

FY 2020 AGC Business Plan



Safety

Reduce Aviation and Commercial Space Transportation-Related Fatalities and Serious Injuries in Commercial and General Aviation.

Systemic Safety Approach

Mitigate risks and encourage infrastructure and behavior change by using a data-driven systemic safety approach to identify risks, enhance standards and programs, and evaluate effectiveness.

Initiative: Legal Services Supporting the Agency Compliance and Enforcement Program

Prioritize and prosecute enforcement actions timely in accordance with the agency's safety goals by taking the first legal action in at least 70% of cases within 90 days of receipt by legal counsel and 85% within 180 days. Conduct 70% of informal conferences within 90 days of receipt of a respondent's request and 90% of informal conferences within 180 days.

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST, which include representing the agency before the NTSB, the FAA decision maker and the Federal courts, providing timely and effective legal advice and policy document review in support of enforcement activities, and providing and assisting with training that improves the effectiveness of the agency's enforcement program.

Activity: Legal Services supporting the Agency Compliance and Enforcement Program

Provide legal services supporting the Agency Compliance and Enforcement Program

Target: First Legal Action

Take first legal action (initiate case, transmit case alert to headquarters, return case to program office, take other significant action (EIS legal event code 20)) in at least 70% of cases within 90 days of receipt by a legal counsel and 85% within 180 days.

Target: Monitor and Report

Monitor and report results for each Field Enforcement Team, AGC-300 HQ. Due quarterly and final report due at the end of the fiscal year.

Target: Target 1 Accountability

If any Team or AGC-300 HQ does not meet Activity Target 1 over two consecutive quarters, evaluate and determine the root cause of the lapse and make adjustments as necessary to achieve timely prosecution of legal enforcement actions. Due at close of second quarter, if necessary, and final report due by end of fiscal year.

Target: Efficient Processing of Enforcement Actions

Process legal enforcement cases efficiently by conducting 70% of informal conferences with 90 days of receipt of a respondent's request and 90% within 180 days.

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Target: Policy Initiative - Prompt Settlement Policy

Analyze and, if feasible and practicable, design a streamlined enforcement policy/program for AAM that would add efficiency and shorten time periods for investigation, processing and litigation of certain intentional falsification cases involving medical applications. Work with program offices to determine feasibility, design and implementation.

Target: Policy Initiative - Material Contribution Policy

In cooperation with AFX, design a legally sufficient process to establish and implement a list of "material contributors." Work with AFX to draft guidance documents.

Target: Training - Medical Disqualification Cases

As recommended by 2019 audit team, prepare job aids and training material for medical disqualification cases.

Target: Training - Illegal 135 cases.

As recommended by 2019 audit team, prepare job aids and training material for illegal 135 cases.

Target: Appellate reporting

Within 45 days of end of a quarter, provide practice attorneys with written summaries of judicial decision in enforcement cases where the FAA is a party to the litigation or where the decision may have a direct impact on future enforcement actions from AGC-300.

Initiative: Provide Legal Analysis of Agency Regulations and Documents Associated with Existing Regulations

Provide legal analysis of agency regulations to Office of Rulemaking and program offices and provide the regulated community with timely guidance.

Activity: Provide Legal Services on Agency Rulemaking

Provide legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking.

Target: Rulemaking

The division meets the milestones approved by the Rulemaking Council, unless projects are placed on hold for AGC due to prioritization of other projects.

Target: External Legal Opinions

Develop plan to either reduce the number of external legal opinions issued by AMC-7 or expedite the issuance of the opinions.

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Target: Training and Professional Development

Develop plan for attorneys to work on projects outside their respective branches that facilitates cross-training and professional development.

Target: Timely Legal Review

AGC-200 will respond within 30 days to 80 percent of the petition for exemption projects submitted by ARM with either concurrence or return the package with explanation of why concurrence cannot be given.

Initiative: Develop Internal Recurrent Litigation Training

Develop Internal Recurrent Litigation Training

Activity: Establish Yearly Training Sessions

Establish Yearly Two-Three Day Training Sessions in AGC-400

Target: Annual Training Sessions

Using the internal 400 staff and relevant stakeholders, provide yearly training on the various topics that the staff handles to the full 400 staff (e.g., Aircraft Accident investigations; Tort Analysis and Litigation; FOIA processing, appeals, and litigation; Privacy Act and E-Government Act compliance; Part 9 Subpoenas; Administrative Subpoenas; E-discovery Searches, etc.). Topics will vary year to year based on need. Initiate first yearly training session, to reoccur each year thereafter.

