

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

DRAFT
N 8100.20

National Policy

Effective Date:

MM/DD/YYYY

Cancellation Date:

MM/DD/YYYY

SUBJ: Organization Designation Authorization (ODA) Holder Ethics Training for Unit Members (UM) and Administrators

1. Purpose of this Notice. This Notice provides initial implementation of a new statutory requirement for ODA holders to develop and provide, and for all ODA unit personnel to take, initial and recurrent ethics training. The FAA intends that the policies contained in this Notice will be incorporated into a future revision of FAA Order 8100.15, Organization Designation Authorization Procedures. To the extent that this Notice conflicts with FAA Order 8100.15, the contents of this Notice supersede that of the Order.

2. Audience. The audience for this Notice includes ODA applicants, holders, UMs, and administrators; and the FAA offices that provide ODA oversight.

3. Where can I Find This Notice? FAA employees can find this Notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices/ and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. The public can find this Notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices/ and DRS.

4. Background.

a. The FAA has statutory authority to delegate, to qualified persons and their employees, certain functions related to issuance of certificates per Title 49 of the United States Code (49 U.S.C.) section 44702(d). Such persons may include organizations, and 49 U.S.C. § 44736, Organization Designation Authorizations, places certain obligations on the FAA and on ODA holders. Additionally, Title 14, Code of Federal Regulations (CFR) section 183.53 requires each ODA holder to have an FAA-approved procedures manual, and that such manual includes the training requirements for ODA unit personnel.

b. The FAA Reauthorization Act of 2024, Pub. L. No. 118-63 (May 16, 2024) (the Act) added several provisions specific to the FAA's oversight of ODA holders. Section 304 of the Act, Training of Organization Delegation Authorization Unit Members, amended 49 U.S.C. § 44736 by adding paragraph (g), Ethics Training Requirement for ODA Holders. 49 U.S.C. § 44736(g) requires the FAA to ensure that each ODA holder has in effect a recurrent training program, reviewed by the FAA, for all ODA UMs. 49 U.S.C. § 44736(g) also requires each ODA unit member to complete such ethics training within sixty business days of appointment and annually thereafter and requires the FAA to establish the necessary processes to ensure that this training occurs.

c. This Notice implements 49 U.S.C. § 44736(g) for all ODA holders and UMs, and extends such ethics training to ODA administrators.

5. ODA UM Ethics Training Program Requirements.

a. ODA holders must develop and provide recurrent annual ethics training to all ODA UMs and administrators. The training must address the following:

- (1) UM professional obligations and responsibilities;
- (2) For ODA holders required to have an existing safety management system (SMS), training on the code of ethics required by the SMS;
- (3) For ODA holders not required to have an SMS, training on the ODA holder's code of ethics;
- (4) Procedures for reporting safety concerns, as described in the respective FAA approved procedures manual for the delegation;
- (5) The prohibition against and reporting procedures for interference described in 49 U.S.C. § 44742 and FAA Notice N 8100.19, Updated Policy on Organization Designation Authorization (ODA) Holder Interference with ODA Unit Members (UM) and Communication between UMs and the FAA;
- (6) Training on professionalism and promoting a clear understanding among ODA UMs and administrators about the purpose of and procedures associated with SMSs, including the provisions of the third edition of the Safety Management Manual issued by the International Civil Aviation Organization (Doc 9859) (or any successor edition).

b. The ODA holder's procedures manual (PM) training section must specify:

(1) Existing ODA UMs and administrators must complete the required ethics training within 60 business days after the OMT approves the ODA's revised PM incorporating ethics training, and annually thereafter, to continue exercising the functions delegated and responsibilities under the ODA.

Note: ODA UMs and administrators who have completed existing ethics training provided by the ODA holder, which the OMT has approved as having satisfied the requirements outlined in paragraph 5 of this Notice, are not required to retake the training as a result of this Notice. However, ODA UMs and administrators must meet the annual recurrent training requirement, established by this Notice, one year from the date the training was previously successfully completed.

(2) Not later than 60 business days after being designated as an ODA UM or administrator, and annually thereafter, each ODA UM and administrator must complete the required ethics training to continue exercising the functions delegated and responsibilities under the ODA.

(3) Actions that the ODA holder must take to preclude any ODA UM or administrator who does not complete the required ethics training from exercising delegated functions until the training is completed.

c. Within 90 calendar days of this Notice issuance, the ODA holder must provide ethics training material and a proposed revision of the ODA holder's PM training section to their respective OMT lead.

6. FAA Actions.

a. Within 60 calendar days of receiving the ODA holder's proposed ethics training materials and proposed PM revision, the OMT will review the submission for compliance with the requirements of 49 U.S.C. § 44736(g), as detailed in paragraph 5 of this Notice. The OMT will upload the proposed training material accompanied by the OMT's comments to the ODA Office's OMT Data Portal.

b. Within 30 calendar days of receipt, the ODA Office will review, evaluate, and determine if the ODA holder's training material is compliant with the requirements of 49 U.S.C. § 44736(g) as detailed in paragraph 5 of this Notice, and notify the corresponding OMT.

c. Within 14 calendar days of ODA Office notification specified in paragraph 6.b of this Notice, the OMT will inform the ODA holder whether the training material and proposed revision of its ODA PM is compliant with requirements of paragraph 5 of this Notice.

(1) If acceptable, the OMT will approve the proposed PM revision in accordance with FAA Order 8100.15, indicating ethics training is approved and will notify the ODA Office per paragraph 8 of this Notice.

(2) If not acceptable, the OMT will notify the ODA holder in accordance with FAA Order 8100.15 and return the ethics training program and PM to the ODA holder for correction and resubmittal.

7. Accountability.

a. If an ODA holder fails to submit its proposed ethics training materials and proposed PM revision within 90 calendar days of the issuance of this Notice, the ODA holder may request an extension. The OMT lead will notify the appointing office manager to request an extension. In the event an extension is not approved or appropriate, the OMT lead will initiate the suspension process.

b. If the OMT is unable to approve the ODA holder's PM within 180 calendar days of the issuance of this Notice, the OMT lead will notify the appointing office manager to request an extension or initiate the suspension process.

c. The OMT must notify the ODA Office when an ODA holder's PM has been approved, or of any suspension or extension requests.

8. ODA Office Data Needs Supporting Implementation. To support the successful implementation of this policy, OMT leads (or delegates) are required to submit the following information to the ODA Office, via the OMT Data Portal:

- Whether ODA holder is required to have an SMS;
- Date ODA holder proposed ethics training materials and proposed PM revision submitted to OMT;
- Date OMT completes its review;
- ODA holder proposed ethics training materials;
- Date OMT approved revised ODA holder's PM;
- Date ODA holder notified of PM approval; and
- Date of ODA holder training completed as described in paragraph 5 of this Notice.

9. Deviations. It is necessary to adhere to the procedures contained in this Notice in order to achieve uniform administration of this directive material. Any deviation to this Notice must be approved by the ODA Office.

10. Disposition. Direct questions or comments concerning the information in this Notice to 9-AVS-ODA-OFFICE@faa.gov. The ODA Office welcomes and will consider all suggestions or comments regarding this Notice.

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