

CHAPTER 62. EVALUATE PART 121/135 MANAGEMENT PERSONNEL QUALIFICATIONS

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. Maintenance: 3352

B. Avionics: 5352

3. OBJECTIVE. This chapter provides guidance on evaluating the qualifications of maintenance management personnel for operators/applicants conducting operations under Title 14 of the Code of Federal Regulations (14 CFR) parts 121 and 135.

5. GENERAL. Personnel responsible for the inspection and maintenance organizations should possess the qualifications required in 14 CFR part 119, §§ 119.67(c) and (d) and § 119.71. If an operator/applicant elects to contract out all maintenance, the positions defined by parts 121 and 135 are still required. The positions that the Federal Aviation Administration (FAA) requires include the following:

- The Director of Maintenance (parts 121 and 135) is responsible and accountable for administering the operator/applicant's maintenance program
- The Chief Inspector (part 121) is responsible and accountable for administering the operator/applicant's required inspection program

A. Consolidated Positions.

(1) Depending on the needs of the maintenance organization, management positions may be consolidated with other positions. When management positions are consolidated, the individual serving in the consolidated position must meet the qualifications of both positions.

(2) Before allowing an individual to serve as Director of Maintenance or Chief Inspector, the aviation safety inspector (ASI) must consider the other duties performed by that person. For example, if that person also plans to serve as a flight crewmember, the ASI must ensure that those duties will not interfere

with the person's responsibilities as Director of Maintenance or Chief Inspector.

B. Separation of Maintenance and Inspection Functions.

(1) The FAA requires a Chief Inspector for part 121 operator/applicants, but not for part 135 operator/applicants.

(a) Part 121, § 121.365 requires an operator/applicant to have a maintenance organization that ensures separation of maintenance and inspection responsibilities and management personnel.

(b) If the operator/applicant will have a contractual agreement with another organization to perform its continuous airworthiness maintenance program, it may apply for deviation from the Chief Inspector requirement. However, the operator/applicant must have a Director of Maintenance or equivalent position to schedule maintenance and ensure proper administration of the continuous airworthiness maintenance program.

(2) For part 135 operator/applicants, a Director of Maintenance (or equivalent) is necessary to ensure separation of inspection and maintenance functions required by part 135, § 135.423. The Director of Maintenance serves as the administrative controller with overall responsibility for separating inspection and maintenance functions.

C. Part-Time and Full-Time Positions.

(1) Although the FAA requires part 121 operators/applicants to have full-time management personnel, part 135 operators/applicants may use part-time personnel. Both full-time and part-time maintenance management personnel must have the necessary prerequisite qualifications to fulfill the responsibilities of the position.

(2) The ASI should determine if the part 135 operator/applicant will use part-time management personnel. Each person employed on a part-time basis must be readily available to fulfill all responsibilities

of the position that are consistent with the certificate holder's operations.

7. DEVIATIONS. The manager of the regional Flight Standards Division is authorized to approve or deny management experience deviations for part 135 operators conducting commuter passenger nine or less operations only. The certificate-holding district office (CHDO) manager is authorized to approve or deny management experience deviation requests for a certificate holder with only a single pilot-in-command (PIC) or basic Part 135 On-Demand Only certificate holder conducting on-demand passenger and/or cargo operations. This authority would include any combined positions or numbers of management positions other than the management positions specified in part 119, § 119.69(a).

A. Information Needed in the Management Deviation Request.

(1) The deviation request element of the regulations is intended to provide the certificate holder the flexibility to employ individuals who may not possess the exact type or level of experience outlined in the regulations but have comparable experience. Except for the recency of experience requirements, the deviation request procedure is not intended to accommodate individuals who do not possess the length of experience required by the regulations.

(2) When certificate holders request a management experience deviation, or management positions or numbers of positions other than those required by 14 CFR part 119, § 119.65 through § 119.71, they must request it through their CHDO. A Management Deviation Request must contain at least the following information for evaluation:

- Full certificate name including doing business as (d.b.a.) names of the requesting entity (i.e., ABC Airlines, Inc. d.b.a. XYZ Air)
- Complete address and certificate number of certificate holder
- Full name and airman certificate number of the management applicant
- Number of aircraft by category, class, and type
- Number of employees/pilots/other crewmembers

- Areas and kinds of operations (continental United States (Conus), domestic, etc.) authorized
- Statement of operations authorized (single PIC, basic Part 135 On-Demand Only, part 121, etc.)
- Any other management deviations held by the certificate holder
- Statement of why the certificate holder requires a deviation from the management position experience requirements, management position(s) involved, and what comparable experience the individual has that would justify the deviation
- A résumé for the individual that specifically outlines his or her work experiences and duration of each work experience, to include, if appropriate, PIC, certified mechanic, and/or management experience for the kind of operations conducted

B. Information Needed for Evaluating Management Experience Deviation Requests.

(1) *Lack of Airmen Certificates.* The regulations do not permit the issuance of an airman certificate requirement deviation for individuals who do not hold the required airmen certificates or ratings. However, individuals may apply for an exemption under 14 CFR part 11.