Infrastructure

Invest in Infrastructure to Ensure Safety, Mobility, and Accessibility and to Stimulate Economic Growth, Productivity and Competitiveness for American Workers and Businesses.

Project Delivery Planning Environment Funding and Finance

Facilitate expanded infrastructure development, modernization, and construction in both rural and urban communities by fostering more efficient and collaborative planning and construction techniques, accelerating project approval, leveraging all sources of funding, and promoting innovative financing while maintaining environmental stewardship.

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Initiative: Airport and Environmental Law Services to Build the National Airspace System of the Future

Provide legal advice and guidance to assist the Office of Airports, Air Traffic Organization, and other lines of business to build the national airspace system of the future by completing review of environmental documents for projects to increase efficiency or capacity within 30 days of receipt of a technically adequate and complete document. Airport and other environmental legal services will be provided in accordance with agency strategic initiatives to make aviation safer and smarter and deliver benefits through technology and infrastructure. Collaborate across lines of business to provide excellent representational legal services and training to maintain the effectiveness of agency airport and environmental programs.

Support strategic initiatives to increase airport and system capacity and Next Generation system capability. Complete timely and effective legal reviews for infrastructure modernization and military special use airspace projects. Assist in formulating and implementing policies, strategies, and best practices to advance aviation in an environmental responsible and sustainable manner. Provide timely legal services to help the Office of Airports maintain the safety and sustainability of US airports and maintain airport infrastructure that benefits the National Airspace System.

Activity: Client Priorities and Provide Timely Legal Services to Office of Airports

Ensure that airport and environmental law services are provided in a manner that reflects agency and primary client priorities.

Target: Identify Priorities of Primary Clients

Meet with primary clients (e.g. ACO, ARP, ATO, AEE) to identify priorities, define the legal support needed to advance those priorities, obtain client feedback on support provided, and, as necessary, reassess services being provided. Provide summary report to AGC-1 and AGC-3.

Target: Judicial Decision Summaries

Within 30 days of a judicial decision, provide client offices with written summaries of judicial decisions in airport and environmental cases where the FAA is a party to the litigation or where the decision may have a direct impact on future FAA actions.

Activity: Provide Timely Legal Review of NEPA Documents

Support timely completion of NEPA documents to fulfill strategic initiatives to make aviation safer and smarter and deliver benefits through technology and infrastructure.

Target: Legal Review of Complete NEPA Documents

Except as set forth in Targets 2 and 3 below, or in connection with the review of environmental assessments for Metroplex projects and other proposed RNAV/RNP projects, complete legal review of technically adequate and complete NEPA documents within 30 days or within a mutually agreed upon time. If the program office has not provided sufficient time for adequate legal review, the assigned attorney will notify the program office and will complete the review no later than 30 days of receipt.

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Target: Legal Sufficiency Review of EISs for Airport Projects

Complete legal sufficiency review of 95% preliminary EISs for airport projects at core airports and capacity-constrained airports within 30 working days of receipt of a technically adequate and complete document.

Target: Legal Sufficiency Review of Preliminary Environmental Documents

Complete legal sufficiency review of preliminary environmental documents for all other airport projects will be completed within 30 working days of receipt of a technically adequate and complete document 75% of the time.

Target: Legal Support - Metroplex Airport Development

Provide legal support on the development of community outreach strategies associated with Metroplex, airport development, infrastructure, and RNAV/PBN procedure projects.

Activity: Policy and Guidance Information for NEPA Compliance Support

Provide legal support for policy and guidance on the requirements on the National Environmental Policy Act and related natural and cultural resource issues.

Target: Legal Support - AEE

Provide legal support for AEE's noise policy research. Assist AEE in developing responses to comments and provide legal sufficiency review for any order revisions that may result.

Activity: Provide Guidance and Coordinate FAA Sustainability Efforts

Provide timely legal services that support remediation of sites where federal activities have resulted in environmental contamination.

Target: Legal Services that Support Remediation of Sites

Provide documentation for administrative orders on consent, consent decrees, settlement agreements, and other legal documents necessary to memorialize legal obligations and agreements entered into by the agency.

Activity: Timely and Effective Provision of Representational Legal Services

Provide timely and effective representational legal services to deliver benefits through technology and modernized National Airspace System infrastructure.

Target: Petition for Review or Complaint

Within 30 days of receiving a petition for review or complaint, contact the U.S. Department of Justice attorney assigned to the matter to provide an overview of the key issues in the case and to discuss the support to be provided by AGC.

