11491, governing labor-management relations in the Federal service, which extended the appeals provisions procedures of the Veterans' Preference Act of 1944 to all Federal employees.

In fact, the existence of section 3385 in H.R. 8083 is, in my mind, not only a true test of the harshness of this bill but is an indication that the bill is probably unconstitutional if it were to be applied to all present employees already on the Federal rolls as air traffic controllers.

I believe that section 3385 is unconstitutional because it in effect nullifies retroactively, so far as air traffic controllers are concerned, the rights they had under the Veterans' Preference Act when they were employed. It amounts to ex post facto legislation depriving without due process all present air traffic controllers of rights they had and now enjoy. The courts would surely invalidate section 3385 as a violation of article 1 of the Constitution of the United States which states that no "ex post facto law shall be passed."

There would be, of course, no constitutional obstacle to applying section 3385 to new employees. But there is every reason of national interest and policy to do so, because that section discriminates harshly against the very category of employee, the air traffic controller, whom the bill is supposed to protect.

It makes the air traffic controller the pawn of management by depriving him of due process and a structured self-enforcing appeals procedure assuring him of some third-party review of the deprivation by management of his livelihood.

In short, firing of an air traffic controller by management would not be considered, under section 3385, as an "adverse action."

I would like to invite the attention of this committee to the most recent developments in that agency in the Federal Government that already has this kind of selection out procedures which section 3385 would wish to extend to air traffic controllers.

In the State Department Foreign Service, selection out or firing of foreign service officers is now not an adverse action. This is precisely the provision that section 3385 would apply to air traffic controllers.

On April 12, 1971, selected out Foreign Service Officer Charles Thomas committed suicide. For 2 years he had sought to have some kind of a hearing. He had to give the State Department as his reference as a former employer and because he was in conflict with the Department he was unable to obtain employment.

Finally, though he had a law degree, he became so destitute that he and his wife had to seek employment as domestic servants. Debts mounted and in the end, to assure a survivorship annuity for his wife and two daughters, he committed suicide.

On May 12, 1971, Congressman H.R. Gross commented on this incident, saying:

Mr. Speaker, the State Department can be a rich field when it comes to the subject of bureaucratic insensitivity and bumbling, if not downright viciousness. The affair of Otto Otepka was a case in point and now another tragedy has turned up as a result of the Foggy Bottom morass. I refer to the suicide last month of Charles W. Thomas.

And I might say that I agree 100 percent with Congressman Gross in his remarks. This is a rotten situation in the State Department that I hope to bring to the attention of this committee at a future date.

In support of his views, Congressman Gross inserted into the Extension of Remarks of the Congressional Record an article by Pulitzer Prize winning Journalist Clark Mollenhoff, showing how the harsh system of selection out had not only led to Thomas' suicide but was destroying equity and spreading demoralization in the Foreign Service.

I request permission to insert Congressman Gross' extensions of remarks into the record of this hearing as an attachment to my testimony against section 3385 of H.R. 8083.

The CHAIRMAN. Any objection? Hearing none, it is so ordered.

Mr. GRINER. As further documentation of the rights which section 3385 would deny air traffic controllers, I request your permission to insert into the record of these hearings that portion of title 5 United States Code, sections 7511, 7512, and 7701, which governs the rights of veterans to due process in the event of adverse action.

The CHAIRMAN. Any objection? Hearing none, it is so ordered.

Mr. GRINER. I also request permission to insert into the record section 22 of Executive Order 11491 which extends these rights to due process in adverse action to all Federal employees.

The CHAIRMAN. Any objection? Hearing none, it is so ordered.

Mr. GRINER. Whenever I have discussed this aspect of section 3385 of H.R. 8083 with responsible officials of the Department of Transportation, I was always told that, of course no one planned to select out air traffic controllers as the State Department selects out foreign service officers.

Whenever I have pointed out that section 3385 could be also used as a subterfuge in reduction in force programs as the State Department uses selection out, no one contested my remarks. It was conceded that such a subterfuge could be carried out, but of course I was assured that it would not be.

I grant that the present leadership of the Department of Transportation is sincere when they say they would not be tempted to use section 3385 as the Department of State uses selection out. But I do not believe that the temptation should be there for future leadership. They may see opportunities which they could not resist.

I might say that I have a lot of confidence in the Secretary of the Department of Transportation. I think he tries to be fair and I think his intent is good, but I think, Mr. Congressman, we have got to consider that if this law is enacted on the statute books that we will have other Secretaries of Transportation and we don't know what their intentions might be. Certainly we should not open the door.

For these reasons I am unalterably opposed to section 3385 or any other language pretending that firing by selection out is not an adverse action.

THE RETIREMENT FORMULA PROPOSED IN H.R. 8083

Two special retirement formulas are provided in H.R. 8083 as cosmetic devices to cover up the real selection out firing and retirement program contained in section 3385. But even as cosmetics they don't provide very much.

One formula provides 50 percent retirement at any age after 25 years of service. The other provides 50 percent at age 50 after 20 years of service.

But let us look at the catches. First of all, to obtain the proffered benefits air traffic controllers must meet all the conditions prescribed.

Secondly, the formulas are discriminatory and contradictory.

Thirdly, financial benefits of both formulas are self-annulling with the passage of time beyond the fixed ideal retirement date prescribed in the formulas.

Fourthly, there is no vesting or portability of any of the so-called retirement benefits.

As an example of one catch, if the air traffic controller who is being retired unvoluntarily has received any training under this bill to obtain a second career, he would be automatically debarred from all of the special retirement benefits provided by either formula.

As another example, an air traffic controller 49½ years old with 21 years of service could be selected out and either would get nothing if he got another Federal job or he would have to take a deferred retirement at the normal civil service rates.

In fact, under this bill he would be worse off than if his job were simply abolished.

Moreover, an air traffic controller 47 years old with 27 years of service; one 45 years old with 25 years of service; and one 50 years old with 20 years of service would all get 50 percent of the average of his highest 3 years of salary as his annuity.

There are other catches involved. An air traffic controller, 50 years old with 20 years of service, could receive 50 percent of his base pay in annuities. If he stayed on at work and contributed a full year to his retirement fund, he still would receive only 50 percent of his base pay.

In fact, if he stayed on 6 years longer until the mandatory retirement age of 56 he would still get only 50 percent of base pay. He would have been contributing 6 years to the retirement fund and not receive back any return on his contributions.

And at this point, Mr. Chairman, I would like to point out that no place in this bill do we have any provision for financing the extra cost that would occur in case the bill became law. It would be necessary to take the additional cost out of the retirement fund to which all employees contributed equally to and certainly that is not fair to the other employees.

THE NEED FOR A GOOD RETIREMENT FORMULA FOR ALL FEDERAL EMPLOYEES EXPOSED TO HAZARDS

It is quite evident that the so-called benefits of the retirement formulas in H.R. 8083 are illusions. Very few air traffic controllers would benefit from them and only if all the rest of the controllers exposed themselves to the dangers of a harsh selection out system.

The time has come to legislate new laws for all Federal employees who are exposed to hazards. Included among those should be the air traffic controllers of course. At the opening of my statement, today, I named several of the groups who need the same remedies as air traffic controllers.

I hope that the new legislation which you are developing will be so drafted as to include all these different categories of employees specifically by name. However, I request that you also consider drafting a comprehensive definition of hazardous duty in order to cover other groups exposed now, or in the future, to dangers of the kind which have not been noted or publicized as yet.

SUMMARY AND CONCLUSION

In summary and conclusion I wish to state that our organization favors good retirement legislation for air traffic controllers. However, we feel that the administration bill, H.R. 8083, does not provide either the benefits or the safeguards to which air traffic controllers are entitled. Instead, it would expose these worthy employees to harsh treatment of selection out without any adverse action appeals procedures.

As to section 3385 of this bill, I believe that the courts would rule that it is as inapplicable to all present air traffic controllers as depriving them retroactively of the appeals rights under adverse actions that they now hold under the Veterans' Preference Act of 1944 and Executive Orders 10988 and 11491.

Finally, it is clear the so-called retirement benefits are illusions and are discriminatory and contradictory.

In light of these facts, I earnestly request your committee to consider drafting a comprehensive reform of the retirement statutes so that all Federal employees exposed to occupational hazards could equitably receive that legal consideration from their Federal employer to which they are already morally entitled.

I thank you once again, Mr. Chairman, and members of the committee, for the opportunity of appearing before you and presenting the views of the organization that I represent and I shall be most pleased to answer any questions which you may have.

The CHAIRMAN. Thank you very much, Mr. Griner. I think your testimony expresses your views on H.R. 8083.

But this is one of the bills that is before the committee and I am sure that we are going to give every consideration that when the bill is reported out it will be in the best interest of the employees and, of course, the Government.

John, your statement indicates that you have reservations with respect to the guaranteed minimum 50-percent annuity proposed in H.R. 8083. Now in the absence of your proposing an alternative as some previous witnesses have, should I presume that you are not actively supporting the 1.4-percent computation proposed in other bills before the committee?

Mr. GRINER. No, sir. I probably would support that. But I have directed my remarks this morning toward 8083 in particular. I have not taken into consideration the other bills which have been introduced by several Members of Congress as well as the Senate.

The CHAIRMAN. But you are not necessarily opposed to the 1.4 computation?

Mr. GRINER. Right.

The CHAIRMAN. Do you oppose increasing the retirement deductions of all 2½ million Federal employees in order that only a relatively small percentage of them may be accorded more generous retirement benefits?

Mr. GRINER. Yes.

The CHAIRMAN. Any reason?

Mr. GRINER. I don't want the 2½ million employees there to pay for a small percentage of the additional benefits that only—let's say, in my opinion, and I have nothing to back it up except—

The CHAIRMAN. Experience can back up anything. And you have a lot of experience, John.

Mr. GRINER. I figure that in all these categories that I have named, which I believe to be hazardous occupations, there would be approximately 100,000 employees involved. I don't think that we should tax 2½ million people an additional contribution in order to take care of that 100,000.

Our organization has always taken the position that we don't mind paying for additional benefits, but I think when all employees pay for those additional benefits, that everyone should be entitled to it.

The CHAIRMAN. In other words, one for all and all for one?

Mr. GRINER. That is right, sir.

The CHAIRMAN. Mr. Hillis?

Mr. HILLIS. I have a few questions.

You touched on one of the things on the 1.4; and as I understand your answer, you would favor this?

Mr. GRINER. Yes. That would give him some vested rights which this bill does not.

Mr. HILLIS. How do you rationalize this in light—we have heard testimony of the hazardous-duty Federal employees such as firemen, people who handle nuclear material. Do you feel they also should have some special treatment such as the 1.4 formula for air traffic controllers which is—not hazardous duty—

Mr. GRINER. Congressman, our position has been all along that we should not do this piecemeal; that we should take a look at all of the positions that are classified as hazardous duty and include them into one piece of legislation.

And our position has been that as long as we do it piecemeal, bringing in a certain group—such as the FBI or law enforcement officers, then the air traffic controllers, then firefighters and some other groups—then we are going to continue always to have legislation proposals before us. We are not going to be able to assess the costs of the legislation.

It is my recommendation that we put all of it into one piece of legislation and use the one formula whether it be 1.4 or 2½ percent as the FBI wants, but to use one formula to arrive at the annuity for all positions in the hazardous occupational field.

Frankly, I think that regarding the people covered by the hazardous occupation, whenever they get additional benefits they should have to pay additional contributions.

Mr. HILLIS. Another question: I share your concern about the rights of appeal of the air traffic controller. Would you or would you not favor placing the appeal—they might be entitled to making a regular appeal procedure that exists presently under the Civil Service Commission and existing laws and Executive orders—or do you favor a separate board?

Mr. GRINER. No. I favor the present system. I don't like to see special boards set up in order to hear appeals because we have had some very sad experience in the State Department with these special boards.

Mr. HILLIS. Going back again—

Mr. GRINER. Don't get me wrong. The Commission's appeal system can be improved.

Mr. HILLIS. Going back again now, as I understand your concept, you would place all of these so-called extra-hazard, special-duty type of employees into one piece of legislation. Is it also your proposal that the cost, extra cost, that will be facilitated by this, would be borne in by that group so that all Federal employees don't have to pick up this extra—

Mr. GRINER. That is right. Would be borne equally by the Government and the employees.

Mr. HILLIS. And the employees are getting the benefit?

Mr. GRINER. That is right.

Mr. HILLIS. Thank you.

The CHAIRMAN. Mr. Mills?

Mr. MILLS. No questions.

The CHAIRMAN. Mr. Bevell?

Mr. BEVILL. I appreciate that very fine statement that you presented to the committee.

I would like to go a little further into this right of the controller to appeal. Actually, under this law a man 49½ years old, as you say, who has 19½ years' service——

Mr. GRINER. He has an appeal, an administrative appeal only, and the same people who fire him would be the same people who make the final decision on the appeal.

Mr. BEVILL. Well now, this thing says the Secretary of Transportation will have the authority on this, but you and I know as a practical matter that the Secretary of Transportation wouldn't even see the record, would he?

Mr. GRINER. In all probability he wouldn't unless it was called to his attention by a Member of Congress or maybe by this union.

Mr. BEVILL. If the supervisor just didn't like his looks, he could say goodbye, so long, and that is it?

Mr. GRINER. That is right.

Mr. BEVILL. He loses all his retirement.

Mr. GRINER. That is right, so far as the "special rights" under the retirement bill, this bill. He can retain his present credits for a deferred retirement under existing law, of course.

Mr. BEVILL. Yes.

Mr. GRINER. But he couldn't retain proposed rights under this bill. He has to be 50 years of age with 20 years of service before he can get any kind of an annuity.

Mr. BEVILL. If he is 55½ years old and has only 19 years' service, he still can't retire?

Mr. GRINER. He is still stuck.

Mr. BEVILL. Yes. And he has no rights?

Mr. GRINER. No rights.

Mr. BEVILL. No appeal rights?

Mr. GRINER. He will have to wait until he is 62 years old.

Mr. BEVILL. Yes. So what you are saying is that your organization, the American Federation of Government Employees, just doesn't like this bill here?

Mr. GRINER. That is right.

Mr. BEVILL. But if we put some rights in there, restoring the rights that all other Federal employees have, such as you pointed out in appendix II and appendix III of your testimony, it would improve on the bill?

Mr. GRINER. Yes, sir; but I would have to say still at that point, Mr. Congressman, it wouldn't be acceptable, and I will tell you why.

Mr. BEVILL. Because it points out one specific group and gives them special treatment.

Mr. GRINER. And I don't like this age limit that they are placing on these people for this reason. I know people 50 years of age that are old, and I know people 65 that are still young.

Now, the Department of Transportation has at its command, provisions where they can retire these people on disability annuity if they are not physically able to work. If they are not physically able to do the job that they are hired to do. Just like every other agency.

Mr. BEVILL. Without specifying any age?

Mr. GRINER. Without specifying any age limit. You see, you have a maximum age of 56 years under this bill, and the Secretary of Transportation in unusual cases—and, of course, that means in the case of

his buddy or his friend—can extend that until he is 61 years of age. But that is just another case of, if you will excuse the expression, brownnosing or buddy system.

The CHAIRMAN. Take it easy on language, John.

Mr. GRINER. Excuse me.

Mr. BEVILL. And if we are going to pass legislation giving a group extra hazardous pay or benefits, then you feel that it should include all these extra hazardous jobs and not take the piecemeal jobs?

Mr. GRINER. That is right. And also any special formula, for it to be applied across the board.

Mr. BEVILL. If they are going to receive additional benefits, then they should pay in?

Mr. GRINER. That is right. And I don't think they would kick on it.

The CHAIRMAN. Mr. Udall?

Mr. UDALL. Thank you, Mr. Chairman.

John, I read your testimony and listened to most of it with a great deal of interest.

As Mr. Hillis pointed out, there are two separate categories here of Federal employees that you refer to. The first work under danger, policemen or customs agents, someone who is going to get shot at or runs an unnecessary risk of injury.

The other is the stressful occupation. You mentioned the nurse in the psychiatry ward, and it is also in this category that the air traffic controller fits. You are sitting there at the scope watching the blips of the airplanes, the only physical danger being that the roof maybe will fall in or somebody will hit you with a typewriter on the way out. Would you make a separate distinction as between these two groups, of separate rules, or do you lump them in your own mind all together?

Mr. GRINER. I lump them all together.

As I pointed out to the committee the other morning with respect to the FBI legislation, we have had more people killed in ammunition depots this year than there have been—I mean by reason of explosions—than there have been killed in the FBI in the entire history of the FBI.

Mr. UDALL. I am sure that is the case, but do you consider that occupation both stressful and hazardous?

Mr. GRINER. That is right, because the people are under continuous strain. They don't know at what moment something might happen to one of those shells that would cause several people to be killed, just like the one in Hawthorne, Nev., a few days ago.

Mr. UDALL. When you give special treatment to people in this category, obviously the cost to the Government goes up, and you always reach the question of where do you draw the line. In fact, we have that in this bill—the air traffic specialists who run the flight service stations and so forth.

What percentage of this 2½ or 3 million Federal employees in your judgment ought to be covered as—

Mr. GRINER. I roughly estimate 100,000.

Mr. UDALL. Well, that is maybe 5 percent of the total that you would say should be in some category of hazardous or stressful occupation?

Mr. GRINER. That is right.

Mr. UDALL. And they ought to get across the board this extra level of benefits that we are discussing here?

Mr. GRINER. That is right.

Mr. UDALL. Let me go to another point: You refer to the procedure established in the administration bill as selection out. I know you and Mr. Sadler have analyzed this more than I have. I haven't had a chance to study the details of the bill.

