

110TH CONGRESS
1ST SESSION

S. 1735

To amend title 49, United States Code, to improve dispute resolution provisions related to the Federal Aviation Administration personnel management system.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to improve dispute resolution provisions related to the Federal Aviation Administration personnel management system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMPROVEMENT OF DISPUTE RESOLUTION PRO-**
4 **VISIONS RELATED TO FEDERAL AVIATION**
5 **ADMINISTRATION PERSONNEL MANAGEMENT**
6 **SYSTEM.**

7 (a) IN GENERAL.—Section 40122(a)(2) of title 49,
8 United States Code, is amended to read as follows:

9 “(2) DISPUTE RESOLUTION.—

“(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

“(B) BINDING ARBITRATION.—

“(i) IN GENERAL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5.

“(ii) ASSISTANCE BY FEDERAL SERVICE IMPASSES PANEL.—The Federal Service Impasses Panel shall assist the parties

1 in resolving the impasse by asserting juris-
2 diction and ordering binding arbitration by
3 a private arbitration board consisting of 3
4 members in accordance with section
5 2471.6(a)(2)(ii) of title 5, Code of Federal
6 Regulations.

7 “(iii) SELECTION OF ARBITRATORS.—

8 The executive director of the Federal Serv-
9 ice Impasses Panel shall request a list of
10 not less than 15 names of arbitrators with
11 Federal sector experience from the director
12 of the Federal Mediation and Conciliation
13 Service to be provided to the Administrator
14 and the bargaining representatives. Not
15 later than 10 days after the executive di-
16 rector receives the list, each party shall
17 each select an arbitrator. The 2 selected
18 arbitrators shall then select a third arbi-
19 trator from the list within 7 days. If the 2
20 arbitrators are unable to agree on selection
21 of the third arbitrator, the parties shall se-
22 lect the third arbitrator by alternately
23 striking names from the list until only 1
24 name remains.

1 “(iv) FRAMING THE ISSUES.—If the
2 parties do not agree on how to frame the
3 issues to be submitted for arbitration, the
4 arbitration board shall frame the issues.

5 “(v) FULL AND FAIR HEARING.—The
6 arbitration board shall give the parties a
7 full and fair hearing, including an oppor-
8 tunity to present evidence in support of
9 their claims, and an opportunity to present
10 their case in person, by counsel, or by
11 other representative as they may elect.

12 “(vi) CONCLUSIVE AND BINDING DE-
13 CISIONS.—A decision of the arbitration
14 board shall be conclusive and binding upon
15 the parties of the arbitration.

16 “(vii) TIMING OF DECISION.—Not
17 later than 90 days after the date of the ap-
18 pointment of the arbitration board, the ar-
19 bitration board shall render a decision.

20 “(viii) COST SHARING.—The Adminis-
21 trator and the bargaining representative
22 shall share the costs of the arbitration
23 equally.

1 “(ix) CONSIDERATIONS.—The arbitra-
2 tion board shall consider the effect of its
3 arbitration decisions on—

4 “(I) the ability of the Adminis-
5 trator to attract and retain a qualified
6 workforce; and

7 “(II) the budget of the Federal
8 Aviation Administration.

9 “(C) EFFECT.—Upon reaching a voluntary
10 agreement or at the conclusion of the binding
11 arbitration under subparagraph (B), the final
12 agreement, except for those matters decided by
13 the arbitration board, shall be subject to ratifi-
14 cation by the exclusive representative, if so re-
15 quested by the exclusive representative, and ap-
16 proval by the head of the agency in accordance
17 with subsection (g)(2)(C).

18 “(D) ENFORCEMENT.—Enforcement of the
19 provisions of this paragraph, and any agree-
20 ment hereunder, shall be in the United States
21 District Court for the District of Columbia.”.

22 (b) EFFECTIVE DATE.—Paragraph (2) of section
23 40122(a) of title 49, United States Code, as amended by

- 1 subsection (a), shall apply to disputes described in section
- 2 40122 of such title arising on or after July 10, 2005.