Target: Review of Petitioner's Initial Briefs

Review petitioners' initial briefs within 2 weeks of receipt and provide written comments on the accuracy of the statement of facts, with references to the administrative record.

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Target: Department of Justice Coordination

Assist the U.S. Department of Justice attorney in drafting respondents' briefs, as requested, within 10 business days of the request.

Target: Review Petitioner's Reply Briefs

Review petitioners' reply briefs and provide any appropriate additional analysis and comments, with references to the administrative record at least ten days before oral argument is held. Participate in moot courts to help the Department of Justice attorney prepare for oral arguments.

Initiative: Ensure the Nation's System of Airports Has the Right Technology and Infrastructure to Support Evolving Needs.

Ensure the nation's system of airports has the right technology and infrastructure to support evolving needs.

Activity: Align Airport Infrastructure with Current and Anticipated Demand

Form strong relationships with clients to facilitate the provision of counseling and legal services that support and enhance the client's work. Create policy guidance.

Target: Legal Support to ARP - Orders

Provide legal support to ARP on the revision of FAA Orders as appropriate or as needed. Provide written comments within 30 days of receipt of a complete stand-alone section or within 90 days of receipt of the complete order.

Target: Part 16

Part 16. Complete legal review of 95% of draft Part 16 orders submitted to AGC within 30 days of receipt of a complete document.

Target: Legal Support to ARP - Policies

Provide legal support to ARP on the revision or promulgation of FAA policies that ARP desires to promulgate or update. Provide written comments within 30 days of receipt of a complete stand-alone section or within 90 days of receipt of the complete policy statement.

Activity: Accommodate New Entrants to the Aviation System

Complete internal ARP coordination on definition of which types of Unmanned Aircraft Systems and commercial space activity represent "aeronautical use".

Target: Legal Support to ARP and AST - New Entrants Guidance

Provide legal support to ARP and AST in developing policies or guidance related to the integration of UAS, commercial space vehicles, and other new entrants into the operations of airports. Provide comments, approvals or legal opinions within 60 days of client submission or request.

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System Operations and Performance

Enhance reliable and efficient movement of people and goods by promoting effective management and ensuring leadership in securing data and in sharing information across the transportation system.

Initiative: Telecommunications/Spectrum Law Services In Support of the Strategic Initiative: NAS and Deployment of Innovation

In the area of telecommunications/spectrum law, provide strategic oversight for legal advice and represent the Agency interests relating to FAA, Federal Communications Commission (FCC), and National Telecommunications Information Agency (NTIA) rulemaking and FAA acquisition of systems and services.

Activity: Executive Counsel telecommunications/spectrum law services in support of the strategic initiative: NAS and deployment of innovation

In the area of telecommunications/spectrum law, provide strategic oversight for legal advice and represent the Agency interests relating to FAA, Federal Communications Commission (FCC), and National Telecommunications Information Agency (NTIA) rulemaking and FAA acquisition of systems and services. These legal services accelerate and expand deployment of new technologies and promote innovations that enhance the safety and performance of the Nation's air transportation system (NAS) such as integration of unmanned aircraft systems into the NAS.

Target: Monitor, Comment and Support FCC Rulemaking

Continue to monitor, comment on, and support FCC rulemaking and waiver petitions and coordinate as appropriate with industry representatives to ensure timely, sufficient spectrum for full system implementation of the Data Communications Program. It is one of FAA's major acquisition programs.

Target: Government wide collaboration and assistance

Assist the FAA, US Department of Defense, Department of Homeland Security, and National Oceanic and Atmospheric Administration cross-agency team in assessing the feasibility of reallocating or sharing up to 50 MHz of spectrum for non-federal use through the Spectrum Efficient National Surveillance Radar (SENSR) project using funds under the Spectrum Pipeline Act. The SENSR project would modernize the agency's surveillance radar network.

Target: Legal Sufficiency of FAA Recommendations

Assure the legal sufficiency of the FAA recommendations and strategy in, and stakeholder consultation for, the Report to Congress on use of spectrum by unmanned aircraft systems. This report is pursuant to Section 374 of the 2018 FAA Reauthorization Act.

Economic Competitiveness and Workforce

Enhance reliable and efficient movement of people and goods by promoting effective management and ensuring leadership in securing data and in sharing information across the transportation system.