I am an aircraft controller who has been on the job 15 years, and I am 40 years of age. I obviously don't qualify for the benefits of this bill. Is it your understanding that the administration wants the right to simply advise me that they are removing me from this duty—this is what you call selection out?

Mr. GRINER. That is right.

Mr. UDALL. As contrasted with the military or the State Department's procedure that if I am not promoted within a certain length of time, I automatically am retired. This isn't the same kind—

Mr. GRINER. This is a little different form of selection out from what is used over there, but it all amounts to the same thing. All they have to do is point their finger at you and out you go.

Mr. UDALL. You don't object to the general principle that there should be some mechanism for moving out the controllers who become burned out ahead of their time or become unfit for duties? What you object to is the procedure that gives management the sole authority to say to me: "You are through, we have loved having you here, thanks a lot, and goodbye?"

Mr. GRINER. I think they have got ample procedure for taking this man off the job at the present time if his physical condition is such that he is unable to perform the job, and we have a disability annuity which in comparison to other annuities is a rather liberal disability annuity.

Mr. UDALL. I take it from what you said here that you don't like the administration's bill. What shortcomings do you find in the bill that I introduced with Mr. Wyatt and a group of others? Is your main objection that this deals with one little segment of this hazardous and stressful group of Federal employees?

Mr. GRINER. That is right. If we don't we will have legislation coming up each and every year to bring in an additional group here and there. Let's get it over with.

Mr. UDALL. We always have this different group saying we should be entitled to the hazardous provisions that other groups are already entitled to. But with that objection made clear, do you have specific criticisms to the way we approached—

Mr. GRINER. I have not studied that bill very closely, Congressman. I expect to probably comment on it at a later time in other hearings.

Mr. UDALL. I think what is—

Mr. GRINER. But I think it has one provision in there and that is it carries an age limit that I don't think is necessary.

Mr. UDALL. Well, give us—

Mr. GRINER. I think they have the tools at the present time to remove these people if they are not doing the job.

Mr. UDALL. I wish you would give us your thinking on the details of this bill because the committee wants to act responsibly and act reasonably quickly on this and we have to first make the basic decision: are we simply going to deal with the air traffic controllers because of the pressing problems in that occupation, or are we going to take your suggestion and try to write a Government-wide bill to cover all the people who have a similar situation?

Then if we decide to go now for the controllers——

Mr. GRINER. You have the firefighters and you are going to have the immigration and naturalization officers.

Mr. UDALL. So I would like your advice on that.

Mr. GRINER. We would be happy to do that. In fact, the director of research is preparing something right now for my review.

Mr. UDALL. Good. I personally would welcome your suggestion on the procedure. You have already come down pretty hard and given us a pretty good reading on how you feel. So give us whatever help you can in the——

Mr. GRINER. I don't feel that the air traffic controller situation is as pressing as it might look. I don't think it is any more pressing than the customs and immigration people.

Now as I stated in the beginning, I think the air traffic controllers certainly should be included in any legislation for hazardous retirement. On the other hand, you and I know that there are hundreds of small airfields throughout the country where they don't have more than a dozen landings in 24 hours. These are some of the best jobs that we have in the Government. Of course, you can't separate those jobs from these control centers, because if you did, then you wouldn't have the human resources and manpower to promote to your centers.

Mr. UDALL. That is all I have. Thank you.

The CHAIRMAN. Mr. Chappell?

Mr. CHAPPELL. Mr. Griner, the list which you have reflected on page 1 of your statement is not intended to be inclusive of all of the agencies or personnel which you think would be involved in hazardous or special duties; are they?

Mr. GRINER. Not necessarily; in other words, there might be a number of other groups.

Mr. CHAPPELL. You simply are saying that certainly those, if you are going to go to a bill, ought to be included, and you agree that there are others?

Mr. GRINER. That is right, sir. In fact, I have said "and certain other groups performing hazardous duties." And you know I wouldn't have intimate knowledge of all the different types of work.

Mr. CHAPPELL. The thing that concerns me most about the hazardous and stressful consideration is how you place a reasonable value on the hazard. Now obviously as we might involve any number of groups as hazardous—again you have got—if you are going to put some kind of value on those obviously some of them are more hazardous than others.

Is there a good way to properly evaluate a hazard?

Mr. GRINER. It would be rather difficult to first sit down and write a hard and fast rule.

Mr. CHAPPELL. In other words, you have got to——

Mr. GRINER. It must be done by people using common sense and good judgment.

Mr. CHAPPELL. Would information showing the incidence of accidents and deaths and loss of time in various categories as related to the overall Federal work force—is that type of approach feasible and helpful to us?

Mr. GRINER. I think it would be one of the determining factors; yes, sir. In other words, if I was making a study of these conditions I would certainly give serious consideration to that.

Mr. CHAPPELL. We have heard testimony yesterday and perhaps in some of the testimony today that for every million man-hours worked municipal firefighters in the United States last year suffered 36.33 loss time injuries. By way of contrast, loss time injuries suffered by Federal firefighters per million man-hours in the Department of Defense was 2.21 in 1970.

I am asking whether or not that type of statistic is reliable. It is a proper measure of the hazard?

Mr. GRINER. You still got that element of danger of the probability of something happening, but certainly you can't disregard that statistic, Congressman Chappell.

Mr. CHAPPELL. Would there be others you would recommend that would be helpful in determining which is hazardous and which is not a hazardous or stressful occupation?

Mr. GRINER. Yes.

Let's take the firefighters, for instance. I think we have a great number of our firefighters connected with airports. In these student schools—I call them schools but they are bases—where the students train, part of their training is just what we call "touch and go." In other words, the students are taught to come down and land and then immediately go into the air again. There is an extra hazard right there. And there are probably other elements that could be taken into consideration.

Mr. CHAPPELL. Is there an accumulation of this sort of thing anywhere to your knowledge?

Mr. GRINER. That should be in the Air Force. I mean with respect to the firefighters.

Let me give you another example. Out at Rocky Mountain Arsenal in Denver, Colo., we had a situation there where these poisonous gases had been stored. The people out there, the wage board people, up until a very short time ago, got 6 cents an hour for the hazardous pay, and I happen to see some of the people that had been affected by this gas.

Some of them were actually crippled. The skin maybe was taken off their face and they had to graft skin on it and things of this nature. Now certainly those elements should be taken into consideration.

Mr. CHAPPELL. So what you are saying is that you can take into consideration the man-hours lost and in addition to that take into account injuries and the severity of the injuries and the number of deaths—are not these same statistics or these same considerations made in the determination of job qualifications—

Mr. GRINER. The only thing in a case of a wage board employee—you take at the present time, going right back to Rocky Mountain Arsenal, we are getting 8-plus cents differential for those people at the present time. In the case of a classified employee, the hazard of his occupation is supposed to be taken into consideration in his classification.

In some cases it is known that the classification has been increased by a grade in order to compensate for the hazard. So there is that difference of treatment or discrimination which should be removed.

Mr. CHAPPELL. Mr. Chairman, I think my time is up, but I would like one little question if I might.

The CHAIRMAN. Any objection?

Mr. CHAPPELL. I didn't want to labor too long. What I was really coming to, John, is whether or not you would consider insofar as these—placing special emphasis into the retirement program on the hazard, whether or not you wouldn't do a more equitable job by determining the value of the hazard when you set the wage and the number of years which a person might be expected to qualify within the work force in that particular classification, and then establishing the same multiplier for retirement purposes. I wonder if you wouldn't treat the employee more equitably by reducing the number of variables rather than increasing the number of variables by trying to bring various people into the hazardous occupation classification.

Mr. GRINER. I can see one weakness in that and that is that the person would not be eligible for retirement in the event that he became totally disabled by reason of the hazardous condition under which he had to work.

Mr. CHAPPELL. But you could write that into the law?

Mr. GRINER. Yes.

Mr. CHAPPELL. Thank you, Mr. Chairman.

Mr. GRINER. I can see that weakness.

The CHAIRMAN. Mr. McClure?

Mr. McCLURE. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. I just left a subcommittee hearing of the Employee Benefits Subcommittee and the airport police were there seeking preferential pay. One point they made was that currently a great many retired policemen from other departments are being hired and then they are working at the airports. The thrust of the testimony was that there ought to be a maximum age, entrance age, to get a younger class of recruits.

Now in several different categories of Federal employment we have heard this expressed, so I am wondering if you, Mr. Griner, would favor a bill which has been introduced which would give the administration authority to fix the minimum age in jobs where it is applicable.

Mr. GRINER. Yes; I would.

Mr. HOGAN. You would. Well, then, that in a way would obviate the thrust of the——

Mr. GRINER. I am against maximum ages but not against minimum ages, and I say that because you and I know that there are some people that are old at age 50 while others are young at age 65, so the individual has to be taken into consideration.

But in the case of air traffic controller or law enforcement officer, I think it is advisable to bring these people in at a young age when they are more active and they can secure the necessary experience during their younger years to where they can carry on the job maybe after they slow up a little as efficiently as they could when they were young.

Mr. HOGAN. But now you would oppose—I don't understand.

Mr. GRINER. In other words, I think we have the tools already that when a man gets disabled or can no longer carry on his work that they can retire him on account of disability.

Mr. HOGAN. But you have no objection to setting a job age span, minimum-maximum, into a particular job? We had the firemen yesterday and they expressed the same problem. So that your organization wouldn't——

Mr. GRINER. We are not against, certainly, setting a minimum age, Mr. HOGAN. Thank you.
 The CHAIRMAN. Mr. Rousselot?
 Mr. ROUSSELOT. No questions.
 The CHAIRMAN. Thank you very much, Mr. Griner.
 (The attachments to Mr. Griner's statement follow:)

[From the Congressional Record, May 12, 1971]

ANOTHER TRAGEDY IN FOGGY BOTTOM—BY HON. H. R. GROSS, OF IOWA IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MAY 11, 1971

Mr. GROSS. Mr. Speaker, the State Department can be a rich field when it comes to the subject of bureaucratic insensitivity and bumbling, if not downright viciousness.

The affair of Otto Otepka was a case in point and now another tragedy has turned up as a result of the Foggy Bottom morass.

I refer to the suicide last month of Charles W. Thomas.

Thomas' story has been set down in a recent article by Clark Mollenhoff which appears in the May 15, 1971, issue of Human Events. I include the article for insertion in the RECORD at this point:

STATE DEPARTMENT BUREAUCRATS STILL RIDE ROUGHSHOD—CHARLES THOMAS CASE FOLLOWS ON HEELS OF OTEPKA AND HEMENWAY OUSTERS

(By Clark Mollenhoff)

The personnel file of Charles W. Thomas bulks large with tributes to his brilliance as a hard-working Foreign Service officer who worked "within the system" and in the end he demonstrated that he knew how to beat the brutal, mediocre bureaucrats and petty politicians who run the Foreign Service System.

At 4 p.m. on April 12, 1971, Thomas shot himself.

Within the system, Charles Thomas, dead, was worth a pension of \$5,500 a year to support his wife Cynthia and their two children. As a 48-year Class 4 Foreign Service officer, Thomas had 12 more years before he could have started to collect on the annuity that did not mature until age 60.

Alive, Thomas could withdraw only the accumulated \$10,000 in the Foreign Service annuity fund and he had already borrowed far in excess of that in his two-year effort to shift from the Foreign Service to another career.

An hour before he took his life, he told his wife he had decided to withdraw the money for another try at making the transition to private life. He felt it would take three years to establish a law practice. But, sometime between 3 and 4 p.m., Thomas had concluded that drawing the \$10,000 out of the annuity fund would leave his family without protection.

He was another victim of the "select out system" in the Foreign Service that is weeding out many of the most capable officers while permitting some of the deadwood to remain on top in a structure that demands conformity.

Thomas' background made him too well qualified for most jobs and in those jobs where his qualifications were desired there was apparently a lingering question about why he was being dropped.

There had been some moments of discouragement in writing hundreds of letters of application for jobs up to and including that of executive secretary to the secretary of state, a job that those who knew him said he was well qualified to do. In his last week of struggling as public defender of the indigent at \$7.50 when employed, he had considered taking a night waiter job. Two nights before his death, his wife had tried her hand at cooking for a party.

The morning of the day Thomas shot himself, he had received three rejection letters to add to the nearly 2,000 he had accumulated in less than three years. The last rejection came from a Capitol Hill staff job where a decision had been made to hire a "younger man."

He had been counting on Congress, but, "I've exhausted my contacts in Congress," he told his wife shortly before noon. He did not say it despondently, for that was not his way, but he was simply accepting the fact he would have to turn elsewhere for a job.

Thomas had known adversity in his earlier years. He was born to poor parents in Orange, Tex., and by age four was an orphan living in the home of a sister in Fort Wayne, Ind. But he also had the success which comes through hard work, careful planning and education.

For 46 years of his 48 years Thomas was another Horatio Alger. A member of the National Honor Society, he stood fourth in academic standing and was president of his class at North Side High School in Fort Wayne. He was selected an alternate for appointment to the military academy at West Point.

Instead, he graduated with a B.S. in economics and government from Northwestern University in Evanston, supplementing a scholarship by working as a busboy, janitor and farm worker.

After serving as a Navy fighter pilot in World War II, Thomas returned to Northwestern University Law School in Chicago again on a scholarship and received an LLB degree. Later he earned a doctorate in international law and international relations from the University of Paris.

He was fluent in French and Spanish and had an elementary working knowledge of German, Italian and Portuguese. He had been admitted to the practice of law before the bar in Illinois, the District of Columbia and the United States Supreme Court.

From the time he entered the Foreign Service in 1951, Thomas had a brilliant record that had brought high praise from all of the ambassadors he served. An inspector general's report, by Ambassador Robert McClintock, had recommended in 1966 that he receive an immediate promotion to Class 3 and assignment to the National War College.

The McClintock report was misfiled in the personnel office of the State Department in the file of another Charles W. Thomas, then consul general in Antwerp and he missed consideration by the selection board in session that year.

A special plea from American Ambassador Fulton Freeman, who had headed the embassy, failed to prod the Foreign Service into corrective action. Ambassador Freeman wrote an unusual four-page letter of his "surprise and disappointment" that Thomas was not included on the 1968 promotion list, and stated that the comments by rating officer Joseph Montilior that Thomas was not "ready for promotion to Class 3 this year" and had been "needlessly and unfairly prejudicial and was directly contrary to my own judgment."

On May 6, 1968, Ambassador Freeman wrote to John M. Steeves, then director general of the Foreign Service, to express his great concern about the Thomas case and what appeared to be a "miscarriage of justice" in the future to promote Thomas to Class 3.

"But I feel even more strongly that the Foreign Service stands to lose an able, effective, competent, dedicated and sincerely respected team if the Thomases are forced to resign because of a time in grade—a loss which at this critical juncture of the Foreign Service can ill be afforded," Ambassador Freeman wrote from Mexico City.

Director General Steeves, took no special action to see that the Thomas matter received appropriate attention and did not even confirm whether an investigation was made regarding comments that Charles G. Stefan, a later rating officer in the U.S. Embassy in Mexico City, had been forced by the political counselor, Wallace W. Stuart, to hold back high praise of Mr. Thomas in two subsequent yearly reports because such praise would appear inconsistent with previous unfavorable reports by Montilior.

In spite of Freeman's letter on May 6, 1968, the State Department refused to review the record by Joseph Montilior, or to examine the action of the political counselor who had insisted the high praise of Thomas be withheld because it would seem inconsistent with the earlier report.

The refusal of the Foreign Service to correct the record or try to be fair and just in the handling of this case is a sorry reflection upon everyone in the system. Deputy Under Secretary of State William Macomber Jr., Director General of the Foreign Service John H. Burns and Deputy Director General Howard P. Mace have full knowledge of this case and have had correspondence dealing with it.

Norbert Wyss, an attorney of Fort Wayne, Ind., and a high school friend of Thomas, had followed his career with satisfaction and considered him a success as a Foreign Service officer. He found unbelievable the background of the misplaced inspector general report and the futility of the ambassador's letter trying to correct the record.

Appreciating the need for a bipartisan push, he contacted Sen. Birch Bayh (D.-Ind.) and Rep. Ross Adair (R.-Ind.) to try to right the wrong. The more he investigated the more enraged he became at the system. The same was true of Larry Cummings, a special assistant to Bayh, who found the correspondence with Deputy Under Secretary of State William Macomber Jr. totally unsatisfactory.

"I am unsatisfied with the letter and remain disturbed by Mr. Thomas' case because of what it reveals about the administration of the Department of State," Sen. Bayh wrote to Macomber after having received a letter signed by a new assistant secretary of state, David Abshire.

"Even if Mr. Thomas had been the mediocrity that Mr. Abshire alleges him to be, equity would dictate that he be promoted so that he could retire thereafter with a pension. I find it shocking that a man with 21 years toward retirement is forced to retire at age 47, after dedicating his life to the career principle."

"I understand that Wallace Stuart did all he could to discredit Mr. Thomas throughout his tour in Mexico City in order to justify that first unfavorable report and perhaps out of jealousy of Mr. Thomas' outstanding work and impressive contacts," Bayh wrote. "I am told that Stuart was later selected out for substandard performance."

In other ways the revised time schedule worked against Thomas, Bayh wrote. "Although Ambassador Freeman considered Mr. Thomas his most outstanding officer, optimum praise had to be directed to those officers whose careers were placed in immediate jeopardy by the new time-in-class rules," (A Class 4 Foreign Service officer was forced out if he was not promoted in eight years.) Bayh commented on "the chaos" that resulted from changing the rules in the middle of the game.