(2) *Comparable Experience.* The CHDO may issue a management position experience deviation for individuals who lack the precise experience requirements (specified in § 119.67 and/or § 119.71), including recency of experience, if acceptable comparable experience is presented to and accepted by the Administrator.

(a) *Director of Maintenance Position.* Individuals considered for this position should have experience in any position where the normal duties and responsibilities included management oversight and/or control of the development, upkeep, and responsibility for one or more of the following elements of an aircraft maintenance or inspection program:

- The maintenance program manual
- Airworthiness
- Maintenance and inspection organization

- Performance and approval of maintenance, preventive maintenance, and alterations
- Approval of alterations performed by maintenance providers or contractors
- Continuing analysis and surveillance system
- Maintenance recordkeeping
- Maintenance personnel training

(b) *Chief Inspector Position.* Individuals considered for this position should have experience in any position where the normal duties and responsibilities included management oversight and/or control of the development, upkeep, and responsibility for one or more of the following elements of an aircraft maintenance inspection, quality control, or quality assurance functions within a maintenance or inspection program:

- The inspection program policy and procedures
- Airworthiness
- Inspection organization
- Quality assurance of the performance and approval of maintenance, preventive maintenance, and alterations
- Quality assurance and approval of alterations performed by maintenance providers or contractors
- Maintenance recordkeeping
- Inspection personnel training

C. Fewer, Combined, or Different Categories of Required Management Positions. Any certificate holder requesting approval to use fewer positions, combined positions, or different categories of management positions must demonstrate that the person(s) who will fill the position(s) meets the qualifications for or receives a deviation for each management position involved (e.g., chief pilot and director of operations), in addition to receiving an approval to combine the management positions. Requests to combine the positions of Director of Maintenance and Chief Inspector shall not be approved.

NOTE: Applicants who serve in a combined management position should not be assigned to any additional duties (e.g., check airman, aircraft instructor, etc.).

(1) The operator/applicant should submit a request to the CHDO. The request should contain the following information:

(a) The type and number of aircraft operated and the maintenance program(s) used by the certificate holder.

(b) Size, scope, any known expansion plans, and safety records of the certificate holder.

(c) Accident/enforcement history of the certificate holder and management applicant.

(d) A résumé of the individual for whom the deviation is requested, including:

- Dates of experience
- Types of aircraft
- Specific areas of experience
- Aeronautical experience
- Types of management positions previously held
- Mechanic's certificate number
- The dates the certificate and each rating was issued

(2) The principal maintenance inspector (PMI) is responsible for the following:

(a) Interviewing the individual involved to verify aeronautical experience and qualifications.

(b) Verifying the person's certificate through the Airmen Certification Branch to confirm the dates of original issuance and added ratings.

(c) Including the results of the data review, interview, and the PMI's recommendation or denial in the district office package. The district office will forward the complete package to the regional office for evaluation.

NOTE: Deviations may be granted from the minimum experience requirements in § 119.71. However, the applicant must hold the appropriate certificates and ratings.

9. AUTHORITY TO APPROVE OR DENY MANAGEMENT EXPERIENCE AND COMMUTER DEVIATION REQUESTS.

A. CHDO. As stated in paragraph 7, if the CHDO has the authority, it will approve or deny the request. The CHDO will respond to the operator in writing. If the CHDO does not have the authority, it will make a written recommendation for approval or denial and forward the request to the Regional Flight Standards Division (RFSD).

B. RFSD. The RFSD manager is authorized to approve or deny management experience deviations for all other part 135 certificate holders, except part 135 operators conducting commuter operations. This authority would include any combined positions or numbers of management positions other than the management positions specified in § 119.69(a). The RFSD will review the package from the CHDO. If the RFSD has the authority as stated above, it will approve or deny the request. The RFSD will reply in writing to the CHDO with a statement of approval or denial for the request. If the RFSD does not have the authority, the RFSD will attach their memo of recommendation for approval/denial and forward the request to the Aircraft Maintenance Division, AFS-300.

C. Aircraft Maintenance Division. AFS-300 will review the package forwarded from the RFSD.

(1) AFS-300 will authorize all required management position experience deviations for all part 135 commuter operators and all part 121 operators. The AFS-300 division manager will process and authorize or deny a deviation for fewer positions, combined positions, or different categories of required management positions.

(2) Each certificate holder who conducts operations under part 121 must have a Director of Safety. This person is responsible for keeping the certificate holder's highest management officials fully informed about the safety status of the company. An independent, full-time position is required; however, in a small part 121 operation, the Director of Safety's functions may be an additional function of a current manager. The Air Transportation Division, AFS-200, must approve any request for a management deviation involving a Director of Safety position.