Initiative: Office of Adjudication (OADJ) Procurement and Acquisition Related Adjudication and Dispute Resolution Services (ODRA)

As an independently operating adjudicatory authority comprised of a Director/Administrative Judge and other administrative judges, safeguard the quality and integrity of the Agency's acquisition and contract administration processes by deciding or resolving, on behalf of the FAA Administrator, all bid protests and contract disputes that arise under the FAA's Acquisition Management System. Provide timely, fair, responsive and efficient adjudication, alternative dispute resolution ("ADR") and dispute avoidance services in matters arising under the AMS, as well as in other designated administrative matters. Serve as the FAA's exclusive tribunal for adjudicating and deciding procurement and acquisition-related and other administrative disputes. Provide dispute avoidance and early resolution services to the Agency and its private sector contracting partners, assisting them through voluntary dispute resolution and dispute avoidance methods to the maximum extent practicable. For those matters that cannot be avoided or resolved through ADR, provide a flexible, efficient and transparent adjudication process. Educate Agency personnel and private sector stakeholders regarding the FAA's dispute resolution and adjudication processes.

Activity: ADR and Adjudication Services

Provide timely, fair, responsive and efficient dispute avoidance, ADR and adjudication services to the FAA and its contracting partners.

Target: Modernize Protective Order Procedures

Review and modernize the protective order procedures used by the ODRA to ensure that they facilitate electronic filing and electronic storage of protected documents. Establish procedures that track and confirm closeout procedures. Track, review and report interim status by March 31, 2020 and complete by end of FY20.

Target: Educational Programs

Conduct educational programs for Agency personnel and outside stakeholders on the FAA dispute resolution system. Participate in at least 4 programs and professional activities that promote knowledge and acceptance of the FAA acquisition process. Track, review and report interim status by March 31, 2020 and complete by end of FY20.

Target: Voluntary ADR

Provide voluntary ADR and as the primary means of managing matters filed with the ODRA. Actively manage and establish appropriate timeframes for completion of adjudication processes in all cases. Complete Findings and Recommendations in typical adjudicated cases in the following average number of days from the date of closing of the administrative record: non-complex protests- 30 calendar days; complex protests- 60 calendar days; non-complex contract disputes-90 calendar days; complex contract disputes- 160 calendar days. Track, review and report interim status by March 31, 2020 and complete by end of FY20.

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Initiative: Office of Adjudication Timely Civil Penalty Adjudication and Appeals Process and Decisions

Civil Penalty staff prepares recommended decisions for the Administrator in appeals from decisions issued by DOT Administrative Law Judges and provide hearing officers in other civil penalty cases. Civil penalty staff also provides docket clerking services for the ALJs in all civil penalty adjudications.

Activity: Civil Penalty Appeal Decisions

Civil Penalty staff prepare recommended decisions for the Administrator in appeals from decisions issued by DOT Administrative Law Judges and provide hearing officers in other civil penalty cases. Civil penalty staff also provide docket clerking services for the ALJs in all civil penalty adjudications.

Target: Civil Penalty Appeals and Adjudications

Prepare draft decisions for the Administrator for typical civil penalty appeals and adjudications in an average of 120 days from the closing of the record. Report interim status by March 31, 2020 and complete by end of FY20.

Target: ADR Option Pilot Program

In conjunction with the Enforcement Division, and based on data collected, determine the best course of action for the continuance, modification, institutionalization, or cancellation of the Civil Penalty Mediation Pilot Program. Report interim status by March 31, 2020 and complete by end of FY20.

Target: Final Rule to Part 13 Procedural Rules

Publish a final rule for the comprehensive revision to the Part 13 Procedural Rules governing civil penalty adjudication and appeal procedures, including a provision allowing electronic filing and case management.

Initiative: Acquisition & Fiscal Law Services Division Support of Strategic Initiative: NAS

Provide legal advice and represent the Agency interests relating to the FAA's acquisition of the systems and services needed to achieve the NAS Priority Initiative and other high priority goals. In particular, this Initiative supports the NAS Guiding Principle: Provide safe, secure, and efficient services to NAS users in the most cost effective and innovative manner. The Division's staff ensures the legal sufficiency of acquisition processes and documents; assists clients in developing a rational basis for acquisition and related decisions, and represents the agency when acquisition decisions are challenged.

Activity: Provide Timely and Accurate Review of Acquisition Documentation

The Office of the Chief Counsel will review 100% of documents within 10 days, on average, of receipt of complete packages.