Support for Thomas came from liberal Democrat Bayh as well as Ross Adair, Republican conservative. It came from Sen. John Pastore (D.R.I.) and Sen. John Sherman Cooper (R.-Ky.) and others.

The injustice is not the fault of one administration. It started in the Johnson Administration and carried over into the Nixon Administration. It is doubtful if Secretary of State Dean Rusk or Secretary of State William P. Rogers had direct knowledge of the details of this case, but in the broad sense it was their responsibility to find out.

Direct responsibility has fallen on Deputy Under Secretary of State for Administration William Macomber Jr. who consistently gives Congress bureaucratic reasons why nothing can be done to correct injustices in the Foreign Service system.

The State Department did not admit the misfiling of crucial reports in the Thomas case could cause an injustice and did not bother to investigate charges of malicious rigging of records in the Thomas case. That would have opened up a whole range of nasty problems Macomber and Mace did not want to face.

No records are kept on reasons for the actions by the selection boards. Consequently, no one is able to go back and question these at a later stage. It makes arbitrary personnel decisions for friends and political favorites easier.

If State never admits that the system could be wrong, and never permits investigation, the system then cannot be proven wrong. It is bad business to look back to determine right or wrong on policy matters. It is bad business to prove high State Department officials will lie and frame subordinates who dissent.

John Hemenway, 44, another Foreign Service 4, was severed by State in the same time frame as Thomas. Hemenway, a Naval Academy graduate and Rhodes Scholar, simply had not been promoted in eight years. He was dropped following sharp policy differences with a superior on German affairs. It is his contention those superiors have lied and distorted the record and that those lies had a direct bearing on his failure to win promotion. He is now seeking a forum in which he can prove those charges.

Hemenway's efforts to work within the system failed, so he challenged the system in a grievance procedure. Fortunately, after leaving the State Department he took a higher post in the Defense Department and has been able to carry on a legal challenge.

The State Department has fought his every effort to get a hearing and to subpoena witnesses to prove his personnel record has been marred by lies and distortions. He says he simply wants to "put all the facts on the line," and Macomber and Mace have put barriers in the way even to the point of violating a State Department rule to fire two grievance panel members in the middle of a hearing now in progress.

Stephen Koczak, another former Foreign Service officer, has been conducting a four-year fight for the right to examine his personnel record at State and to cross-examine superior officers who, he contends, conspired to rig the record against him.

Two points were involved. One was a policy difference, upon which events have since proved Koczak right. The other involved a decision Koczak made to report

a serious security violation involving a superior. Koczak contends that instead of being commended for taking proper action, the ambassador did not follow up the violation but permitted the man whom Koczak had reported to write Koczak's fitness report.

Although Koczak fought this battle, and won an assurance his fitness report written by the security violator would not be used against him, he learned that it was not removed from the file and was in fact used later as grounds for selecting him.

Macomber and Mace continue to stand in the way of Koczak's effort to examine the record and to prove that "lies" have been used in selecting him out, and that those same "lies" have been used to prejudice employers when he has sought employment.

Koczak continues to fight his battle from a job at the American Federal Government Employee's Union office, where he is now employed as a researcher.

A more celebrated case involves Otto Otepka, a former chief security evaluator at State and now a member of the Subversive Activities Control Board.

The Otepka case is now established as permeated with illegal wiretapping and eavesdropping. It is a record filled with proven falsehoods of superiors who denied the electronics surveillance and then later admitted they had testified falsely when caught. Again this took place under the jurisdiction of Howard P. Mace and in the jurisdiction for which Macomber is now responsible.

Both Macomber and Mace have continued to fight reinstatement of Otepka and to defend the State Department support of the liars and the illegal eavesdroppers. They have placed every conceivable barrier in the way of getting to the truth for corrective action, and have been responsible for the continued circulation of erroneous letters on the Otepka case.

Secretary of State Rogers may not have direct responsibility for the handling of the Thomas case, but he nevertheless bears responsibility for what is taking place in his department and for permitting Macomber to continue practices which result in such injustices as the Thomas case.

The secretary of state expressed high-minded goals for the department when he took office in January 1969. His stated objective was to establish a spirit which in the Nixon Administration would lead to "a receptive and open establishment where divergent views are fully and promptly passed on for decision."

"We must tap all the creative ideas and energies of this department in the formulation of a foreign policy responsive to the needs of the future," Rogers said. "Only if we do so can we systematically delineate meaningful alternatives from which the President can determine a considered policy course."

It was, Rogers said, a follow-up of the observation that candidate Nixon had made in September 1968, about the need to "bring dissenters into policy discussions, not freeze them out." "We should invite constructive criticism, not only because the critics have a right to be heard, but also because they have something worth hearing," Nixon had said.

Aside from pompous statements, Rogers and Macomber have done little to change the personnel policies that caused the tragedy of Charles Thomas.

In the days after Thomas died, Sen. Cooper wrote a note of condolence expressing "regret" there was nothing any combination of senators or congressmen seemed to be able to do about the injustice in the Foreign Service system.

A few days before his death, Charles Thomas had discussed a book on "Reform in America" with a publisher. He had completed an outline and one chapter. In the process, he quipped to his wife that an awfully funny book could be written about his own struggles to correct the record. He reasoned that few would believe a serious book about the raw injustices of the Foreign Service system.

There is wry humor in the fact that his death might correct obvious injustices that have seldom received the attention they merit.

SUBCHAPTER II—PREFERENCE ELIGIBLES

§ 7511. Definitions

For the purpose of this subchapter—

- (1) "preference eligible employee" means a permanent or indefinite preference eligible who has completed a probationary or trial period as an employee of an Executive agency or as an individual employed by the government of the District of Columbia, but does not include an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39; and

(2) "adverse action" means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay.

§ 7512. Cause; procedure; exception

(a) An agency may take adverse action against a preference eligible employee, or debar him for future appointment, only for such cause as will promote the efficiency of the service.

(b) A preference eligible employee against whom adverse action is proposed is entitled to—

(1) at least 30 days' advance written notice, except when there is reasonable cause to believe him guilty of a crime for which a sentence of imprisonment can be imposed, stating any and all reasons, specifically and in detail, for the proposed action;

(2) a reasonable time for answering the notice personally and in writing and for furnishing affidavits in support of the answer; and

(3) a notice of an adverse decision.

(c) This section does not apply to the suspension or removal of a preference eligible employee under section 7532 of this title.

CHAPTER 77—APPEALS

Sec.

7701. Appeals of preference eligibles.

§ 7701. Appeals of preference eligibles

A preference eligible employee as defined by section 7511 of this title is entitled to appeal to the Civil Service Commission from an adverse decision under section 7512 of this title of an administrative authority so acting. The employee shall submit the appeal in writing within a reasonable time after receipt of notice of the adverse decision, and is entitled to appear personally or through a representative under regulations prescribed by the the Commission. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority and shall send copies of the findings and recommendations to the appellant or his representative. The administrative authority shall take the corrective action that the Commission finally recommends.

EXECUTIVE ORDER 11491

SEC. 22. *Adverse action appeals.* The head of each agency, in accordance with the provisions of this Order and regulations prescribed by the Civil Service Commission, shall extend to all employees in the competitive civil service rights identical in adverse action cases to those provided preference eligibles under sections 7511-7512 of title 5 of the United States Code. Each employee in the competitive service shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be processed in an identical manner to that provided for appeals under section 7701 of title 5 of the United States Code. Any recommendation by the Civil Service Commission submitted to the head of an agency on the basis of an appeal by an employee in the competitive service shall be complied with by the head of the agency.

The CHAIRMAN. Our next witness will be Mr. Ben E. Hinden, legislative representative for the National Federation of Federal Employees.

**STATEMENT OF BEN E. HINDEN, LEGISLATIVE REPRESENTATIVE,
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, ON BEHALF
OF NATHAN T. WOLKOMIR, PRESIDENT**

MR. HINDEN. Mr. Chairman, and members of the subcommittee, Dr. Wolkomir, president of the National Federation of Federal Employees, has been out of town and was hoping to be here this morning but wasn't able to make it.

As you know, the National Federation of Federal Employees is the pioneer of all Government employee organizations and the largest Government independent union, with locals and members in virtually all departments and agencies worldwide.

The committee is addressing itself today to air traffic controllers' legislation including H.R. 8083, which you introduced, Mr. Chairman, and which I understand reflects the administration's position.

I am here to express our strong support of legislation to provide early voluntary retirement benefits for air traffic controllers. The National Federation of Federal Employees urges that there be included in the early voluntary retirement legislation those air traffic controller specialists, research and development, employed at the National Aviation Facilities Experimental Center in Atlantic City, N.J.

I understand that these air traffic controllers simulate the same conditions that the air traffic controllers have in the control towers and in many instances their tests—the planes fly at a very high speed and there may be even more planes than in some of the higher density areas.

There are approximately 50 such employees and they were included in previous legislation introduced in the U.S. Senate during the last Congress. Their inclusion is indicated by every measure of logic and equity.

H.R. 8083 provides in section 5 thereof:

An employee who is voluntarily or involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller is entitled to an annuity.

As we read this provision, an employee completing 24 years of service as an air traffic controller, or an employee after becoming 50 years of age and completing 19 years of service as an air traffic controller, would not be entitled to an annuity although his total Federal service was 25 years in the first instance and was 20 years in the second instance.

We would suggest that section 5 of H.R. 8083 be amended to give fair credit for time spent as an air traffic controller so that the situations which we cited would not keep the employee from receiving an annuity.

As the committee is well aware, the duties and responsibilities of air traffic controller positions are exacting in the highest degree. In the hands of these employees are quite literally placed the lives and safety of large numbers of people as well as millions of dollars in Federal and private property. The duties of the air traffic controller are especially strenuous and demanding in all aspects.

The same cogent reason why the Government has recognized the special conditions faced by law enforcement and certain investigative employees, and has motivated the enactment of earlier retirement legislation for them, holds true in a very marked degree with respect to air traffic controllers.

As the committee is aware, the physical and emotional stresses and strains involved in the performance of these duties have been documented and conclusively supported by a great deal of expert testimony. We believe that these facts make favorable action on early retirement legislation not only essential from the standpoint of the

employees directly concerned but, as I have indicated earlier, even more so in the national and public interest. We feel very strongly, Mr. Chairman, that enactment of early retirement legislation should have a high priority in this session of the Congress.

We note under section 8 of H.R. 8083 that the provisions in section 4 requiring separation of an air traffic controller from the service on the last day of the month in which he becomes 56 years of age, etc., do not apply to a person who is appointed as an air traffic controller before the enactment of this legislation.

In other words, the provisions in section 4 are not applicable to those who are now air traffic controllers. If they were applicable to present air traffic controllers we would voice objections against such provisions. However, since they are not applicable to present air traffic controllers, I am only mentioning the matter in passing. The other provisions of H.R. 8083, do not appear to require me to make specific comments in light of my foregoing statements.

Mr. Chairman, I wish to express my appreciation to you and the members of the committee for your very active and constructive interest in this and other matters relating to Federal employees and the opportunity afforded me to express the views of the National Federation of Federal Employees on this legislation.

The CHAIRMAN. Thank you very much.

Are those air traffic controllers in your organization represented at the Atlantic City Center actually engaged in the control and separation of air traffic, and are they subjected to the same stress conditions as controllers operating in enroute control centers and towers?

Mr. HINDEN. They do exactly the same work as the people in the air traffic control towers but they are doing it on a test basis. Many times, as I said earlier in my testimony, they simulate conditions that are even greater than those in the high density areas. In other words, they control, have more planes to control, and so on.

And it is in this research and development center that the procedures and the policies are really developed for the benefit of the air traffic controllers in the towers in the other parts of the country.

The CHAIRMAN. Well in reading your testimony, doesn't the bill include them?

Mr. HINDEN. Well they do not appear to be covered specifically and we wanted to make sure that they would be covered. As a matter of fact we did speak to officials in the Department and it was their view that as the bill is presently drafted they would not be included and that was the opinion of the people in the Department of Transportation.

So we thought that if some specific language could be put in the bill this would cover this group of people—as I say there are approximately 50 such people up there in Atlantic City.

The CHAIRMAN. Counsel advises me that section 2109 of H.R. 8083 states the following:

For the purposes of this title, "air traffic controller" or "controller" means an employee of the Department of Transportation who is actively engaged in the control of air traffic or who is an immediate supervisor of an employee actively engaged in the control of air traffic in the air traffic control facility. The Secretary of Transportation may prescribe regulations to determine the application of this section to the employees of the department.

Doesn't that definition cover them?

Mr. HINDEN. Well, Mr. Chairman, I think it probably does. However, the Department itself does not consider under the language of the bill that they are covered and that is the reason that we suggested that there be something in the bill that would make it clear to the Department themselves that these people are covered.

The CHAIRMAN. Thank you, Mr. Hinden.

Mr. Bevill?

Mr. BEVILL. Do you support the bill in its present form?

Mr. HINDEN. With the exception of the comments that we made in the statement; yes, sir.

Mr. BEVILL. Yes. That is I believe you recommended one amendment there about the time element where a man has 19 years which it would certainly be an improvement on the bill?

Mr. HINDEN. That is right.

Mr. BEVILL. Are you satisfied with the protection that the controllers have under this administration bill as far as their appeal rights or, I should say, the fact that they have no appeal rights? Does that cause you any concern?

Mr. HINDEN. Frankly it does and frankly that is the reason for the language in our testimony in which we said that if this legislation were applicable to the air traffic controllers now employed that we would voice objections to the provisions.

But this bill does not apply to those who are present air traffic controllers and our organization would like to see some legislation enacted that would give early retirement benefits to the air traffic controllers. And since these provisions which we dislike do not apply to them, rather than take a chance on the possibility of some hangups, so that the legislation would get stalled, we would not object to it as it is.

That best expresses our position.

Mr. BEVILL. I understand. You feel that by giving them protection with your proposed amendment to let the time of 19 years count, of course, and the 24 years service in those two categories—that that would at least give them some protection although they can still, even with your amendment—if a supervisor didn't like his looks still fire him?

Mr. HINDEN. That is right.

Mr. BEVILL. But you feel like the advantages outweigh the disadvantages on the bill?

Mr. HINDEN. That is right.

Mr. BEVILL. You may have made the statement—I don't recall—are the controllers members of the National Federation of Federal Employees?

Mr. HINDEN. Yes.

Mr. BEVILL. What percentage do you have?

Mr. HINDEN. I can't give you the exact percentage. We have them all through the country. We have the group exclusive up there in Atlantic City, N.J.

Mr. BEVILL. How many members do you have in the National Federation?

Mr. HINDEN. We have around 100,000 members.

Mr. BEVILL. Thank you.

The CHAIRMAN. Mr. Chappell?

Mr. CHAPPELL. Mr. Hinden, as I understand it you are in general in support of H.R. 8083. Does this mean that you are in support of

this as compared to other proposals which have come before the committee by organizations comprised mostly of air traffic controllers?

Mr. HINDEN. We are not opposed to the bills that have been introduced by the others. We feel that this bill has a chance of getting through.

We are not—as I stated earlier—entirely happy with this bill. But we could live with it. We think that since it reflects the administration's position, and since we have had conversations with the people in the Department, we feel that if there is a lot of opposition to this particular bill, and many features of it are killed, and other bills are substituted for it, that it may be unlikely that any legislation would be enacted.

And we feel that it is important that early voluntary retirement benefits be given to these air traffic controllers and we'd like to see it done as soon as possible.

Mr. CHAPPELL. I think you said that, everything considered, you prefer to try and pass this?

Mr. HINDEN. Right.

Mr. CHAPPELL. Let me go on to something else here. As I understand it, in H.R. 8083, the personnel who work in the flight service stations are not included?

Mr. HINDEN. In the test or experimental center at Atlantic City, that's right.

Mr. CHAPPELL. Now in general this is true, isn't it, that is, in the bill, the people who work in the flight service stations are not included?

Mr. HINDEN. That's right.

Mr. CHAPPELL. On the theory that they are not actual air controllers?

Mr. HINDEN. That's right.

Mr. CHAPPELL. Now where would you find the most strain or stress on one who is involved in controlling traffic—with the experienced pilot or an inexperienced pilot?

Mr. HINDEN. Well, I think that the stress could be on an experienced pilot as well as an inexperienced one, I think.

Mr. CHAPPELL. Except would you hold this to be true, comparing a many-thousand-hour pilot with one of the airlines, comparing him—you certainly wouldn't make that same statement when you compare him to a 10-hour student pilot, would you?

Mr. HINDEN. Well, I think generally speaking that your statement is correct, but there might be certain conditions where the student with 10 hours would be under certain stress and strain.

Mr. CHAPPELL. Yes, what I am getting at here is that the air controllers are working exclusively with instrument flight qualified pilots, am I correct?

Mr. HINDEN. That's right.

Mr. CHAPPELL. Not working with visual flight rule pilots?

Mr. HINDEN. That's right.

Mr. CHAPPELL. But strictly with instrument flight rule pilots. This means that they are working with the most skilled pilots in the entire profession, the entire flight profession, is that correct?

Mr. HINDEN. That's right.

Mr. CHAPPELL. And the IFR people have the finest equipment of all those dealing with the flight services, am I correct?

Mr. HINDEN. That's right.

Mr. CHAPPELL. And your air controllers in the tower are controlling planes only within their vision, their sight, am I correct on that?

Mr. HINDEN. That's right.

Mr. CHAPPELL. So they are seeing what they are doing.

