



From the Communications Chairman

Captain Brad Mahoney

While I was jumpseating recently, I was asked a number of questions about the age 60 issue. I thought this would be a good time to give you an update on what has transpired regarding age 60 since we last communicated on this issue.

When this issue was thrust upon our MEC in the spring, it was the full expectation of the players on Capitol Hill that the FAA reauthorization bill would be acted upon very quickly. Because of politics on the Hill, ALPA was being frozen out of the discussion due to their stance against any bill containing the age 60 change. The combined effect of the ICAO change raising the mandatory retirement age to 65 late last year, the FAA's decision to comply with the ICAO rule thus allowing foreign pilots over 60 to fly in US airspace and the subsequent announcement by the FAA that a rule change would be forthcoming for US pilots convinced our union leadership the change was inevitable.

After reviewing the most recent Association-wide polling data and relevant detailed presentations by ALPA government affairs and the Blue Ribbon panel, the Executive Board voted to change ALPA policy on age 60. Subsequent to that decision, ALPA government affairs staff immediately engaged in advocating important issues that had been included in the legislation and were successful in gaining bipartisan support in both houses of Congress. Because of the change in policy, we were allowed into the discussion on the age 60 legislation, which is attached to the FAA reauthorization bill.

On September 20, House Resolution 2881, the House version of the FAA reauthorization bill, was passed by a vote of 267 to 151. This bill, as was indicated to ALPA by legislators in the spring, includes a change of the mandatory retirement age to 65. Because ALPA removed its

opposition to the bill regarding the change in the retirement age, the bill now includes almost all of the key recommendations outlined in ALPA's May 2007 Executive Board resolution. The positions in the ALPA Executive Board resolution and the resulting legislation are shown below:

ALPA Executive Board Resolution Included:

Supporting the ability of a pilot to retire prior to the mandatory age without penalty. (This was accomplished by ensuring that the RLA negotiations process must be used to make any changes necessary to comply with the new regulation, disallowing unilateral changes by airlines)

HR 2881:

“(f) **AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.**—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

ALPA Executive Board Resolution Included:

Opposing any additional age-related diagnostic medical testing.

HR 2881:

“(g) **MEDICAL STANDARDS AND RECORDS.**—

“(1) **MEDICAL EXAMINATIONS AND STANDARDS.**—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

ALPA Executive Board Resolution Included:

Opposing any attempt by the FAA to obtain greater access to pilot medical records

HR 2881:

Includes no language expanding FAA access to medical records.

ALPA Executive Board Resolution Included:

Protection for the Association and airlines for compliance with the law (a very important legal matter to prevent lawsuits against the Association and our company stemming from the change).

HR 2881:

“(2) **PROTECTION FOR COMPLIANCE.**—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding before any court or agency of the United States or of any State or locality.

ALPA Executive Board Resolution Included:

No person over 60, except active flight deck crew members, on the effective date may serve as a pilot (captain or first officer) for a part 121 airline unless such person is newly hired as a pilot on or after such effective date without credit for prior seniority or prior longevity for benefits for other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

HR 2881:

“(1) **NONRETROACTIVITY.**—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

“(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

“(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

Also included in the bill are other important provisions that ALPA, because of the refusal of lawmakers to consult with them on this bill prior to the change in policy, could not have affected. These provisions provide vital support on issues important to our profession. Two of the most important are:

1. The study of fatigue in flight crews:

(a) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) **STUDY.**—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) **REPORT.**—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) **RULEMAKING.**—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

2. The definition of Air Carrier Citizenship (very important in fighting the outsourcing of your job to foreign-controlled airlines):

Section 40102(a)(15) is amended by adding at the end the following:

“For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.”

The MEC is acutely aware that the raw nerves from the debate in the spring have not completely healed. We want you to know that the desired effect of ALPA's policy change - being able to affect and influence the bill for the betterment of our pilots - did come to pass and that the change was strategically critical. The bill still has to be reconciled with the Senate version, but the disagreements between the two bills do not include our provisions to any great degree.

Thanks for taking the time to read this update, and I will do my best to bring you up to date when the bills are reconciled and brought to floor of the respective bodies.