Target: Review of Acquisition Documents

The Office of the Chief Counsel will review 100% of documents within 10 days, on average, of receipt of complete packages.

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Activity: Provide Timely and Accurate Representation at the Office of Dispute Resolution (ODRA)

Represent the Agency before the Office of Dispute Resolution for Acquisition (ODRA)

Target: Agency Representation

The Office of the Chief Counsel will represent the Agency in all matters before ODRA, AGC-70, meeting 100% of deadlines imposed.

Innovation

Lead in the Development and Deployment of Innovative Practices and Technologies that improve the Safety and Performance of the Nation's Aviation System.

Development of Innovation

Encourage, coordinate, facilitate, and foster world-class research and development to enhance the safety, security, and performance of the Nation's transportation system.

Initiative: International Legal Services - Support Client Offices

Provide legal services as required to FAA program offices responsible for promoting USG interests with other countries and international organizations, including (ICAO). Assist API in meeting work plan milestones. Complete legal sufficiency reviews within timeframes that meet defined client needs by (i) providing the initial review of 80% of template-based technical assistance agreements for international activities within 15 working days of receipt, and (ii) by performing initial review and coordination of 90% of U.S. positions and strategies by the deadlines specified in a particular Interagency Group on International Aviation (IGIA) paper.

Activity: Interagency Group on International Aviation (IGIA)

Legal review of Interagency Group on International Aviation (IGIA).

Target: Legal Review of Interagency Group on International Aviation (IGIA)

Complete legal review of IGIA matters as assigned by the deadline specified in the IGIA circulation. Legal review results either in (i) determination of legal sufficiency or (ii) a determination of work to be done by others to correct legal deficiencies. When it becomes clear that a deadline cannot be met, the attorney will contact the Assistant Chief Counsel so that the matter can be reassigned.

Activity: International Agreements and Contracts

Legal review of international agreements and contracts and providing technical assistance.

Target: Review of International Agreements and Contracts

Complete review of international agreements and contracts as assigned within 15 working days of receipt in the AGC-700.

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Target: Legal Technical Assistance to Foreign CAAs

Provide as assigned legal technical assistance to foreign CAAs, the ICAO Global Aviation Safety Oversight System (GASOS), or regional Safety Oversight Organizations (RSOOs) directed at achieving compliance with ICAO Standards for primary aviation law, regulations, enforcement systems, and related issues.

Activity: Promote USG Interests at the International Civil Aviation Organization (ICAO)

Provide legal assistance to FAA Program Offices on technical issues involving ICAO Standards and Recommended Practices. Serve as legal representatives at upcoming ICAO meetings, as necessary.

Target: Legal Support to FAA Program Offices

Provide as assigned (i) legal support to the relevant client offices in their review of ICAO initiatives, including proposals for new or revised Standards and (non-binding) Recommended Practices (SARPs); and other ICAO guidance materials; and (ii) legal assistance to FAA program offices in implementation of any new or amended SARPs.

Target: Represent the FAA and United States in ICAO Legal Bodies

Represent the FAA and the United States in ICAO legal bodies, including but not limited to the Legal Commission of the Triennial Assembly, the Legal Committee, diplomatic conferences and high-level ministerial conferences on various subjects, the Cape Town Commission of Experts (CESAIR), the Task Force on the Cross-Border Transferability of Aircraft, and ad hoc legal advisory and work groups of various kinds.

Activity: International Aviation Safety Assessment Audits (IASAs)

Implement and support the IASA program by (1) conducting legal assessment of the civil aviation laws, regulations, and enforcement systems of foreign aviation authorities for compliance with minimum international aviation safety standards established under the Convention on International Civil Aviation; (2) assisting with communicating the results of the assessment to both representatives the assessed country and the U.S. embassy staff; and (3) assisting the program office in development of policy for execution of the Administrator's responsibility for the safety of foreign air carriers.

Target: Cooperation with Flight Standards Services International Affairs Office

Cooperate as assigned with the Flight Standards Service international affairs office (AFS-50) in scheduling and conducting IASA audit visits to foreign Civil Aviation Authorities (CAAs), Final Discussions, or other consultations. Assist in the drafting of cables, team reports, and Record of Discussions (ROD) in a timely manner.

Target: Development of IASA Policies and Procedures

Participate in the development of IASA policies and procedures and in training audit team members.

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Activity: United Kingdom Withdrawal from the European Union (Brexit)

Assist Agency clients in ensuring a seamless transition in safety relationship with the UK upon its withdrawal from the EU.