Mr. HINDEN. Yes.

Mr. CHAPPELL. Now those who are out of the towers and are working in your centers and in your terminals, with your terminal facilities, those people are governing their flight based upon a rather sophisticated gear, radar gear, working with transponders in most instances, guiding and separating aircraft, am I correct?

Mr. HINDEN. That's right.

Mr. CHAPPELL. Now here the people in the flight service stations are handling, first of all, a good part of the work of that pilot, even the instrument pilot, when he filed the flight plan, together with weather information, when he decided on his route, accepted his altitude and so forth, and in addition to that, isn't it true that the flight service stations personnel are working with every kind of pilot, student pilots that gets lost, or the quasi-experienced pilot who gets into a problem with weather?

And here the flight service people are trying to help him find himself, to get him on the ground before he runs out of gas, or keep him out of thunderstorms and all the other hazards of aviation.

Do you still say that the strain and stress on air controllers is so much more than on those personnel working in the flight service stations, that therefore the service station people should not also be considered?

Mr. HINDEN. Well, I don't think that I, as an individual who has never performed either one of these positions, could answer—in other words, I don't think that my statement as compared to those that have actually done the work, should go into the record as saying one as against the other, or both.

Mr. CHAPPELL. You are simply saying you do not consider yourself qualified as an expert sufficient to testify on that, right?

Mr. HINDEN. That's right.

And I know this much—this much I can say—I know that, for instance, up in Atlantic City—and I am basing this on the information that has come to me from the people that do the work—they say that their work up there, that they do exactly the same thing that the air traffic controllers do in the high-density areas, and I am basing my statements upon what they tell me.

As I say, myself, I couldn't say.

Mr. CHAPPELL. Well, the reason I raise the point, I think it points out the problem with which this committee and the Congress would be dealing all the time in trying to ferret out and find that occupation which should be classified as hazardous for retirement pay purposes, and I keep coming back to the point that, wouldn't it be a fine way, assuming you get the wage schedule established properly in the first place, wouldn't it be far better to then make certain we have the multiplier in the retirement system where it ought to be, and then take into account the only possibilities then of age and early retirement where you have it based purely upon the safety factor of the traveling public.

It seems to me this would be a better approach in dealing with air controllers and all the Federal employees in the retirement system, than to try to start picking out one here and there, because this is going to be a never ending process.

And I am not sure that the Congress can best handle which one of those ought to go in at any given time, and be fair to all of the rest of them.

Mr. HINDEN. I think, Congressman, your point is well taken, but I think there are exceptions, and yesterday I was here and testified before the subcommittee in connection with the firefighters. Federal firefighters.

And we had a large group of firefighters that were here in the room at the time. Among them was a firefighter who is a member of our organization, and he was involved in a rather serious accident, and it was necessary to take skin from his thigh and graft it to his hand.

And he is not able now to perform the duties of a firefighter. He is performing other duties.

As a firefighter, he worked 72 hours a week, and I don't recall exactly what his salary was at that time, but actually he is drawing less now than he was as a firefighter.

If there were early voluntary retirement provisions for him—and he was here in support of them—he would retire. He is not totally disabled from the standpoint that he is able to perform the job that he has been given, but he is not able to perform the duties of a firefighter.

I think, since he was hired as a firefighter, spent many years as a firefighter, and he got into an accident, as he did, that consideration should be given to him to permit him to retire, say, after 20 years service, rather than have him take another position at quite a reduction in salary.

The CHAIRMAN. The gentleman's time is up. Mr. McClure?

Mr. McCLURE. Thank you, Mr. Chairman.

Just to pursue that a step further, isn't it quite likely that if he retires, that he will take employment somewhere else?

Mr. HINDEN. Well, it might be that he would, but probably it would be part-time employment, and he would probably be making enough—almost as much as he probably would be getting—

Mr. McCLURE. You say he is not disabled and he is not at an age where he would ordinarily retire. Would he probably just go and take the early retirement and displace somebody else in the work force?

Mr. HINDEN. Or work a part-time job.

Mr. McCLURE. And probably a job that paid him less than he got as a firefighter, so in a sense he would be doing exactly the same thing he would be doing now, only in addition he would have the retirement he would get as a firefighter.

Mr. HINDEN. I think he would get the retirement benefits plus I think he could find a position on a part-time basis where he wouldn't have to put in the hours that he puts in now.

Mr. McCLURE. One question—because I am not familiar with the function of the air traffic controllers specialists at the National Aviation Facilities Experimental Center at Atlantic City.

You indicated that they are either performing precisely the same functions that the people in control towers do, but if I understood you

correctly, what you said in your statement, they are performing simulated missions.

Mr. HINDEN. That is right, sir.

Mr. McCLURE. Isn't a great deal of the strain that is imposed upon the air traffic controllers actually caused by the fact that there are hundreds of people up there in the air whose lives depend upon their skill and their precision?

Mr. HINDEN. I think you might argue that there is a difference, but in speaking to these people up there, they say that they actually have to go under conditions—it's up there where they do their experimentation, and they actually have more planes. It's true that it is a simulated test, but—

Mr. McCLURE. They actually have more simulated planes?

Mr. HINDEN. Right.

Mr. McCLURE. But if two blips on the radarscope come together, nobody dies as a result, and there is not that kind of an emotional strain on them as there is on the person in the control tower.

Mr. HINDEN. But they contend that they go through quite a strain in this work. In other words—I grant you that there is a difference in the type of strain, but they contend that it is considerable strain, particularly when they have more planes to have to take care of.

Mr. McCLURE. That reminds me of the woman in my county, working in the packing shed, packing prunes. At the end of a day's shift, she was completely fatigued, and she said it isn't the work, it's the decisions that I have to make that tire me.

I just wonder if really the parallel isn't fairly apt.

Mr. HINDEN. Except I believe that up there, they do use the results of their research and development, and I think that they have a great effect upon what is going to happen out in the towers, throughout the country. And for that reason, I think that the people up there ought to have the same benefits.

Mr. McCLURE. I have no question that their work is very important, and I think that, like my friend states, they should receive compensation in comparison to the importance of their work.

Earlier we had a question addressed to an earlier witness concerning the fact that Congress has been very concerned about the solvency and the integrity of our retirement fund, recognizing that if increased benefits are granted, there has to be an increased income to the retirement fund.

Do you feel that the beneficiaries of special benefits that might be granted under this proposed legislation should make the total increased contributions to the fund, or do you feel that it should be spread over all Federal employees?

Mr. HINDEN. I think it should be taken care of by appropriation.

Mr. McCLURE. I understand your position. Thank you.

The CHAIRMAN. Mr. Rousselot?

Mr. ROUSSELOT. You don't think that the employee himself might make an additional contribution?

Mr. HINDEN. I think that the major portion of it should come from appropriations, and if the employee of the particular—

Mr. ROUSSELOT. You didn't answer my question. Do you think the employee should make an additional contribution?

Mr. HINDEN. You mean the employee who is benefiting?

Mr. ROUSSELOT. The employee who is benefiting.

Mr. HINDEN. I wouldn't like to see a system whereby certain employees give different contributions than others.

Mr. ROUSSELOT. You want to impose that on my taxpayers, right?

Mr. HINDEN. No; I think if you are going to increase the contribution, it should be across the board.

Mr. ROUSSELOT. Why shouldn't the person who is benefiting from it contribute to it?

Mr. HINDEN. I think it changes the principle.

Mr. ROUSSELOT. What principle?

Mr. HINDEN. The principle of our retirement system, that you contribute a certain percentage to it to get the retirement benefits. That was the initial concept. In fact, it was our organization, the National Federation of Federal Employees, that first proposed the original retirement law. And we believe in an equal system as much as possible.

Mr. ROUSSELOT. You don't believe in the principle then that a person should contribute to their own retirement?

Mr. HINDEN. Yes, we do believe they should.

Mr. ROUSSELOT. That's all, Mr. Chairman.

The CHAIRMAN. If there are no other questions, thank you, Mr. Hinden.

Our next witness will be Mr. Francis L. Klueber, national vice president, National Association of Air Traffic Specialists and he is here with Mr. William R. Kraham.

Would you summarize your statement please, because we will have a call of the House very shortly.

Mr. KRAHAM. Yes, sir; Mr. Klueber is here, and he is national vice president. I am William R. Kraham. On my immediate right is Mr. Klueber and on his right is Mr. Fred Smoke, air traffic controller in the Washington FSS, formerly in the Washington center. He may answer questions on the difference in the type of stress.

On my immediate left is James B. Minor, consultant, formerly counsel with FAA, and more recently counsel with DOT.

I do have a rather lengthy statement and exhibits. The exhibits are Government documents that I ask to be inserted in the record in their entirety.

The CHAIRMAN. The entire statement will be inserted, and you may proceed with your presentation.

**STATEMENT OF MR. WILLIAM R. KRAHAM, EXECUTIVE DIRECTOR,
AND GENERAL COUNSEL, NATIONAL ASSOCIATION OF AIR TRAF-
FIC SPECIALISTS**

Mr. KRAHAM. And I will attempt to summarize my statement. Mr. Chairman and members of the committee, our association represents the majority of air traffic controllers employed at flight service stations. Thus far in the testimony, we have not heard presented—which is rather surprising—the fact that all controllers in air traffic system centers, terminals, and flight service stations, are called Air Traffic Control Specialists, by Civil Service definition; all Air Traffic Control Specialists are in the same grade classification category, GS-2152.

Approximately 18,000 or 19,000 of these specialists are assigned at centers and terminals. Approximately 4,200 to 4,300 air traffic control specialists are assigned at flight service stations.

Now the difference in the numbers assigned thereto account for the fact that in the last 4 or 5 years, 9,000 additional controllers have been hired by the agency, and none have been assigned to the flight service stations.

In other words, the flight service stations have had no personnel increases in about 4 years.

Now the record will show, and the statement will show, that in fact, as forecast again by the FAA, in the next 7 to 9 years, flight services, and that is the portion of the air traffic service rendered by flight service stations, is going to increase 260 percent in total flight services by 1981.

Pilot briefings alone will increase from 10.7 million to over 47 million, and that is a 343 percent increase.

Now this seems to me a total lack, failure on the part of FAA to recognize and treat the fastest growing segment in the aviation industry.

Now why is this so? We believe it is so because there has been attention drawn, unfortunately, only to the slowdowns of the air carriers, and that fire was put out first as personnel were added, and the Corson report was drafted because of the slowdowns a couple of years ago, and then published last year, and that was aimed primarily at the flow of commercial air carrier aircraft.

Now the appropriations, as I said, in the last several years haven't given anything for flight service.

Today, the flight service station system, comprises about 342 stations in a greater geographical area than any other facilities in the system; in 48 States, Alaska, Guam, Wake Island, American Samoa, Hawaii, and Puerto Rico, and so forth.

Each flight service station has an area of immediate responsibility of several hundreds of square miles. Now the best example is the Washington, D.C. flight service station. They are responsible for 65 military and civilian airports in an area extending from the District north to Pennsylvania line, west to Sky Line Drive, and east to the Eastern Shore.

In other words, any general aviation aircraft entering or departing these limits, are handled by the Washington station, and on a given day recently, they had as many as 1,000 pilot briefings, which is an awful lot for a limited staff.

There was some testimony at length given yesterday on the pilot briefings, and we won't necessarily get into the details of that, because it will, I am sure, be brought to your attention.

The flight service station controller serves as the backbone of the entire system. They handle 40 percent of all IFR flight plans, operate the entire VRF flight program. They are dealing with pilots of all kinds, professionals, amateurs; and 3,400 people in stations in 1970 handled over 48 million flight services.

In contrast, 9,000, approximately, controllers in centers handled about 23 million operations, and as I recall, approximately 7,000 controllers in terminals handled about 55 million services. And as I say, the flight service stations—3,400 controllers in flight service handled more than 48 million operations.

The CHAIRMAN. Could I interrupt? Mr. Chappell, do you have any questions right now to direct to the gentleman?

Mr. CHAPPELL. No.

The CHAIRMAN. Mr. McClure?

Mr. McCLURE. No questions. I would just like to state, Mr. Chairman, that I appreciate the fact that they do provide a very important service, and that I am convinced that they do need some attention in regard to the numbers of personnel and their assignments.

I am not certain that this legislation is the vehicle.

Mr. KRAHAM. I merely gave that as background. If I might get back into this now, again to show that 18 percent of the personnel, as Congressman Matsunaga testified, accounted for 57 percent of the "saves" of total aircraft in the system.

This is because they are dealing—as Mr. Chappell pointed out—with the most inexperienced pilots, by and large. Therefore, the pressures on these people are, of course, of a different nature. But really in many stations, like a small station in New Mexico, they have these same pressures where two men are operating and they are dealing with both experienced and inexperienced pilots.

When a pilot calls in to you and, it's not like a jet air carrier aircraft; he doesn't know where he is, and he is running out of fuel, and you don't know where he is. And that is the situation the flight service station controller has.

Such is not the case, as Mr. Chappell pointed out, in the center and terminal.

The CHAIRMAN. Mr. Kraham, your statement is quite replete with statistics, which show that flight service personnel perform a very vital role in the field of aviation. However, I fail to note any documentation to support the "early burnout" theory among these personnel.

Is there any evidence that indicates that flight service station specialists do, in fact, incur a loss of proficiency to the same extent as it is apparent among air traffic controllers at centers and towers?

Mr. KRAHAM. Mr. Chairman, first of all, there are no statistics furnished by FAA. In fact, the medical examiner for FAA, during hearings last year, testified there is no hard medical evidence on this. It is all from their own experience, from the controllers at centers, terminals, and stations, and on medical retirements.

Now in this connection, we took a sampling, since the FAA did not have any data; in fact, there are a greater number of disability retirements in flight service stations during the period of time the civil air surgeon testified to, for a 3-year period.

He indicated, I think, 272. I am not sure they didn't include some of our people, but in any event, in the same period of time, there were in fact 84 disability retirements in flight service stations.

Now I submit, Mr. Chairman, if you take 84 out of a total employee complement of 4,000 employees, and compare that with 272 out of 19,000, the percentage is substantially higher at stations.

Now in addition, this sampling of flight service stations, I don't have the disability count, but at the Washington, D.C. flight service station, the 3-year period 1967 to 1970, there was an increase of about 50 percent in sick leave.

In Savannah, Ga., 45 percent increase in sick leave in that 3-year period. And in Savannah, Ga. there are three air traffic controllers in

the flight service station suffering from nervous disorders preliminary to heart conditions, we understand. One diabetic case, which cannot be adequately treated because of the stress, and another related to early heart conditions, all presumably caused by stress.

In Phoenix, Ariz., they had a 21 percent increase in sick leave in the last 3 years. There are 17 journeymen there. Two had mild heart conditions, brought on by stress, one with severe ulcers. And the chief of the facility there had, in the last 2 or 3 months, a stroke, and is now supervising that facility from a wheelchair.

Now there is something wrong with the Federal Aviation Administration, because not only, as we discussed, have they ignored the needs in personnel, but they are completely ignoring the needs of a vital segment of the entire aviation community by barring this group from the early retirement consideration, where in fact in many cases it is needed more.

The CHAIRMAN. Let me just interrupt and say that your statement will be placed in the record as if read, and if there are any other statistics or data that you want to have in, we will be happy to have you submit it for the record in the next few days. I have no further questions.

The bells have rung the second time, and we must respond to that call of the House.

So if there are no further questions—

Mr. KRAHAM. I am just going to suggest, the only thing is that Mr. Smoke could give you the clear definition of the difference in the types of stress suffered, if needed.

The CHAIRMAN. Everyone pleads his own case. It's the same as with the firemen. I introduced a bill on the other hazards, of immigration and customs inspectors, they all have stress and hazards.

But we are trying to get the entire picture, and I feel that I think we have a great deal of information that was submitted and I appreciate it.

I have no further questions. If there are no others—

Mr. McCLURE. I would just like to comment that, in fairness to our chairman, in scheduling these hearings this morning, he had no knowledge of the fact that the House was going into session an hour earlier. And any brevity of questioning is simply the result of an unexpected event as far as scheduling of action on the floor of the House.

Mr. KRAHAM. One closing sentence, if I may, Mr. Chairman. We were included in the early retirement subsequent to the findings of the Corson report, and were taken off, I believe, for reasons of economy, or otherwise.

But evidently it proved the case of stress.

I might point out further, as a final statement, that the name flight service station, which is a misnomer—people have asked is that where you get your gas?—is being changed to flight safety station, which is an admission of the vital importance of this function by the agency.

The CHAIRMAN. Thank you very much.

(The prepared statement with attachments follows:)

STATEMENT OF WILLIAM R. KRAHAM, EXECUTIVE DIRECTOR AND GENERAL COUNSEL, NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

The National Association of Air Traffic Specialists represents two thirds of about 4,000 air traffic control specialists employed in Flight Service Stations throughout the nation's air traffic system. Employees in Flight Service Stations are the only air traffic control personnel with whom pilots have direct personal contact through weather briefings and flight planning. They provide a most vital function at the grass roots for the entire aviation community.

It is not surprising that air traffic personnel in Flight Service Stations have been called "the life line of general aviation." Indeed, these people serve as the operations officers for the vast majority of more than 750,000 pilots who operate approximately 135,000 general aviation aircraft, out of more than 11,000 airports.

During 1970 there were about 4,700 assists to pilots of aircraft lost or otherwise in distress. Flight Service Stations accounted for more than half of all those saved, (2,720), with limited equipment capability and about two thirds of staffing requirements in personnel.