NOTE: Requests for one individual to fill this position for more than one certificate holder concurrently will not be considered.

(3) AFS-300 will reply in writing to the CHDO through the RFSD with a statement of approval or denial of the request. AFS-300 will not act on requests received directly from certificate holders or CHDOs without CHDO manager and RFSD manager recommendations.

SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites:

- Knowledge of the requirements of parts 121 and 135, as applicable
- Successful completion of the Airworthiness Inspector Indoctrination course(s) or equivalent

B. Coordination. Evaluating parts 121 and 135 management personnel qualifications requires coordination with the PMI and the principal avionics inspector (PAI). It may also require coordination with other regions, district offices, and regional specialists.

3. REFERENCES, FORMS, AND JOB AIDS.

A. References:

- Title 14 CFR parts 43, 65, 91, 119, 121, 135, and 145
- Advisory Circular (AC) 120-59, Air Carrier Internal Evaluation Programs
- ATOS Elements: 7.1.1, 7.1.2, 7.1.3

B. Forms. None.

C. Job Aids:

- JTA: 3.3.22

5. PROCEDURES.

A. Review Operator/Applicant's Submitted Candidate Data. Review the following:

(1) Mechanic's certificate for appropriate ratings and validity.

(2) Enforcement Investigation System (EIS) for previous violation history.

(3) Employment history (résumé) to ensure that:

- The applicant meets the necessary experience requirements
- The applicant has not held a similar position and contributed materially to a certificate revocation in a part 121, 125, or 135 operation

(4) References to other regions and Flight Standards District Offices (FSDO) indicated by the résumé to learn of past performance history.

B. Interview the Candidate. Determine the candidate's knowledge of the following:

- Maintenance sections of the operator/applicant's manual
- Operator's operations specifications (OpSpecs)
- Relative maintenance provisions of parts 43, 65, 91, 121, 135, and 145

C. Determine the Eligibility of the Candidate. Base the decision on the data review and interview.

D. Debrief the Operator/Applicant. Inform the operator/applicant of the inspection results.

7. PROCESS FOR REQUEST FOR DEVIATION AUTHORITY.

A. Review the Management Deviation Request. Certificate holders must request deviations through their principal inspector (PI) and CHDO. Evaluate the Management Deviation Request, which must contain the information listed in section 1, paragraph 7A(2). The PMI must verify the information contained in the résumé.

B. Evaluate Management Experience Deviation Requests to Verify Comparable Experience. If comparable experience is presented to and accepted by the Administrator, the CHDO may authorize a management position experience deviation for individuals who lack the precise experience requirements specified in part 119, § 119.67 and/or § 119.71, including recency of experience.

C. Evaluate Deviation Requests for Fewer, Combined, or Different Categories of Required Management Positions.

(1) Verify that a certificate holder requesting deviation authority to use fewer positions, combined positions, or different categories of management positions demonstrates that the person(s) who will serve in these positions meet the qualifications for or receive a deviation for each management position involved. When evaluating the requests, consider the size, scope, complexity, organizational dynamics, and work load of the operations that the applicant has

requested deviation(s) for. Ensure that the request contains the information listed in section 1, paragraph 7C.

NOTE: Applicants who serve in a combined management position should not be assigned to any additional duties (e.g., check airman, aircraft instructor, etc.).

(2) The PI is responsible for the following when evaluating the request:

- Interview the individual to verify comparable experience and qualifications
- Verify the individual's certificate and ratings through the Airmen Certification Branch to verify the dates of original issuance and added ratings
- Determine the size, scope, any known expansion plans, and safety record of the certificate holder
- Evaluate the accident/enforcement history of the certificate holder and management applicant
- Verify the applicant's résumé and experience
- Evaluate any significant justification or personal knowledge of the operator/management candidate
- Recommend approval or denial of the request

9. TASK OUTCOMES.

A. File PTRS Data Sheets. PMIs must make a PTRS entry to record the actions with each of their operators as outlined in this chapter, as appropriate. The PTRS entry should be listed as activity code number 3352 or 5352, and the "National Use" field entry should be "119DEV." PMIs should use the comments section to record comments of interaction with the operators.

B. Complete the Task. Completing this task will result in one of the following:

(1) Acceptance of the candidate by approving OpSpec A006 and sending one of the following:

(a) A letter to the operator/applicant indicating acceptance of the candidate.

(b) A letter telling the operator/applicant to request a deviation through the CHDO if the candidate does not meet experience requirements or wishes approval of different positions. The candidate must have been found acceptable based on the interview.

(2) Rejection of the candidate by sending a letter to the operator/applicant listing the reasons for rejection.

C. Document Task. File all supporting paperwork in the operator/applicant's file.

11. FUTURE ACTIVITIES. Normal surveillance.