Target: Assist Agency Clients to Ensure Transition

Assist AVS-1, API-1, AIR-1, and AFS-1 in ensuring a seamless transition in our safety relationship with the UK upon its withdrawal from the EU, projected to occur in March, 2019 but has been extended into FY2020,, with minimal impact on our continuing safety relationship with the EU, especially the European Aviation Safety Agency and the European Commission, as assigned.

Initiative: Assist in Development and Implementation of the FAA's Global Leadership Initiative (GLI)

Provide assistance to the Executive Director for International Affairs in development, oversight, and execution of the FAA's International strategy.

Activity: Assist in Development and Implementation of the FAA's Global Leadership Initiative (GLI)

Provide assistance to the Executive Director for International Affairs in development, oversight, and execution of the FAA's International strategy.

Target: International Steering Committee (ISC) Participation

Participate as assigned in the International Steering Committee (ISC) and assist with the implementation of its initiatives. Support the Chief Counsel and Deputy Chief Counsel's participation in the International Advisory Board (IAB).

Accountability

Serve the Nation with Reduced Regulatory Burden and Greater Efficiency, Effectiveness and Accountability.

Regulatory Reform

Reduce current regulatory burdens and bureaucracy to ensure a safe, efficient, accessible, and convenient transportation system for people and commerce.

Initiative: EEO/Diversity and Inclusion Action Committee (EAC)

Utilize the EEO Action Committee (EAC) to collaborate and support a diverse and inclusive workplace with existing employee workgroups, LOBs/SO, to create an inclusive work environment.

Activity: AGC Ensure a Diverse and Inclusive Workforce

- AGC will complete activities that will foster a diverse and inclusive workplace and improve the Reasonable Accommodation interactive process.
- Assist in development of a diverse workforce at all levels. Increase the representation of Persons with Targeted Disabilities (PWTD), Hispanics, and Women in the workforce as compared to the civilian labor workforce (CLF).
- Provide EEO training to managers and employees.
- Managers engage in the mediation/facilitation process.

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Target: Reasonable Accommodations

Ensure 90% of AGC reasonable accommodation requests are processed within 25 business days or less.

Target: Improve Participation/Outreach

Develop strategies to improve the representation of Persons with Targeted Disabilities (PWTB), Hispanics, and Women by providing resources and data analysis to AGC to increase the workforce as compared to the civilian labor workforce (CLF) and/or MD-715, Part J). These strategies will address hiring, training, career progression opportunities and will be deployed and tracked through the EAC Workgroups.

Target: EEO Training

Monitor the delivery of EEO training to 70% of AGC managers and 20% of AGC employees.

Target: Mediation

Ensure that 75% of all AGC managers engage in mediation when requested by employees.

Mission Efficiency and Support

Support mission requirements by efficiency and effectively planning for and managing human capital, finances, procurement, sustainable operations, information technology, emergency preparedness, and other mission support services.

Initiative: AIT Key Operational and Project Management Activities

This initiative represents key activities and projects performed by AIT which are not clearly aligned under other AFN Initiatives and serves as a repository for short term incentives for AIT Executives.

Initiative: Employment and Labor Law

In support of the agency's objective of building and enhancing our high performance workforce, AGC continues to support the numerous agency-wide strategic initiatives and provide legal services in support of the administrative activity of the agency. The largest legal practice group within this goal area is our employment and labor law office (AGC-100) Attorneys represent the agency before the Equal Employment Opportunity Commission (EEOC), Merit System Protection Board (MSPB) and assist with federal litigation at all stages. AGC-100 attorneys provide advice and guidance to the Administrator and primary client offices on personnel, labor, civil rights, and equal employment opportunity matters. They also counsel on ways to minimize the legal risks relating to employment decisions and policy. Moreover, AGC-100 supports employee indebtedness proceedings, FOIA and ethics.

Activity: Air Traffic Control Specialist (ATCS) Hiring Process

Continuously improve the ATCS hiring process to deliver innovative and defensible strategies to recruit, assess and hire ATCS.

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Target: Air Traffic Control Specialist (ATCS) Hiring Process

Provide timely legal support for FAA efforts in FY2020 to recruit, assess, hire and train ATCS. Support focuses on internal management, administrative processes, and improvement for the FY2020 ATCS recruitment.

Target: Collaboration with HR and ATO

Collaborate with Human Resources and ATO to innovate recruitment and hiring process. Participate in monthly executive steering committee to discuss ATCS hiring initiatives.