Flight services performed by Flight Service Stations numbered 42.2 million in 1969, a 14-percent increase over 1968. Watch schedules and leave schedules have been juggled. Most stations do not even provide for lunch breaks. The FSS system and its employees are on the verge of collapse. All personnel increases authorized by Congress in the past 3 years for the air traffic system have gone to centers and towers. Yet Flight Service Stations represent the fastest growing segment in the air traffic service.

In 1970 more than 48 million flight services were accomplished at Flight Service Stations, an increase of about 6 million over 1969. This situation needs immediate attention. The workload burden on Stations is staggering. No relief is in sight. Flight services are now being severely curtailed throughout the system. The situation will be worse tomorrow.

The magnitude of the job accomplished at Flight Service Stations and a look at the future, is dramatically illustrated in the following forecasts made by FAA:

"Total flight services are forecast to increase from 42.2 million in fiscal year 1969 to 153.0 million by 1981. This is a gain of over 260-percent. In 1970 the increase was 6 million.

"Pilot briefings alone will increase from 10.7 million in fiscal year 1969 to 47.4 million in fiscal year 1981, a 343-percent increase. The increase in 1970 was almost 2 million."

DOT/FAA appropriations for fiscal years 1970 and 1971 did not provide sufficient funds for additional Flight Service Station operations requiring more personnel, improved equipment and facilities.

DOT/FAA appropriations now before the Congress do not provide for essential increases for the needs of Flight Service Stations for fiscal year 1972.

There is something seriously wrong in the order of priorities when the fastest growing segment in the nation's air traffic system is permitted to collapse—a system upon which more than 750,000 pilots and 135,000 aircraft operating out of more than 11,000 airports, must rely.

For years there has been insufficient attention to the needs of Flight Service. Clearly, at the present time, there is gross neglect by FAA in not insisting that these requirements for FSS are met.

Flight service station system

The flight service station is an air traffic operational facility providing services to both IFR and VFR pilots operating general aviation, civil air carrier and military aircraft.

The prime functions of the FSS directly relate to air traffic system support, aviation weather acquisition and distribution and flight assistance services. In accomplishing its mission each facility assumes absolute responsibility for a specified flight area encompassing numerous airports, navigational aids and a requirement for knowing topographical features and landmarks in areas comprising hundreds of square miles surrounding such facilities and airports.

Flight service stations serve as the backbone of the air traffic system

As such, they handle over 40 percent of all IFR flight plans; they operate the entire VFR flight plan program, act as the prime data source for the National Flight Data Center, and originate Notices to Airmen (NOTAMS) concerning the operational status of airports and facilities as well as alert bulletins.

FSS also acts as one of the main focal points for aviation weather data acquisition and dissemination. Surface weather observations are performed at over 200 existing facilities and several hundred other surface and synoptic observations are compiled through interphone, telewriter, and teletypewriter circuits. Raw observation data, once compiled, is subsequently distributed to meteorological processors as well as direct users. Processed data, such as National Oceanic and Atmospheric Administration forecasts, is in turn relayed to both direct and indirect users.

FSS and IFSS personnel provide flight assistance services to pilots during all phases of flight.

Specialized preflight briefings which are attuned to the needs of the individual pilot are conducted both in person and by telephone.

These briefings provide the pilot with the latest available information regarding weather, navigational facility status, and general flying conditions to be expected along the routes of travel. On extended trips, other FSS facilities will be designated for in-flight contact to obtain further assistance for flight safety. Additional briefings, of a more generalized nature, are provided through mass briefing media.

The FSS communications capability continues to be of primary importance in maintaining the safety of the entire National Airspace System.

In-flight briefings of pilots are conducted as a matter of routine. Airport advisories are provided by FSS and IFSS at those airports where there are no towers. These are services which not only benefit the general aviation VFR pilot but civil air carriers and military IFR pilots as well. In this connection, flight assistance is provided to pilots lost or otherwise in distress. During 1970 in the entire air traffic system of FAA there were 4,670 assists to pilots who were lost or otherwise in distress. While there were of course several millions of operations handled routinely by FSS, Centers and Terminals (Towers), FAA annually publishes the results of assists or saves of pilots lost or otherwise in distress who are brought in safely through the use of direction finding equipment, radar and related aids to navigation.

During 1970 Center controllers accounted for 336 saves. During the year personnel operating at Centers numbered 8,643 including journeymen controllers and assistants.

During 1970 Tower personnel accounted for 1,614 saves. During that year control personnel operating at towers numbered 6,810 including journeymen and assistant controllers.

During 1970 FSS and IFSS air traffic control specialists accounted for 2,720 saves of pilots lost or otherwise in distress. During 1970 personnel operating FSS and IFSS facilities numbered 3,400 including journeymen and assistants.

In all of the above situations which are other than routine, FAA has published schedules showing types of aircraft involved, flight plans (or none), types of situations, and methods of assistance. These tables are attached as a part of this statement.

Additional responsibilities specifically assigned to the FSS and IFSS network of facilities include: providing special flight services to VFR aircraft in mountain, lake, swamp and oceanic areas, acting as the focal point of coordination during search and rescue operations of downed airmen. FSS and IFSS also assist the FBI U.S. Customs, and other law enforcement agencies in locating stolen aircraft, and aircraft engaged in illegal activities.

Stress and Pressure of Job

In his letter of April 29, 1971 addressed to the Congress, DOT Secretary John A. Volpe, as justification for a request concerning early retirement legislation for air traffic personnel, set forth, in part, the following:

"The basic role of the controller is to facilitate the safe and efficient flow of air traffic in that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears.

"The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work."

These things are also true at Flight Service Stations and at International Flight Service Stations. Our statement thus far establishes beyond any doubt that the pressures and stress are the rule and not the exception.

We cannot weigh or measure the stress and pressures which exist at all centers, terminals and stations. Of course there are differences as to degree, time and

place. Certainly there are particular stresses and burdens experienced at centers not experienced at terminals and stations. Likewise there are stresses and pressures experienced at FSS and IFSS not capable of being experienced at a center or terminal simply because the occasion giving rise to the particular stress at the station is not such that a center or terminal controller would have been called upon, required, nor qualified to handle. Similarly, as pertains to the separation of aircraft for taking off and landing—these are the duties of centers and terminals as aircraft enter and leave, airports and airways.

In testimony during 1970 before the House Appropriations Committee, FAA testified in part, as follows:

"The workload there (FSS), Mr. Chairman, has been expanding tremendously and, as you probably recall, we have not provided any additional persons in these activities for a long, long time and, therefore, to provide a reasonable aeronautic service under the present situation the overtime will go up. There is no question about it."

On April 7, 1970, during testimony before the House Committee on Appropriations, FAA Administrator John Shaffer testified in part, as follows:

"Over the past 3 years, 6,800 new positions for air traffic controllers have been requested of and authorized by the Congress. With the 2,265 in our 1971 request, if approved, we will have added over this 4 year period more than 9,000 persons to the controller work force, a virtual doubling of that work force."

Note: None of the above personnel increases went to FSS and IFSS.

The two illustrations shown above explain, but do not excuse, the very alarming workload pressures that FSS and IFSS personnel have been subjected to, for several years. Using FAA's own data, we find that during 1970 each FSS and IFSS specialist handled, on an average, 14,135 flight services per man. In terms of Productivity Index per position, it equalled about 228 percent; Centers 134 and terminals 143. As may be seen, personnel increases serve to decrease workload pressure to some extent, in terms of amount of work, but do not, nor can they, remove the stress and pressure in air traffic work.

When you read of reports, or otherwise hear about them, concerning a "save" of a pilot and his aircraft and passengers, brought in for a safe landing, the chances are that it may have been an air traffic control specialist at a Flight Service Station or International Flight Service Station who talked the pilot in safely through the use of direction finding equipment or related navigational aids, frequently, in remote areas, by reference to geographical landmarks. During 1970 there were 4,670 such incidents. FSS and IFSS personnel accounted for 2,720 of them, or 57 percent.

In conclusion, permit me to quote two items from FAA publications concerning FSS and IFSS. From an August 1970 Air Traffic Bulletin:

"During the period 1/1/70 through 8/5/70, 335 flight assist reports were received from Southwest Region facilities. Over half of these reports were from flight service stations where DF and VOR orientation is used extensively to locate lost pilots and assist them to safe landings. DF and VOR orientation practices are difficult to perform, especially under the stress of an emergency. We feel that specialists performing these functions have not received the recognition for which they are entitled and encourage facility chiefs to commend specialists who have provided outstanding service to a pilot."

From the FAA Aviation News, August 1970, we quote in part the following:

"Today's flight service station specialist is no longer required to lead the rugged pioneer life of his predecessors in the airway radio stations. His day-to-day work is not as dramatic as it once was, nor as widely appreciated by the public, since he does not direct or regulate air traffic. But nevertheless he is the person most pilots rely on for flight planning data, for guidance over unfamiliar terrain, for steady reassurance when they get into trouble. No one who has ever been caught in a plane in a violent thunderstorm, or become disoriented in fog over hazardous terrain, or run out of fuel in pitch darkness, can forget what it is to hear a calm, steady voice on the radio receiver leading him out of agonizing uncertainty and down to the firm green earth."

We respectfully request that H.R. 8083 providing for early retirement for air traffic controllers be amended to include air traffic control specialists and their immediate supervisors in such facilities, at all Flight Service Stations and International Flight Service Stations. Proposed amendatory language to accomplish such amendment is set forth on page 15 attached hereto.

We appreciate this opportunity to express our views before your Committee regarding the proposed legislation.

AMENDMENT OFFERED

To amend H.R. 8083 regarding early retirement for air traffic personnel as follows:

On page 2 of the bill at line 5 after the word "facility" the following punctuation and language should be added: "; it also includes an employee actively engaged in pre-flight or in-flight assistance, or who is the immediate supervisor of an employee actively engaged in pre-flight or in-flight assistance, in a flight service station or international flight service station."

Air Traffic Activity for 1970

SUMMARY

The calendar year 1970 issue of FAA Air Traffic Activity contains tables and charts which show activity at the FAA-operated facilities. These data reflect the trends and patterns in aviation in the United States and U.S. areas. A summary of the data is shown below:

<u>Journeyman and Assistants: Personnel</u>	<u>Item</u>	<u>Calendar year 1970</u>	<u>Calendar year 1969</u>	<u>Percent change</u>
<u>8,643</u>	<u>ARTC Centers</u>			
	IFR aircraft handled (Departures times 2, plus overs)	21,404,869	21,571,306	-1
<u>6,810</u>	<u>Towers</u>			
	Aircraft operations	55,280,498	56,231,821	-2
	Instrument operations	15,205,509	r/15,044,651	+1
	<u>Instrument approaches, total</u>	1,683,579	1,763,228	-5
	ARTC Centers	97,706	109,432	-11
	Approach control facilities	1,585,873	1,653,796	-4
<u>3,400</u>	<u>Flight Service Stations</u>			
<u>includes</u>	All Flight Services	45,552,972	43,267,368	+5
<u>IFSS</u>	Aircraft contacted	9,463,990	9,491,272	(*)
<u>Personnel</u>	Flight plans originated	5,874,925	5,652,671	+4
	Airport advisories	3,205,983	3,297,465	-3
	Pilot briefs	12,169,566	11,235,377	+8
	<u>Combined Station/Towers</u>			
	All Flight Services	1,256,915	1,176,201	+7
	Aircraft contacted	410,801	419,879	-2
	Flight plans originated	216,068	189,571	+14
	Airport advisories	6,337	6,848	-7
	Pilot briefs	206,989	188,590	+10
<u>Included</u>	<u>International Flight</u>			
<u>Personnel</u>	<u>Service Stations</u>			
<u>under</u>	All Flight Services	2,507,397	2,373,211	+6
<u>FSS</u>	Aircraft contacted	484,849	500,807	-3
	Flight plans originated	630,224	541,360	+16
	Airport advisories	7,001	5,037	+39
	Pilot briefs	381,050	394,842	-3

r/ Revised.

(*) Less than 0.5 percent.

Note: Other Air traffic personnel including trainees, crew chiefs, watch supervisors, assistant chiefs, facility chiefs, training, planning, and other regional and headquarters personnel for each type of facility are as follows:

Center: 2,205 Terminal (Tower): 1,903 Station (FSS): 817

RESUME OF FLIGHT SERVICE STATION FACILITIES AND SERVICES

Flight Service Stations (FSS) -----	332
International Flight Service Stations -----	8
International Aeronautical Telecommunications Switching Centers -----	3
Weather Observations:	
By U.S. Weather Bureau -----	121
By FAA Flight Service Stations -----	212
Shared by WB/FAA -----	7
Others -----	5
Direction Finder Service (DF) -----	156
Doppler (D) -----	147
VHF/DF -----	7
UHF/DF -----	2
Transcribed Weather Broadcast Facilities (TWEB):	
Equipment Locations -----	75
Outlets -----	86
Remote Communications Outlets (RCO) -----	46
Limited Remote Communications Outlets (LRCO) -----	459
Weather Avoidance Radar (locations in the 48 States)	28
One such facility on entire east coast between Maine and Florida: located at Charleston, S.C.	
No such facility at FSS west of Goodland, Kansas in the entire 48 states.	

FLIGHT ASSISTS BY ARTCC (Centers)

CY 1970

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<u>AIRCRAFT TYPES</u>													
Civil:													
Single Engine.....	12	13	16	5	6	5	9	5	8	10	19	14	122
Multi-Engine.....	9	3	5	2	1	2	1	7	3	1	6	2	42
Jet.....	3	2	0	0	1	0	0	0	0	0	0	0	6
Total Aircraft....	24	18	21	7	8	7	10	12	11	11	25	16	170
Military:													
Piston.....	0	0	0	1	2	2	3	0	2	2	4	1	17
Jet.....	8	13	2	1	4	3	8	8	2	8	7	6	70
Total Military...	8	13	2	2	6	5	11	8	4	10	11	7	87
TOTAL AIRCRAFT...	32	31	23	9	14	12	21	20	15	21	36	23	257
<u>FLIGHT PLAN</u>													
VFR.....	11	18	6	2	4	8	5	5	5	9	19	6	98
IFR.....	21	12	13	5	9	3	7	10	3	7	9	12	111
None.....	3	2	4	2	1	1	3	4	5	1	4	3	33
<u>TYPES OF SITUATIONS</u>													
(More than one possible per aircraft)													
Lost.....	10	8	10	3	6	1	6	4	8	8	11	9	84
On Top or In Weather..	4	4	10	2	4	2	2	4	2	3	11	10	58
Com or Nav Failure....	10	4	3	2	3	4	6	6	3	3	11	7	62
Low on Fuel.....	2	9	2	0	3	0	2	2	2	2	3	2	29
Mechanical.....	8	7	5	4	4	5	5	7	3	5	8	8	69
Other.....	4	2	1	0	0	0	3	3	2	4	5	1	25
TOTAL SITUATIONS.	38	34	31	11	20	12	24	26	20	25	49	37	327
<u>METHODS OF ASSISTANCE</u>													
(More than one possible per aircraft)													
VOR.....	3	1	0	0	1	0	1	2	0	0	0	0	8
DF.....	2	1	6	0	1	0	4	3	3	2	7	4	33
ADF.....	0	0	0	0	0	0	1	0	0	0	0	0	1
Radar.....	28	30	22	9	13	11	14	19	11	19	29	31	236
Geo. Landmarks.....	3	0	1	0	0	0	0	2	1	0	0	6	13
Other.....	6	4	7	3	3	2	5	4	1	3	3	4	45
TOTAL ASSISTANCE.	42	36	36	12	18	13	25	30	16	24	39	45	336

FLIGHT ASSISTS BY TOWERS (Terminals) **CY 1970**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
AIRCRAFT TYPES													
Civil:													
Single Engine.....	92	87	91	68	89	76	70	61	69	78	81	87	949
Multi-Engine.....	12	11	5	13	10	8	16	11	8	13	11	10	128
Jet.....	3	3	0	3	2	2	3	0	2	0	4	0	22
Total Aircraft.....	107	101	96	86	101	86	89	72	77	91	96	97	1099
Military:													
Piston.....	2	1	1	4	2	1	3	0	0	2	4	0	20
Jet.....	8	7	6	5	4	6	2	3	7	10	5	15	78
Total Military....	10	8	7	9	6	7	5	3	7	12	9	15	98
TOTAL AIRCRAFT.....	117	109	103	95	107	93	94	75	84	103	105	122	1197
FLIGHT PLAN													
VFR.....	44	51	43	37	57	40	39	34	31	49	40	36	501
IFR.....	21	14	13	10	12	8	10	6	10	14	15	19	152
None.....	52	42	47	48	38	45	36	26	43	41	43	49	510
TYPES OF SITUATIONS (More than one possible per aircraft)													
Lost.....	59	58	65	47	57	59	44	42	38	47	54	44	614
On Top or In Weather..	22	19	14	20	16	14	9	14	17	30	28	26	229
Com or Nav Failure....	17	14	11	8	10	5	12	6	7	16	17	15	138
Low on Fuel.....	22	10	15	14	12	7	6	11	9	11	17	7	141
Mechanical.....	15	12	5	13	17	13	13	9	11	18	15	12	153
Other.....	12	17	17	16	15	16	30	14	23	25	22	23	230
TOTAL SITUATIONS.....	147	130	127	118	127	114	114	96	105	147	153	127	1505
METHODS OF ASSISTANCE (More than one possible per aircraft)													
VOR.....	17	17	18	20	15	16	11	11	7	7	13	13	165
DF.....	30	23	26	29	37	24	21	18	23	29	28	31	319
ADF.....	1	0	1	0	1	0	0	0	1	1	0	0	5
Radar.....	84	71	62	52	62	61	47	39	55	64	66	76	739
Geo. Landmarks.....	8	9	9	15	7	6	8	14	10	10	7	15	118
Other.....	17	22	17	27	25	17	22	21	29	22	17	32	268
TOTAL ASSISTANCE.....	157	142	133	143	147	124	109	103	125	133	131	167	1614

FLIGHT ASSISTS BY FSS (Stations)

CY 1970

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<u>AIRCRAFT TYPES</u>													
Civil:													
Single Engine.....	129	170	159	159	161	166	182	199	121	89	120	124	1779
Multi-Engine.....	8	8	8	9	4	5	16	11	8	2	5	6	90
Jet.....	0	0	1	0	0	0	0	1	0	0	0	0	2
Total Aircraft.....	137	178	168	168	165	171	198	211	129	91	125	130	1871
Military:													
Piston.....	0	0	1	0	0	0	0	1	3	1	1	1	8
Jet.....	1	1	0	0	1	0	0	1	2	1	2	3	12
Total Military....	1	1	1	0	1	0	0	2	5	2	3	4	20
TOTAL AIRCRAFT....	138	179	169	168	166	171	198	213	134	93	128	134	1891
<u>FLIGHT PLAN</u>													
VFR.....	78	104	116	100	110	102	103	120	79	63	78	78	1131
IFR.....	5	5	7	4	1	1	7	3	6	1	0	2	42
None.....	55	70	46	64	55	68	86	89	52	28	68	54	735
<u>TYPES OF SITUATIONS</u>													
(More than one possible per aircraft)													
Lost.....	96	131	120	119	113	132	147	160	98	64	88	94	1382
On Top or In Weather...	42	32	25	38	19	30	18	21	19	18	19	33	314
Com or Nav Failure....	17	25	11	17	19	20	30	23	15	16	24	18	235
Low on Fuel.....	12	21	15	13	12	14	16	15	13	7	17	15	170
Mechanical.....	6	13	18	6	1	9	12	13	3	8	7	15	111
Other.....	10	7	9	8	10	11	29	32	21	13	20	17	187
TOTAL SITUATIONS..	183	229	198	201	194	216	252	264	169	126	175	192	2399
<u>METHODS OF ASSISTANCE</u>													
(More than one possible per aircraft)													
VOR.....	66	76	69	62	76	75	93	81	54	41	45	57	795
DF.....	84	110	113	108	111	112	122	147	93	64	92	78	1234
ADF.....	0	1	1	1	0	0	0	3	2	0	1	1	10
Radar.....	7	14	9	10	6	9	12	20	8	7	13	18	133
Geo. Landmarks.....	33	33	39	37	38	51	63	42	26	21	27	32	442
Other.....	11	9	7	7	5	5	16	10	9	8	9	10	106
TOTAL ASSISTANCE..	201	243	238	225	236	252	306	303	192	141	187	196	2720

(The letter which follows was also furnished for inclusion in the record:)

WILLIAM R. KRAHAM,
Washington, D.C., June 30, 1971.

Re: Air traffic controller early retirement.

Hon. THADDEUS DULSKI,
Chairman, Committee on Civil Service and Post Office,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DULSKI: As counsel for the National Association of Air Traffic Specialists representing controllers at FAA Flight Service Stations, and with reference to our testimony before your Committee and the Subcommittee on Retirement on June 21 and 22, 1971, I urge your immediate consideration of the information following as it pertains to the early retirement portion of the Administration's proposal for legislation affecting air traffic control personnel.

On June 8th FAA testified before your Committee and stated that in a three year period there were 272 medical retirements from the controller ranks at FAA. Nothing was stated about Flight Service Station medical retirements.

On June 22, 1971 I testified before your Committee and indicated that for a similar time there were in fact a higher percentage of medical retirements at stations than at either centers or towers.

On June 24th, in an effort to get a record of actual medical retirements for the entire air traffic controller population (centers, towers and stations), I questioned the FAA Air Surgeon's office, and was advised that there was no breakdown in numbers of retirements for the three types of facilities, but that FAA was changing its testimony it gave before your Committee. The changed testimony, I was advised, now reads as follows:

"There were 538 total controller medical retirements (tower, center, station) during the past 5 calendar years (1966-70)"

Other than the medical problems we all now realize are currently experienced among control personnel at centers, towers and stations, the only real hard medical evidence of stress we have before us is the actual medical experience covering such medical retirements shown to have taken place at each type of facility. We have been greatly concerned with the fact that FAA has not supplied your Committee with the precise data showing exact incidence of medical retirements, by numbers at each type of facility, for centers, towers and stations.

There is also absent any reasonable explanation by FAA for carving out controller personnel at Flight Service Stations and excluding them from early retirement consideration. In fact, we sincerely believed that the number of stress incurred illnesses, were, by the nature of duties involved, greater at Flight Service Stations than at most other air traffic facilities. In connection with the latter, as it relates directly to the retirement question, the Subcommittee has received a very large number of letters which apparently demonstrate a severity of stress among Flight Service Station controllers to a greater degree than anyone so far has been made aware; however, with the exception of FAA. They are and have been aware of such fact for some time. In this connection, I pursued the matter further, also giving consideration to the fact that testimony had been presented before Congressman Waldie's Subcommittee that Flight Service Station controllers had originally been included in any early retirement legislation, but had been removed either at FAA or DOT level. My letter to you dated July 16, 1970 made reference to an FAA briefing on such FSS controller inclusion in early retirement, said briefing having taken place at FAA headquarters on July 9, 1970.

On June 29, 1971 I learned from an FAA source that indeed there is in existence a precise breakdown in numbers of medical retirements at stations, centers and towers. The facts are as follows:

Air Traffic Controllers on duty at FAA Centers, Towers and Stations as of December 31, 1970, showing actual medical retirements during past 5 years (1966 through 1970), also showing percentages of medical retirements at each type of facility for the same period:

Type of facility	Number of controllers, including supervisors each type facility on Dec. 31, 1970	Actual number of medical retirements for 5-year period by facility type (1966-70)	Percentage of medical retirement, controllers during 5 years (1966-70)
Centers.....	10,848	160	1.5
Towers.....	8,713	229	2.6
Stations.....	4,217	134	3.1
Administrative, FAA headquarters and regional staff.....		15	
Total medical retirement (1966-70).....		538	

Our Conclusion: The incidence of air traffic controller medical retirement is greater at Flight Service Stations than at either Centers or Towers during the period (1966 through 1970).

Our Recommendation: Clearly, the air traffic controllers at Flight Service Stations should be included in any early retirement Bill for air traffic control personnel.

Thank you for the opportunity to appear before your Committee.

Sincerely,

WILLIAM R. KRAHAM.

The CHAIRMAN. Our next witness is Mr. Les Dorson, president, Retirement Federation of Civil Service Employees, who has generously agreed to submit his statement for the record. We appreciate your cooperation, Les.

There being no objection, so ordered.

**STATEMENT OF MR. LES DORSON, PRESIDENT, RETIREMENT
FEDERATION OF CIVIL SERVICE EMPLOYEES**

Mr. DORSON. Mr. Chairman and members of the committee, my name is C. L. Dorson and I am president of the Retirement Federation of Civil Service Employees of the U.S. Government with headquarters in this city.

Our primary interest in H.R. 8083 concerns sections 5, 6, and 7, on pages 10 through 12, which propose special retirement benefits for air traffic controllers in the Department of Transportation. With your permission, I shall confine our remarks to these sections.

If enacted, sections 5 and 6 would create increased and inequitable retirement benefits for some air traffic controllers. Since the bill provides that both receive minimum annuities of at least 50 percent of average salary, the controller who is separated, whether voluntarily or involuntarily, with only 20 years' service would receive an annuity equal to a 2½ percent computation rate while his fellow controller with 25 years' service would receive an annuity equal to a 2 percent computation rate for each year of service. Controllers who serve 27 or more years would receive, as we understand H.R. 8083, annuities computed at the same rate as most other employees: 1½ percent for the first five, 1¾ percent for the second five and 2 percent for service in excess of 10 years. While the proposed benefit may encourage early retirement, it most certainly contains no reward for loyalty and long service.

Our organization has long advocated that benefits under the civil service retirement system be provided on an equal basis at equal cost, for all of the system's beneficiaries. Two bills now before this committee, H.R. 6622 by Congressman Leggett and H.R. 7540 by Congressman Fulton of Pennsylvania, would, we think, accomplish much more equitably what sections 5, 6, and 7 of H.R. 8083 propose for air traffic controllers and for the great majority of other Federal employees as well.

H.R. 6622 proposes a computation rate of 2½ percent of average salary with an alternate weighted rate of 2 percent plus \$25 which would benefit everyone whose average salary is less than \$5,000. We think this to be the fairest method of providing retirement benefits for air traffic controllers and all others covered by the civil service retirement system. Therefore, we urge that you amend H.R. 8083 by substituting the provisions of H.R. 6622 for those proposed by sections 5, 6, and 7.

Mr. Chairman, we are grateful for this opportunity to express our views.

The CHAIRMAN. The committee stands adjourned.

(Whereupon, at 11:15 a.m. the hearing was adjourned.)

(The following statements were received for inclusion in the record:)

STATEMENT OF HON. NICK BEGICH, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ALASKA

Mr. Chairman, thank you for the opportunity to submit testimony on this very important question. After the evidence presented in these hearings by a number of distinguished and well-informed witnesses, I feel it unnecessary to offer any further technical testimony on the legislation being considered. I do feel, however, that after reviewing the various forms of legislation before the Post Office and Civil Service Committee, and listening to the previous testimony, that it might be appropriate to add the perspective of Alaska to your deliberations.

As this Committee well knows, Alaska has for many years had an extremely high percentage of Federal employees. As you also know, no state relies so much on air travel as does Alaska. For these two reasons, I have a deep interest in this legislation and the people it should benefit. From that source of interest, let me make a few very brief comments.

First, I believe that the specific goal of air controller legislation is highly desirable, but that it should not obscure the much larger task ahead. This task, of course, is to address legislation to the working conditions, retirement and other factors relating to all Federal employees who are involved in hazardous and high risk designations. I am well aware that this Committee appreciates that this is the big job ahead, and I mention it to make very clear that I favor an approach to the air controller legislation which will enable it to be broadened and integrated with facility into a scheme to cover the entire area.

Next, I have considered what I see as the two basic approaches to the specific legislation relating to air traffic controllers. The first approach is that offered by the administration in H.R. 8083. In this bill, I see a commendable willingness to come to terms with a problem which could and should have been solved five or six years ago. Still, in its refusal to part with great reserves of administrative discretion in personnel and retirement provisions, this bill offers far less in substance than it does in form.

The second approach is the one taken by my two able colleagues, Mr. Udall and Mr. Wyatt, in which I join along with a number of our other colleagues. This approach, set forth in H.R. 8951, is that which utilizes, as much as possible, the thinking and desires of the air traffic controllers themselves. I believe their ideas are well-grounded in their own experience, and not unreasonable.

In each of its aspects, H.R. 8951 and the related bills offer necessary standards in this area of need. In its establishment of the formula which gives controllers 1.4 years of retirement time credit for each year served, the bill merely adopts the recommendations of the Air Traffic Controller Career Committee which was created by the Secretary of Transportation. I believe we should follow this Committee's advice.

The procedures for personnel policies are similarly desirable. After the difficulties experienced by the controllers last year, they believe that a system for guaranteed appeal must be established. H.R. 8951 establishes such a system through a board of appeal, and I believe it meets the needs in this area.

The final area which I would mention briefly is the provision in H.R. 8951 for secondary career retraining for "burned out" air traffic controllers. In my view, the establishment of such a liberal system of reeducation is the best possible investment, for it insures that the talents of these highly skilled men and women will not be lost after they are unable to adequately function as air traffic controllers. In addition, the knowledge that such a retraining program is available will prevent controllers from attempting to stay on the traffic control job too long past peak efficiency.

Mr. Chairman, these are only the high points of H.R. 8951 which is, in my view, the best legislative proposal for solving this difficult and immediate problem. For Alaska, it is a sound investment in two important ways. First, it offers a new range of well deserved benefits and procedures to an important group of Federal employees in Alaska—the air traffic controllers. Second, it offers the benefits of greater air safety to all those who travel by air, and in Alaska, this is nearly everyone.

NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS,
Washington, D.C., June 2, 1971.

HON. THADDEUS J. DULSKI,
*Chairman, House Committee on Post Office and Civil Service, House of Representatives,
Cannon House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We are advised that the House Committee on Post Office and Civil Service is now considering legislation concerning Air Traffic Controllers.

The National Association of State Aviation Officials is composed of the Aeronautics Departments of the several States and the Commonwealth of Puerto Rico. We are aware of the services performed by the air traffic controller. We are aware of the degree of professionalism and responsibility needed to perform these services. We are aware of the exceedingly rapid pace of air traffic control and the stresses that are thereby placed on controllers. We are aware that H.R. 8083 results from the careful deliberations and enlightened recommendations of the Corson Committee.

We therefore urge the Committee on Post Office and Civil Service to support H.R. 8083. Our only suggestion is that H.R. 8083 be amended to allow some degree of partial retirement credit for active service as a professional controller for a period less than 20 years. If this amendment is not made, we fear that the Bill would otherwise impede promotions of controllers to administrative duties. It could also impede the lateral transfers of good employees who were not good controllers.

Respectfully,

JOHN P. WOODS,
Executive Vice President.

AIR TRANSPORT ASSOCIATION,
Washington, D.C., June 7, 1971.

HON. THADDEUS J. DULSKI,
*Chairman, Post Office and Civil Service Committee,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The House Post Office and Civil Service Committee will soon consider legislation under H.R. 8083 providing for maximum entrance and retention ages, training and early retirement for air traffic controllers.

The airlines, have for many years, supported a vigorous program to improve the lot of the controller, including such items as new and better equipment, greater number of controllers so as to reduce the requirement for overtime, and better working conditions. We have strongly endorsed the findings and recommendations of the Air Traffic Controller Career Committee (Corson Committee) which recommended, among some 40 items, the consideration of early retirement as well as maximum entrance and retention age as fundamental to the maintenance of a viable and effective air traffic controller force.

H.R. 8083 accomplishes much of what was recommended by the Corson Committee; it covers generally those features sought by the controllers and supported by the airlines in the area of "early retirement." Accordingly, we strongly support the passage of the bill.

We do find, however, one shortcoming in the bill which gives us some concern and which we hope could be resolved possibly by amendment of the present bill or at some time in the future.

Specifically, we are concerned about the amendment to Title 5, U.S. Code, Sec. 4, Section 8335 "(e)" which, as written in the bill gives no credit towards early retirement for anyone serving less than 20 years as an active controller. It would seem reasonable that for each year of active control work performed at a high density facility the individual should receive some accelerated credit toward retirement. Under H.R. 8083 a controller must serve at least 20 years as an active controller before he can be considered for early retirement. Thus, if a controller served for 19 years and, at that point in his career he could no longer continue to actively control traffic for some reason, he would have accumulated no accelerated credit toward early retirement and therefore would be required to serve the full time as if he had never been a controller. To circumvent this provision of the bill, we believe there could be a tendency on the part of some supervisors to carry people of marginal productivity on the rolls during the last 2 or 3 years of the 20 years in order for the individual to benefit from the early retirement plan. This seems self-defeating to a safe, efficient ATC system. The airlines believe it should be an easy process to remove a person from controlling traffic in the interest of

safety without serious financial consequences to that person when he or she can no longer operate at peak proficiency. Some form of accelerated credit for service as an air traffic controller prior to the 20-year point would seem to be in order to alleviate this possibility.

ATA, on behalf of the scheduled airlines, appreciates this opportunity to provide the Committee our views on this important piece of controller legislation and hope that it can be moved rapidly toward passage.

Cordially,

S. G. TIPTON, *President.*

AIR TRANSPORT ASSOCIATION,
Washington, D.C., June 25, 1971.

HON. THADDEUS J. DULSKI,
Chairman, Post Office and Civil Service Committee, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: For the past several weeks the House Post Office and Civil Service Committee has been considering air traffic controller legislation. In our letter to you on June 7, 1971, in reference to H.R. 8083, we stated that the airlines strongly supported passage of H.R. 8083 because it would accomplish much of what was recommended by the Corson Committee and had been sought by controllers. We also expressed concern at that time over certain shortcomings of H.R. 8083, especially as related to the lack of any provision for credit toward early retirement for anyone serving less than 20 years.

We have recently had an opportunity to review H.R. 8951 which also addresses controller early retirement. We note that this bill provides accelerated credit for service less than 20 years and also contains some other desirable features not included in H.R. 8083. In addition to improving the early retirement provision, H.R. 8951 provides additional protection for the controller in the event of adverse action proceedings against him because of medical or other circumstances which affect his ability to perform controller duties. H.R. 8951 also clarifies the role of supervisors who are directly engaged in supervising air traffic control specialists whereas H.R. 8083 was not clear on this point. The airlines support these additional provisions.

In summary it appears, that some parts of H.R. 8951 are more responsive to the needs and desires of the controller work force in the area of retirement credits and job protection than H.R. 8083. We respectfully suggest that, as a minimum, the committee consider incorporating these provisions into H.R. 8083.

Cordially,

S. G. TIPTON.

(The letter which follows was the transmittal letter from the Secretary of Transportation to Speaker Carl Albert, dated April 29, 1971. A reproduction of H.R. 8083 and a sectional analysis of that bill also follow.)