Activity: Training for Managers, Attorneys and Staff

Provide training to managers, attorneys and staff to increase and continuously improve the skills, level of knowledge and professional development.

Target: Establish Team

Establish a team of employment managers and attorneys to review and evaluate existing training options and develop a plan for future options. The team will consider the source (i.e. internal, external), method, frequency, and value of different training options focusing on the needs of the employment practice. Identify a team leader.

Target: Meeting Schedule

The team will meet on a regular basis. The team will provide quarterly updates to the Assistant Chief Counsel.

Target: Workgroup Deliverable

The workgroup will provide a recommendation for skill and knowledge based training.

Activity: Identify and Monitor Emerging and Key Areas of Law

Ensure highest quality of service and knowledge. Provide growth and developmental opportunities for attorneys. Hone analytic and presentation skills.

Target: Emerging and Key Areas of Law

Establish process within each of the three teams (HQ, EAST and WEST) to identify and monitor emerging and key areas of law.

Target: Meeting Schedule

Schedule bi-monthly Employment Law Updates to share a concise overview of emerging and key areas of law. Each team will provide an overview of one emerging or key area.

Target: Employment Practice KSN

Publish any written updates on the Knowledge Sharing Network (KSN) for the employment practice. Redesign KSN to make the navigation more intuitive and the content more useful to AGC-100 attorneys.

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Activity: Track Adverse Administrative Decisions (FAA Specific)

Continue to track and review EEOC findings of discrimination and MSPB decisions that failed to sustain the Agency's action. Share these topics with the training team.

Target: Track Adverse Administrative Decisions (FAA Specific)

Track adverse EEOC and MSPB decisions on a quarterly basis. Due September 30, 2020.

Target: Lessons Learned

Brief decision and any lessons learned during Employment Law Updates.

Activity: Training for Client Offices (External)

Continue and Improve Collaboration with Client and Support Offices.

Target: Client Outreach

Establish and schedule quarterly meetings with key clients and support offices. AGC Managers will provide a briefing of trends and address concerns/issues of the key client and support offices.

Target: Proactive Training

Develop a catalog of training offerings and proactively engage LOBs/SOs to participate in the trainings.

Target: Internal Roster of Attorney-Trainers

Identify and develop mid-career and experienced attorneys to provide training to LOBs/SOs.

Activity: Monitor and Maintain Effort to Reduce Use of Outside Counsel.

Reduce reliance on outside counsel for administrative class actions and complex litigation

Target: Reduce Use of Outside Counsel

Monitor, implement and modify, as necessary, plan to reduce use of outside counsel.

Target: Develop and Train Internal Resources

Develop newly appointed attorney(s) charged with representing the FAA in the class action litigation. Continue to train and mentor internal resources (attorneys and support staff) on the handling of class action litigation.

Initiative: Manage Ethics Program and Related Legal Services

Provide management of the Ethics Program and related legal services.

Activity: Manage Ethics Program and Related Legal Services

Provide training to Agency Ethics Program Coordinators (EPCs).

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Target: EPC Training

Provide training as necessary to EPCs on their respective program management duties under Order 3750.7A throughout the calendar year; with a special training emphasis on their duties and responsibilities prior to the opening of the annual confidential financial disclosure reporting cycle. December 31, 2019 and September 30, 2020.

Activity: Order Update

Update Order 3750.7A - Ethical Conduct and Financial Disclosure Program.

Target: Order Update

With the rapid commercialization of new technologies that continue to bring new business interests, business arrangements, products, and services within the purview of the agency's regulatory authority, conduct an internal review of the agency's list of prohibited financial investments (a.k.a. "the 6001 list") applicable to all 45,000 plus agency employees to determine its completeness. Recommend to the Agency's Deputy Ethics Official and Chief Counsel updates to Order 3750.7A and its various appendices based upon this review and other changes to the Agency's organizational structure.

Activity: Ethics Training

Train and educate employees on the Standards of Conduct for Employees of the Executive Branch and their implementing orders, regulations, and policies.

Target: Ethics Training

Provide ethics training and education to specifically targeted and requesting lines-of-business.

Activity: Recurring Event Topic Sheets

Identify and develop topic sheets to address common ethics issues arising from invitations to recurring events. Review existing, and where necessary develop, general ethics topic information guidance used to address the most frequently occurring questions regarding ethical initiatives and events.

Target: General Ethical Guidance

Update, and where necessary develop, general ethical guidance in the form of memorandum or topic sheets to address those recurring annual events that generate a need for ethical consideration, advice, and approval.