THE SECRETARY OF TRANSPORTATION,

Washington, D.C., April 29, 1971.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for introduction and referral to the appropriate Committee is a draft bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

The purpose of the bill is to provide the Secretary of Transportation greater flexibility in the management of the air traffic control work force. We submitted a similar proposal to the 91st Congress.

Air traffic control work is a unique vocation, one offering many advantages yet one involving a number of serious drawbacks. This work offers an individual the challenging opportunity to be involved in one of the most dynamic industries of our time. The individual who enters this field also faces the sobering responsibility of safeguarding airmen and air travelers. In large measure, their well-being depends upon the proper performance of the air traffic control system. The basic role of the controller is to facilitate the safe and efficient flow of air traffic in

that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears. In recognition of this, controllers are relatively well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. Additional remuneration is available for working overtime and at night and on holidays, which many controllers are called upon to do.

Perhaps the most serious drawbacks of the work, however, are those having a long-range effect. The Department of Transportation is practically the sole employer of controllers, and the skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to drawing.

The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work.

Having taken into consideration the nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, the Department of Transportation undertook a study into the need for improving the career system for air traffic controllers. Primary considerations in the conduct of the study were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The culmination of the study was the Report of the special Air Traffic Controller Career Committee. This bill would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action. The bill contains four principal provisions:

First, the Secretary of Transportation would be authorized with the concurrence of such agent as the President may designate, to establish a maximum age for entry in Department of Transportation air traffic control positions. Initially, the Department intends to provide that a person with no previous experience could not enter an air traffic controller position after reaching his 31st birthday. However, we also intend to grant exemptions and employ persons up to their 36th birthday, based upon previous related experience. Exemptions would not be granted to large groups on an "across-the-board" basis, but would cover small groups or single individuals. No exemptions are contemplated to persons who have reached their 36th birthday. The bill also establishes a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary would be authorized to retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. The reason for this specific provision is discussed below.

Second, the bill authorizes the Secretary to provide two years, or less, of training to a career-tenure-controller, if the Secretary first determines that the controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work. During training, the employee would receive the same base pay he last received as a controller.

Third, the bill provides that the Secretary may assign, reassign or demote a controller who has received training to other duties in the Department of Transportation at the same or a lower grade; or the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he would be separated from the service. The bill also provides that, if he first makes one of the three determinations enumerated above, the Secretary may assign or reassign a controller (whether or not he

receives training) to another air traffic facility or to different duties in the Department of Transportation.

Finally, the bill would entitle an employee to an annuity (minimum: 50 percent of the average of his highest three years' base pay) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. The Secretary would be authorized to initiate the retirement of an active controller under this provision in the interest of aviation safety, efficiency, or the controller's health.

The bill also would require the Secretary of Transportation to report to the Congress during the fifth year after enactment regarding the effectiveness of the provisions in meeting the needs of the controller career program and the air traffic control system. The provisions of the bill would take effect 90 days after enactment.

Our principal concern is with the use of older personnel in the controller positions. This is evident from the thrust of all these proposals, and is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we have found that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions we are proposing, would give the controller the assurance of eventual relief from a long span of control work, and an opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under near intolerable conditions. The provisions also will permit the Secretary to maintain a safer and more proficient controller work force.

We estimate the cost of this proposed legislation to be \$17.6 million in fiscal year 1972 (assuming a July 1, 1971 implementation), and that cost would rise to \$35.2 million in fiscal year 1976. We will provide more detailed cost information to the appropriate Committee.

For all these reasons, we urge that the Congress *promptly* enact this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

(Enclosures.)

92^D CONGRESS
1ST SESSION

H. R. 8083

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1971

Mr. DULSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United State Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That

4 (a) Chapter 21 of title 5, United States Code, is
5 amended by adding the following new section at the end
6 thereof:

7 "§ 2109. Air traffic controller

8 "For the purpose of this title, 'air traffic controller' or

1 'controller' means an employee of the Department of Trans-
2 portation who is actively engaged in the control of air traffic,
3 or who is the immediate supervisor of an employee actively
4 engaged in the control of air traffic, in an air traffic control
5 facility. The Secretary of Transportation may prescribe regu-
6 lations to determine the application of this section to the em-
7 ployees of the Department.”.

8 (b) The analysis of chapter 21 of title 5, United States
9 Code, is amended by adding the following new item at the
10 end thereof:

“2109. Air traffic controller.”.

11 SEC. 2. (a) Section 3307 of title 5, United States Code,
12 is amended to read as follows:

13 **“§ 3307. Competitive service; maximum-age entrance re-**
14 **quirements; exceptions**

15 “(a) Except as provided in subsections (b) and (c) of
16 this section, appropriated funds may not be used to pay an
17 employee who establishes a maximum-age requirement for
18 entrance into the competitive service.

19 “(b) The Secretary of Transportation may, with the
20 concurrence of such agent as the President may designate,
21 determine and fix the maximum limit of age within which an
22 original appointment to a position as an air traffic controller
23 may be made.

1 “(c) The Secretary of the Interior may determine and
2 fix the minimum and maximum limits of age within which
3 original appointments to the United States Park Police may
4 be made.”.

5 (b) The analysis of chapter 33 of title 5, United States
6 Code, is amended by striking out the following item:

 “3307. Competitive service; maximum-age requirement; restriction on
 use of appropriated funds.”

7 and by inserting the following item in place thereof:

 “3307. Competitive service; maximum-age entrance requirements; excep-
 tions.”.

8 SEC. 3. (a) Chapter 33 of title 5, United States Code,
9 is amended by adding the following new subchapter at the
10 end thereof:

11 “SUBCHAPTER VIII—AIR TRAFFIC CONTROL-
12 LERS, SPECIAL PROVISIONS

13 “§ 3381. **Controllers; determination required; other au-**
14 **thority unaffected**

15 “(a) Under this subchapter, the Secretary of Trans-
16 portation may assign, reassign, demote, or release for transfer
17 an air traffic controller who has achieved career tenure, if
18 the Secretary first determines that—

19 “(1) the controller is medically disqualified for
20 duties as an air traffic controller; or

21 “(2) the controller must be displaced from a par-

1 ticular facility in the interest of aviation safety, of the
2 efficient control of air traffic, or of the preservation of his
3 physical or mental well-being; or

4 “(3) the controller must be removed from duties as
5 an air traffic controller because of his inability to main-
6 tain technical proficiency.

7 “(b) This subchapter does not limit the authority of the
8 Secretary of Transportation to temporarily or permanently
9 assign, reassign, demote, release for transfer, or separate an
10 air traffic controller under any other provision of law.

11 **“§ 3382. Controllers; assignment to training after de-**
12 **termination**

13 “(a) The Secretary of Transportation may assign a con-
14 troller, who is subject to a determination of the Secretary
15 under section 3381 (a) of this title, to training of 2 years, or
16 less, duration.

17 “(b) In addition to training under any other provision
18 of law, the Secretary may provide training for a controller
19 assigned under subsection (a) of this section in a Govern-
20 ment or non-Government facility, for employment in the De-
21 partment of Transportation, in another Executive agency, or
22 outside the Government.

23 “(c) During the period of training, an air traffic con-
24 troller trained under this section shall—

5

1 “(1) be retained at his last assigned grade and
2 rate of basic pay as an air traffic controller;

3 “(2) be entitled to each increase in rate of basic
4 pay provided by law; and

5 “(3) be excluded from the staffing limitations of
6 any law otherwise applicable.

7 “(d) Chapter 41 of this title does not apply to training
8 under this section.

9 **“§ 3383. Controllers; assignment after determination; as-**
10 **signment or transfer after training**

11 “(a) On completion of training under section 3382 of
12 this title, the Secretary of Transportation may assign, reas-
13 sign, or demote a controller to duties in the Department of
14 Transportation, or release the controller for transfer to
15 another Executive agency at the same or lower grade.

16 “(b) The Secretary may assign, reassign, or demote
17 a controller who is subject to a determination of the Secre-
18 tary under section 3381 (a) of this title to duties in the
19 Department of Transportation at the same or a lower grade.

20 **“§ 3384. Controllers; involuntary separations**

21 “(a) An air traffic controller may be involuntarily sep-
22 arated from the service for retirement when he becomes eli-
23 gible for an immediate annuity under subchapter III of chap-
24 ter 83 of this title if the Secretary of Transportation deter-

1 mines that the separation of the controller is in the interest
2 of—

3 “(1) aviation safety;

4 “(2) the efficient control of air traffic; or

5 “(3) the preservation of the physical or mental
6 well-being of the controller.

7 “(b) A controller who completes training under section
8 3382 of this title, and who is not assigned, reassigned, or
9 demoted to duties in the Department of Transportation or
10 released for transfer to another executive agency under sec-
11 tion 3383 (a) of this title, shall be separated from the serv-
12 ice. The involuntary separation of a controller under this
13 subsection is not a ‘removal for cause on charges of mis-
14 conduct, delinquency, or inefficiency’ under section 5595 of
15 this title, and is not a ‘removal for cause on charges of
16 misconduct or delinquency’ under section 8336 (d) or (e)
17 of this title.

18 **“§ 3385. Controllers; certain actions not adverse; re-**
19 **view procedure**

20 “(a) The Secretary of Transportation may make a de-
21 termination under section 3381 (a) of this title, or initiate
22 action under section 3384 (a) of this title only—

23 “(1) with the written consent of the controller; or

24 “(2) after 60 days following written notice to the

1 controller stating the determination to be made or the
2 action to be taken and the reason therefor.

3 “(b) The controller shall be afforded a reasonable op-
4 portunity to respond to the written notice required under
5 subsection (a) of this section in person, and in writing if
6 he chooses, and to have his case reviewed by the Secretary,
7 or his designee.

8 “(c) Chapter 75 of this title does not apply to a deter-
9 mination under section 3381 (a) of this title, an action under
10 section 3384 (a) of this title, or any other determination
11 or action under this section. Administrative review under
12 this section is the sole and exclusive administrative remedy
13 available to a controller from any executive agency, and
14 constitutes the final administrative action on—

15 “(1) the date the controller consents in writing;

16 or

17 “(2) the date of the decision of the Secretary, or
18 his designee, under subsection (b) of this section.

19 **“§ 3386. Controllers; expenses of training**

20 “(a) The Secretary of Transportation, from appropria-
21 tions or other funds available to the Department of Trans-
22 portation, may—

23 “(1) pay all or a part of the pay (except overtime,
24 holiday, or night differential pay) of a controller as-

1 signed for training under section 3382 (a) of this title,
2 for the period of training; and

3 “(2) pay, or reimburse the controller for, all or a
4 part of the necessary expenses of the training, without
5 regard to section 529 of title 31, including among the
6 expenses the necessary costs of—

7 “(A) travel and per diem instead of subsis-
8 tence under subchapter I of chapter 57 of this
9 title;

10 “(B) transportation of immediate family,
11 household goods and personal effects, packing, crat-
12 ing, temporarily storing, draying, and unpacking
13 under section 5724 of this title;

14 “(C) tuition and matriculation fees;

15 “(D) library and laboratory services;

16 “(E) purchase or rental of books, materials,
17 and supplies; and

18 “(F) other services or facilities directly related
19 to the training of the controller.

20 “(b) The expenses of training do not include member-
21 ship fees except to the extent that the fee is a necessary cost
22 directly related to the training itself or that payment of the
23 fee is a condition precedent to undergoing the training.

24 “§ 3387. Secretary of Transportation; regulations

1 "The Secretary of Transportation may prescribe regula-
2 tions necessary to carry out this subchapter."

3 (b) The analysis of chapter 33 of title 5, United States
4 Code, is amended by adding the following new items at the
5 end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS, SPECIAL
PROVISIONS

"3381. Controllers; determination required; other authority unaffected.

"3382. Controllers; assignment to training after determination.

"3383. Controllers; assignment after determination; assignment or transfer after training.

"3384. Controllers; involuntary separations.

"3385. Controllers; certain actions not adverse; review procedure.

"3386. Controllers; expenses of training.

"3387. Secretary of Transportation; regulations."

6 SEC. 4. Section 8335 of title 5, United States Code, is
7 amended by inserting the following new subsection at the
8 end thereof:

9 "(f) An air traffic controller shall be separated from
10 the service on the last day of the month in which he becomes
11 56 years of age. Under such regulations as the Secretary
12 of Transportation may prescribe, he may from time to time
13 grant exemptions from the next preceding sentence and re-
14 tain a controller who has not become 61 years of age and
15 who is possessed of exceptional skills and experience as a
16 controller. The Secretary of Transportation shall notify the
17 controller in writing of the date of separation at least 60
18 days before the date, and action to separate the controller
19 is not effective without the consent of the controller until
20 60 days after he is so notified."

1 SEC. 5. Section 8336 of title 5, United States Code, is
2 amended—

3 (1) by redesignating subsections (e), (f), and
4 (g) as subsections “(f),” “(g)”, and “(h)”, respec-
5 tively; and

6 (2) by inserting the following new subsection (e) :

7 “(e) An employee who is voluntarily or involuntarily
8 separated from the service, except by removal for cause on
9 charges of misconduct or delinquency, after completing 25
10 years of service as an air traffic controller or after becoming
11 50 years of age and completing 20 years of service as an air
12 traffic controller is entitled to an annuity.”.

13 SEC. 6. Section 8339 of title 5, United States Code, is
14 amended—

15 (1) by redesignating subsections (e), (f), (g),
16 (h), (i), (j), (k), (l), and (m) as subsections
17 “(f)”, “(g)”, “(h)”, “(i)”, “(j)”, “(k)”, “(l)”,
18 “(m)”, and “(n)”, respectively; and

19 (2) by inserting the following new subsection (e) :

20 “(e) The annuity of an employee retiring under section
21 8336 (e) of this title is computed under subsection (a) of
22 this section, but that annuity may not be less than 50 per-
23 cent of the average pay of the employee unless that employee
24 received training under section 3382 of this title.”.

1 SEC. 7. Subchapter III of chapter 83 of title 5, United
2 States Code, is amended as follows—

3 (a) By striking out the reference “8339 (h)” in section
4 8332 (b) (3), and by inserting the reference “8339 (i)” in
5 place thereof;

6 (b) By striking out the reference “section 8339 (m)” in
7 section 8334 (g) (5), and inserting the reference “section
8 8339 (n)” in place thereof;

9 (c) By amending section 8339 as follows—

10 (1) By striking out the reference “subsections (a)–
11 (d)” in redesignated subsection (f), and inserting the
12 reference “subsections (a)–(e)” in place thereof;

13 (2) By striking out the references “subsections (a),
14 (b), and (e)”, “subsections (c) and (e)”, and “section
15 8336 (f)”, respectively, in redesignated subsection (h),
16 and by inserting the references “subsections (a), (b),
17 (e), and (f)”, “subsections (c) and (f)”, and “section
18 8336 (g)”, respectively, in place thereof;

19 (3) By striking out the reference “subsections (a)–
20 (g)” in redesignated subsection (i), and inserting the
21 reference “subsections (a)–(h)” in place thereof;

22 (4) By striking out the reference “subsections (a)–
23 (h)” in redesignated subsection (j), and inserting the
24 reference “subsections (a)–(i)” in place thereof;

1 (5) By striking out the reference "subsection (a) -
2 (h)" in redesignated subsection (k), and inserting the
3 reference "subsections (a) - (i)" in place thereof;

4 (6) By striking out the reference "subsections (a) -
5 (j)" in redesignated subsection (l), and inserting the
6 reference "subsections (a) - (k)" in place thereof; and

7 (7) By striking out the reference "subsections
8 (a) - (d)" and "subsection (e)" in redesignated subsec-
9 tion (o), and inserting the references "subsections (a) -
10 (e)" and "subsection (f)" in place thereof; and

11 (d) By amending section 8341 as follows—

12 (1) By striking out the references "section 8339
13 (a) - (h)" and "section 8339 (i)", respectively, in sub-
14 section (b), and inserting the references "section 8339
15 (a) - (i)" and "section 8339 (j)", respectively, in place
16 thereof;

17 (2) By striking out the reference "section 8339
18 (j)" in subsection (c), and inserting the reference "sec-
19 tion 8339 (k)" in place thereof; and

20 (3) By striking out the reference "section 8339
21 (a) - (e) and (h)" in subsection (d), and inserting the
22 reference "section 8339 (a) - (f) and (i)" in place
23 thereof; and

24 (e) By striking out the reference "section 8339 (a),
25 (b), (d), (g), and (h)" in section 8344 (a) (3) (A), and

1 inserting the reference "section 8339 (a), (b), (d), (e),
2 (h), and (i)" in place thereof.

3 SEC. 8. Section 8335 (f) of title 5, United States Code,
4 as added by this Act, does not apply to a person who is
5 appointed as an air traffic controller by the Department of
6 Transportation before the enactment of this Act.

7 SEC. 9. The Secretary of Transportation shall make a
8 report to the Congress of his operations under this Act. The
9 report shall include a detailed statement of the effectiveness
10 of this Act in meeting the needs of the air traffic controller
11 career program and of the air traffic control system, and any
12 recommendations he deems necessary or desirable for sound
13 management of the program or the system. The Secretary
14 shall make his report not more than 5 years after the date
15 of enactment of this Act.

16 SEC. 10. (a) This Act shall become effective ninety
17 days after the date of enactment.

18 (b) Public Law 91-73 (83 Stat. 116), relating to
19 age limits in connection with appointments to the United
20 States Park Police, is repealed as of the close of the eighty-
21 ninth day after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF A BILL

To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

Section 1. This section adds new 5 U.S.C. 2109 that defines "air traffic controller" and "controller" as a Department of Transportation employee actively engaged in the control of air traffic or in the immediate supervision of an employee engaged in that activity in an air traffic control facility. The definition would, for example, include those assigned to air route traffic control center and air traffic control tower facilities operated by the Department of Transportation, Federal Aviation Administration, but would exclude those in FAA flight service station facilities. The new section also authorizes the Secretary of Transportation to prescribe regulations to determine the application of the definition to Departmental employees.

Section 2. This section adds new 5 U.S.C. 3307 (b) and (c).

New 5 U.S.C. 3307(b) authorizes the Secretary of Transportation, with the concurrence of such agent as the President may designate, to set a maximum entry age for air traffic controllers. New 5 U.S.C. 3307(b) sets no specific maximum age for beginning a controller career, although new 5 U.S.C. 8335(f) sets a specific maximum retention age. As written, 5 U.S.C. 3307(b) provides both for flexible management of the controller work force and for the ability to deal with conditions that might warrant a change to the maximum entry age.

Upon enactment of new 5 U.S.C. 3307(b), however, the Department initially intends to set 30 years of age as the maximum entry age for controllers. The Secretary may consider exceptions from this maximum for individuals having previous experience in work related to air traffic control. But, no exceptions would be made for individuals after they reach their 36th birthday. Thus, the Secretary would not accept an individual who was more than 35 years of age, even if he had 10, 15 or 20 years of military experience in air traffic control. Also, no exceptions will be made to broad classes or large groups of individuals who have reached their 31st birthday. Thus, the Secretary would not accept all individuals who had logged a given number of hours of flight time as a commercial or airline transport pilot. To ensure consistency in administration of this provision and broader legislation which the Civil Service Commission is proposing, new 5 U.S.C. 3307(b) requires the concurrence of such agent as the President designates in the maximum entry age limit.

New 5 U.S.C. 3307(c) codifies Public Law 91-73, relating to age limits in connection with appointments to the United States Park Police, and ensures cohesive treatment of the subject matter in title 5, United States Code.

Section 3. This section adds new subchapter VIII, "Air Traffic Controllers, Special Provisions", to chapter 33 of title 5, United States Code (5 U.S.C. 3381-3387).

New 5 U.S.C. 3381(a) authorizes the Secretary of Transportation to assign, reassign, demote, or release for transfer (under 5 U.S.C. 3382-3387) a controller who has career tenure if the Secretary first determines that the controller (1) is medically disqualified as a controller; (2) must be displaced from a particular facility in the interest of aviation safety or efficiency or the controller's health; or (3) must be removed from controller duties due to inability to maintain technical proficiency.

New 5 U.S.C. 3381(b) makes clear that 5 U.S.C. 3381-3387 do not limit the authority of the Secretary to make assignments, reassignments, demotions, releases for transfer, or separations vested in him under any other provision of law.

New 5 U.S.C. 3382(a) authorizes the Secretary to assign to training of 2 years, or less, a controller who is subject to a determination under 5 U.S.C. 3381(a).

New 5 U.S.C. 3382(b) authorizes the Secretary to provide training for controllers assigned thereto under 5 U.S.C. 3382(a). The training may be given in Government or non-Government facilities, for Government or non-Government employment.

New 5 U.S.C. 3382(c) provides that the employee-trainee retains his last base pay as a controller during training (including statutory increases), and that he is excluded from all staffing limitation laws during that time.

New 5 U.S.C. 3382(d) excludes training under 5 U.S.C. 3382 from the provisions of 5 U.S.C. 4101-4118, which deal with training for all Federal employees. This program has a different basic thrust than the training under 5 U.S.C. 3382, and that is to enable Federal employees to enhance their abilities to carry out their duties as Federal employees. Training under 5 U.S.C. 3382, however, is

intended to equip the controller for a second career (whether in, or out of, Government service). In developing a program under 5 U.S.C. 3382, the program now in 5 U.S.C. 4101-4118 will serve as a model for use in issuing regulations implementing the new authority of the Secretary of Transportation.

New 5 U.S.C. 3383(a) authorizes the Secretary to assign, reassign, or demote a controller trained under 5 U.S.C. 3382 to duties in the Department, or to release him for transfer to another Executive agency.

New 5 U.S.C. 3383(b) authorizes the Secretary to assign a controller who is subject to a determination under 5 U.S.C. 3381(a) to other duties in the Department. This would enable the Secretary, for example, to assign a controller from a very busy center or tower to a less busy center or tower.

New 5 U.S.C. 3384(a) provides that, when an air traffic controller is eligible for an immediate annuity under 5 U.S.C. 8331-8348, he may be involuntarily separated from the service for retirement if the Secretary determines that the separation is in the interest of aviation safety, air traffic control efficiency, or the controller's health.

New 5 U.S.C. 3384(b) provides that, when a controller trained under 5 U.S.C. 3382 is not assigned, reassigned, demoted or released for transfer under 5 U.S.C. 3383(a), then he shall be involuntarily separated from the service. To ensure that these separations do not deprive the controller of severance pay under 5 U.S.C. 5595, they are expressly stated not to be "removal for cause on charges of misconduct, delinquency, or inefficiency". Also, to ensure that these separations do not deprive the controller of his full annuity rights under 5 U.S.C. 8336, they are expressly stated not to be "removal for cause on charges of misconduct or delinquency".

New 5 U.S.C. 3385(a) provides that the Secretary may make a determination under 5 U.S.C. 3381(a), or initiate an action under 5 U.S.C. 3384(a), only with the controller's written consent or 60 days written notice stating the determination or action and the reason for it.

New 5 U.S.C. 3385(b) provides that the controller have a reasonable opportunity to respond to the notice under 5 U.S.C. 3385(a), and the opportunity to have a review by the Secretary, or his designee. The reference to a designee of the Secretary makes clear that the controller is not entitled to have his case personally reviewed by the Secretary, although the Secretary may personally review the case. Of course, the Secretary's authority to make delegations of authority within the Department of Transportation is not limited by this provision.

New 5 U.S.C. 3385(c) provides that 5 U.S.C. 7501-7533 do not apply to actions taken or determinations made under new 5 U.S.C. 3381(a), 3384(a) or 3385. Rather they are subject only to administrative review under 5 U.S.C. 3385(b), and regulations implementing that subsection. The determination or action is administratively final when the controller consents in writing or the Secretary, or his designee, makes his decision under 5 U.S.C. 3385(b). The controller's only recourse after this is to the courts.

New 5 U.S.C. 3386 authorizes the Secretary to pay a controller's expenses of training (omitting part of 5 U.S.C. 4109(a)(2)(B)), under 5 U.S.C. 3382. This section is based on 5 U.S.C. 4109, and is necessary because chapter 41 of title 5, United States Code, is made inapplicable by 5 U.S.C. 3382(d).

New 5 U.S.C. 3387 empowers the Secretary to issue regulations necessary to carry out new 5 U.S.C. 3381-3387.

Section 4. This section adds new 5 U.S.C. 8335(f) that provides for mandatory separation from the service of an air traffic controller when he becomes 56 years of age, unless the Secretary selects him for retention. The Secretary may exempt from this mandatory separation requirement a controller who has not become 61 years of age on the basis that he possess exceptional skills and experience as a controller. A controller to be separated under this new subsection is entitled to 60 days written notice.

Section 5. This section adds new 5 U.S.C. 8336(e) that provides that an "employee" is entitled to an annuity after he serves as a controller for 25 years or for 20 years and becomes 50 years of age. Thus, to be eligible for an annuity under new 5 U.S.C. 8336(e), an "employee" need not be a controller at the time he reaches the required age if he has accumulated the appropriate length of controller service at that time.

Section 6. This section adds new 5 U.S.C. 8339(e) to provide that the annuity for an "employee" retiring under 5 U.S.C. 8336(e) is computed using the standard $1\frac{1}{2}$, $1\frac{3}{4}$, 2 percent formula, and to provide a minimum annuity of 50 percent of the retiree's high three-year average. However, if the "employee" has received training under 5 U.S.C. 3382, the 50 percent minimum annuity provision does not

apply. As is the case under new 5 U.S.C. 8336(e), the "employee" need not be a controller at the time.

Section 7. This section amends references in 5 U.S.C. 8332(b)(3), 8334(g)(5), 8339(f), (h)-(l), and (o) (as redesignated by section 6(1)), 8341(b)-(d), and 8344(a)(3)(A) to reflect the addition in section 6 of new 5 U.S.C. 8339(e), and the redesignation of present 5 U.S.C. 8339(e)-(m) as 5 U.S.C. 8339(f)-(n).

Section 8. This section provides that new 5 U.S.C. 8335(f) (mandatory separation of controllers at age 56) does not apply to a controller appointed before the enactment of the Act.

Section 9. This section requires the Secretary of Transportation to make a report to Congress of his operations under the Act. The report must include a statement of the effectiveness of the Act in meeting the needs of the controller career program and the air traffic control system, and any additional recommendations he deems necessary for sound management of the program of the system. The report must be made within 5 years of the date of enactment of the Act.

Section 10. This section provides that the Act is effective 90 days after the date of enactment. This will allow time to issue implementing regulations, and will be particularly necessary with respect to the maximum entrance age authority in 5 U.S.C. 3307(c), the maximum retention age authority in new 5 U.S.C. 8335(f), the training program authorized under new 5 U.S.C. 3382, and the administrative review procedures under new 5 U.S.C. 3386. This section also repeals Public Law 91-73, codified in new 5 U.S.C. 3307(c), at the close of the day before the Act takes effect.

(The following "Estimated Cost of a Bill" was furnished the committee for inclusion in the hearing record by the Department of Transportation, subsequent to their appearance before the committee.)

SUMMARY—ESTIMATED COST¹ OF A BILL

[To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes]

	Annual rate (in thousands of dollars)	
	Fiscal year 1972	Fiscal year 1976
1. Early retirement—Costs are offset by retirements expected under present law.....	\$6,128	\$17,880
2. Training of new recruits to replace reassigned employees, those taking 2d career training and retirees.....	1,499	1,720
3. Retraining of employees who become medically disqualified for their position.....	1,770	2,810
4. 2d career training for eligible employees.....	4,630	14,450
5. Reassignment of 5 percent of the employees in high density centers and terminals to positions of lower grade with salary retention.....	1,050	3,740
Estimated cost to the Government ¹	15,068	40,600
Less: Cost impact on CSC fund.....	-6,128	-17,880
Estimated cost to agency ¹	8,940	22,720

¹ Costs: The estimated value of the resources consumed or used. Retirement costs are the difference between the liberalized benefits and the benefits which would have accrued under the current law. The estimated cost assumes July 1, 1971, implementation.

RETIREMENT

Proposed legislation provides for optional retirement at age 50 with 20 years service or 25 years service at any age and mandatory retirement at age 56 with exceptions to age 61. Mandatory retirement does not apply to current employees.

Assumptions

(a) In fiscal year 1970, of those controllers eligible for optional retirement, 14% did retire. Under the proposed liberalized retirement provisions, we estimate that the rate of optional retirements would increase to 28% of those initially eligible and 15% thereafter.

(b) Of those controllers reaching the mandatory retirement age of 56, there would not be any cost for five years. Current controllers are not subject to mandatory retirement and costs on new employees will not begin for five years.

(c) By retirement controllers will have reached the journeyman or 1st supervisory level and will be receiving the highest salary for their particular work function.

Basis for estimates

(a) Annuity under proposed legislation—\$12,688. (This includes loss to CSC fund, i.e., 7% employee contribution plus interest for one year).

(b) Annuity under current law—\$13,748. (This figure is applicable to manpower projections of retirees under current legislation).

(c) Numbers of controllers are based upon the service computation date and date of birth of those eligible as of June 30, 1970.

OPTIONAL RETIREMENT, AGE 50/20 YEARS OR 25 YEARS SERVICE

Fiscal year:	Total eligibles less than age 56	28 percent rate first year then 15 percent rate	Cumulative costs
1972.....	1,725	483	\$6,128,000
1973.....	187	238	9,148,000
1974.....	208	237	12,155,000
1975.....	207	232	15,100,000
1976.....	172	219	17,880,000

REPLACEMENT TRAINING

For each employee who is reassigned, retired, or retrained as a result of this proposed legislation, the agency will need to provide training for his replacement. Pertinent to this training cost is the provision on maximum entry age of 31. Available data shows a trainee success rate of 84% for those age 31 and below whereas the success rate for those over age 31 is 80%. The maximum entry age provision should reduce the training of new replacements. A higher trainee success rate is also expected among all new hires through normal attrition and projected program growth.

Annual unit cost

Training, \$2030.—Includes \$1530, student travel and per diem; \$500 instructor and related academy costs.

Basis for estimates

Represents replacement training for controllers reassigned, retired and retrained. Savings due to the higher success rate is reflected as a cost offset. In computing the cost offset below we have also included savings from a higher success rate among new hires through normal attrition and projected program growth.

Fiscal year:	Number replacement training	Gross cost	Minus those trained because of higher success rate	Net additional requirement
1972.....	856	\$1,738,000	-123 (-230,000)	\$1,490,000
1973.....	714	1,449,000	-115 (-233,000)	1,216,000
1974.....	797	1,618,000	-126 (-256,000)	1,362,000
1975.....	885	1,797,000	-114 (-231,000)	1,566,000
1976.....	956	1,914,000	-109 (-221,000)	1,720,000

RETRAINING MEDICALLY DISQUALIFIED

Proposed legislation will give the Secretary more flexibility in providing training for controllers who become medically disqualified.

Assumptions

(a) The projected rate of 1% medical disqualifications will continue and result in 173 controller disqualifications during fiscal year 1972; 191 in FY-73; 208 in FY-74; 222 in FY-75; and 242 in FY-76.

(b) While all will be eligible for retraining, 40% of those who become medically disqualified each year will be the number provided training. Of these, half will be relocated to other geographical areas for formalized training programs (technical schools, colleges, business fields, computer, ITI, etc.).

(c) Half of those provided training will require tuition expenses for the maximum of two years; the other half would attend training programs of lesser duration (real estate, hotel management, strayer type) from six weeks to one year; one-fourth of those trained would require travel and per diem in conjunction with their attendance at training programs for a maximum of three months.

- (d) Forty per cent of those retrained will possibly be separated after training.
 (e) Sixty per cent of those retrained will be reassigned with pay saving.

Annual unit costs

- (a) Salary, tuition, travel, etc., \$24,125.
 (b) Salary retention, \$3,500, recurs the second year.
 (c) Change of headquarters (employee move), \$2,300.

BASIS FOR ESTIMATE

Fiscal year	1 percent disqualified	Retraining of 40 percent of disqualified for average 1 year (Unit cost \$24,125)		Relocate half of retrained (Unit cost \$2,300)	60 percent of retrained will be reassigned with salary retention (Unit cost \$3,500)		Fiscal year total
		Number	Amount		Number	Amount	
1972.....	173	70	\$1,689,000	\$81,000	-----	(1)	\$1,770,000
1973.....	191	76	1,834,000	87,000	42	\$147,000	2,068,000
1974.....	208	83	2,002,000	94,000	+46= 88	308,000	2,404,000
1975.....	222	89	2,147,000	101,000	+50= 96	336,000	2,584,000
1976.....	242	97	2,340,000	110,000	+53=103	361,000	2,811,000

¹ Not applicable.

SECOND CAREER TRAINING

Proposed legislation provides two years of training for a controller who has achieved career tenure and who must be displaced for reasons of safety, efficiency or to protect the employee's health.

Assumption

Our best estimate is that not more than 2% of eligibles, i.e., journeymen and immediate supervisors, will need to be trained for second careers for the reasons cited above.

Annual unit costs

Salary and training—\$24,125 (This includes one year's salary at \$22,080 plus tuition, travel, etc. \$2,045.)

BASIS FOR ESTIMATE

Fiscal year:	2 percent of ATCS eligibles 2-year training	Estimated cost
1972.....	192	\$4,632,000
1973.....	1223	10,012,000
1974.....	2253	11,484,000
1975.....	3284	12,955,000
1976.....	4315	14,451,000

¹ 192 plus 223 equals 415.

² 223 plus 253 equals 476.

³ 253 plus 284 equals 537.

⁴ 284 plus 315 equals 599.

REASSIGNMENT

FPM Chapter 531-5 provides for a 2-year period of salary retention for employees who are demoted through no fault of their own. This is based on the principle that there should be a financial cushion in such cases and recognizes the personal hardships and morale factors involved. During this period, special efforts are to be made in assigning employees to higher grade duties. This 2-year period of salary retention will be applicable to cases under proposed 5 U.S.C. 3383 in which the Secretary may assign or reassign controllers after certain determinations.

Assumption

We estimate (since no previous data in this area) that using a 5% figure of those in high density facilities will result in the maximum costs of salary retention and any necessary relocations.

Annual unit costs

- (a) Salary retention, \$3,500, recurs the second year.
 (b) Change of headquarters (employee move), \$2,300.

BASIS FOR ESTIMATE

	High density population ¹	Reassign- ments, 5 percent	Estimated cost
Fiscal year:			
1972.....	3,613	181	\$1,050,000
1973.....	5,069	² 253	2,101,000
1974.....	6,131	³ 307	2,666,000
1975.....	7,387	⁴ 369	3,215,000
1976.....	8,442	⁵ 442	3,739,000

¹ High density population—journeymen and 1st line supervisors in high density facilities.

² 181 plus 253 equals 434.

³ 253 plus 307 equals 560.

⁴ 307 plus 369 equals 676.

⁵ 369 plus 442 equals 791.