Initiative: Acquisition & Commercial Law Services Division Support of Strategic Initiative: Workforce of the Future

Provide legal support for acquisition workforce training needed to achieve the Workforce of the Future Strategic Initiative and other high priority goals. In particular, this Core Initiative supports the Workforce of the Future Aspiration to drive results and deliver on services and assignments. The Division's staff provides training and quality assurance to the FAA's Acquisition Workforce.

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Activity: Training and Certification in Key Acquisition Disciplines

Train, develop, and certify personnel in key acquisition disciplines to ensure FAA has sufficient numbers of skilled acquisition professionals (current and pipeline) to successfully manage acquisitions.

Target: Acquisition Training

Provide localized, topic-focused training to designated acquisition professionals on specific topics of interest at least once per quarter (December, March, June and September). The topics and format of training will be determined in consultation with Acquisition and Contracting (ACQ).

Target: Develop Training

Start developing training to identify, articulate, and differentiate the FAA's Acquisition Management System (AMS) vice the Federal Acquisition Regulation (FAR). Draft list of topics.

Initiative: Legislative Legal Services

Provide management of timely legislative legal services to senior leadership.

Activity: Legislative Legal Services

Advise and assist agency leadership with appropriate response to congressional requests. .

Target: Congressional Hearings and Roundtables

Assist in agency preparations for Congressional hearings and roundtables, including drafting and reviewing of witness testimony, participating in witness preparation meetings, and drafting or coordinating responses to questions for the record (QFR), inserts for the record, and correcting the formal transcripts.

Target: Legislative Implementation Plans

Assist in monitoring the execution of the legislative implementation plan for the 2018 Reauthorization Act. Provide legal advice on requirements imposed by the legislation and assist in responding to congressional requests concerning status of specific legislative items.

Target: Tracking Legislative Proposals

Track pending congressional legislative proposals, stay apprised of legislative activities and priorities of authorizing committees, and advise agency leadership on potential impacts of pending legislation.

Target: Advise Agency Leaders

Advise agency leaders about legal and resource implications regarding legislative proposals and enacted laws.

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Target: Technical Assistance Requests

Respond to all requests for technical assistance and provide follow-up support as needed for member offices or committee staff as appropriate.

Target: General Legislative Legal Services and Coordination

Provide general legislative legal services and coordination support regarding any other congressional requests in the form of formal correspondence or informal request for information or documentation.

Initiative: Identify and Develop Agency Legislative Priorities

Coordinate with FAA offices to lead the development of legislative proposals to address agency priorities including program initiatives, gaps in authority and technical fixes to address errors and omissions in prior reauthorization acts.

Activity: Provide Technical Assistance and Drafting Support for FAA Offices that Identify Specific Legislative Needs/Initiatives

Coordinate with FAA offices to identify specific legislative needs to address potential legislative initiatives, gaps in FAA authority or technical fixes that should be addressed by draft legislation.

Target: Coordination to Support Agency Priorities

Support agency priorities by reaching out to FAA offices to identify and understand legislative support needs.

Target: Develop Legislative Drafting

Draft legislative proposals that respond to FAA program initiatives, identified gaps in FAA authority or technical fixes. Draft detailed sectional analysis to accompany each legislative proposal.

Target: Identify Potential Legislative Vehicles

Coordinate as necessary with committee staff, OST, and/or OMB to identify and engage the appropriate process and legislative vehicle to advance agency legislative proposals.

Activity: Support the Department and Intra-Departmental Legislative Efforts

Support the Department and Intra-Departmental Legislative Efforts.

Target: Coordination of Responses

Coordinate FAA's response to requests from the Department pursuant to the Legislative Referral Memorandum (LRM) and other inter-agency processes.

Target: Response to Other (non-LRM) Departmental Requests

Coordinate and assist in the FAA's response to Departmental requests pertaining to Executive Branch policy documents, reports to Congress, hearings, round tables and other legislative policy matters.

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Initiative: Information Law Practice

Develop Training on Initial FOIA Processing, and Provide Training to LOBs/SOs

Activity: Develop Training on Initial FOIA Processing, and Provide Training to LOBs/SOs

Develop and Provide Training to LOBs/SOs

Target: Develop Training on Initial FOIA processing

Develop training on initial FOIA processing, including, but not limited to scoping discussions, fee discussions, fee categories, search, and review, and provide training.

March 2020 - develop training module

April 2020 – commence monthly training to different LOBs/SOs