

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N JO 7210.807

Air Traffic Organization Policy

Effective Date:
04/15/2012

Cancellation Date:
04/15/2013

SUBJ: Technical Operations Safety Action Program (T-SAP)

1. Purpose of this Notice. This notice contains the description of the Technical Operations Services Aviation Safety Action Program (ASAP) entitled Technical Operations Safety Action Program (T-SAP). This notice establishes T-SAP guidance for a limited demonstration period, as defined in this notice. In accordance with the ASAP Memorandum of Agreement (MOA) between the Federal Aviation Administration (FAA) and Professional Aviation Safety Specialists (PASS) dated December 17, 2010 (see Appendix A), the parties will conduct a review of T-SAP that will take place at the organizational level and a determination will be made for the continuation of the program. If the outcome of the T-SAP review determines that the program will be implemented nationally, the requirements in this notice and any necessary changes, will be incorporated into FAA Order 7200.20, Voluntary Safety Reporting Programs.

2. Audience. This notice applies to all Air Traffic Organization (ATO) facilities that have received the required training and are authorized to execute the policy and procedure contained within the voluntary safety reporting program, T-SAP.

3. Where Can I Find This Notice? The notice is available on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices/.

4. Background. T-SAP reports offer submitters an opportunity to completely explain any reported event. The Event Review Committee (ERC) will seek to understand the causal factors of every reported issue based on all available information. Post-event activities should focus on taking appropriate corrective actions, identifying primary and contributing factors, and developing corrective action plans to reduce the probability of reoccurrence.

5. Eligible participants. Technical Operations employees, as described in a. and b. of this section, are eligible to complete a T-SAP report for events that occur while acting in that capacity. Any eligible employee who submits a T-SAP report will have the full, non-punitive protections of T-SAP unless that specific report is excluded or rejected by the T-SAP ERC.

a. Bargaining unit. All employees covered by the collective bargaining agreement (CBA) between PASS and the FAA effective July 2, 2000, or its successor. The ASAP MOA between the FAA and PASS is contained in Appendix A of this notice.

Distribution: Electronic

Initiated By: AJS-0

6. How to report. File T-SAP reports online via www.t-sap.org.

7. Who reviews T-SAP reports? An ERC comprised of representatives from PASS, ATO, and the Air Traffic Safety Oversight Service (AOV), reviews and analyzes each report to identify actual or potential safety problems and to ensure an appropriate response.

8. What to report. It is imperative that employees identify potential safety hazards within the National Airspace System (NAS) in order to maintain the integrity of the system. Reporting safety hazards (either systemic or individual) enhances system integrity and ensures that corrective action is taken and necessary protections are provided for personnel, equipment and operations.

a. Non-compliance reports. Non-compliance reports identify specific instances of a failure to follow FAA directives.

b. Aviation safety concern reports. Aviation safety concerns that do not involve specific non-compliance with FAA directives are reportable via T-SAP. These may include, but are not limited to, potential safety events or perceived problems with policies, procedures, equipment, automation, and publications used to provide air traffic services.

9. Protective provisions. For an accepted report, the ATO will use neither the written report, nor the content of a written report, to initiate or support any disciplinary action, or as evidence for any purpose in an AOV credential action, unless it meets the exclusionary criteria identified in the ASAP MOA and this notice.

10. Investigations. Filing a T-SAP report does not preclude the FAA from performing its responsibilities pertaining to event reporting, quality assurance, quality control, and oversight; or employees from fulfilling their obligations to the requirements of any investigative process. Whereas the FAA may conduct an independent investigation of an event, neither the T-SAP ERC nor the Program Office will share the knowledge of an event, or the content of a report with any investigation unless the event is excluded in accordance with the ASAP MOA and this notice. Even when an investigation is being conducted, an eligible employee may still file a T-SAP report, provided that they meet report timeliness and acceptance criteria outlined in Paragraph 11.

11. Possible Outcomes. Reports will have one of the following outcomes:

a. Accepted. A consensus decision made by the ERC identifying that a report meets program criteria.

b. Excluded. A consensus decision made by the ERC identifying that a report meets the exclusionary criteria below or in the ASAP MOA.

- 1) The ERC may exclude reports based on the timeliness criteria in the ASAP MOA or applicable sections of this notice for those not covered by the ASAP MOA.
- 2) The ERC will exclude reports involving possible noncompliance with applicable FAA directives if they determine that an individual knowingly introduced an unacceptable level of risk into the NAS. The ERC will use the ATO SMS Risk Matrix to determine event severity and likelihood.
- 3) The ERC will exclude any reported events involving criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving any of these five actions will be referred to an appropriate FAA office for further handling. The FAA may use the content of such reports for enforcement purposes and will refer such reports to law enforcement agencies, if appropriate. If upon completion of a subsequent investigation it is determined the event did not involve any of the exclusionary factors as covered in 11.b.3 of this notice, then the report will be referred back to the ERC for a determination of acceptability under T-SAP. Such reports will be accepted provided they otherwise meet T-SAP acceptance criteria.
- 4) The ERC may also exclude reports that are initially accepted if the submitter fails to successfully complete any action, including training, recommended by an ERC.
- 5) If an official FAA investigation determines that a report should not have been excluded, then it will be referred back to the ERC for a determination of acceptability.
- 6) A previously accepted T-SAP report may be reopened and appropriate action taken, if evidence is later discovered that establishes the report should have been excluded from the program.

12. Failure to reach consensus. The success of any Voluntary Safety Reporting Program (VSRP) is predicated on the ability to reach consensus. Failure to reach consensus brings into question the capability of all parties to collaborate successfully and may ultimately result in the program's failure. In the event that the ERC (primary or alternate) is struggling to reach consensus, they may request the assistance of the T-SAP Steering Committee. The Steering Committee will try to help the ERC clearly identify the issue(s) that are preventing them from reaching consensus. The Steering Committee may bring corporate knowledge to bear, identify subject matter experts as appropriate, and generally assist the ERC in reaching consensus. Should the primary ERC members be unable to reach consensus, mediation services will be provided. If at that time, the primary ERC members are still unable to reach consensus, the issue will be assigned to the alternate ERC members for resolution. Once an issue has been assigned to the alternate ERC members for resolution, it will not revert back to the primary ERC members. If the alternate ERC members are also unable to reach consensus, mediation services will be provided. If, after mediation, the alternate ERC members are unable to reach consensus, the issue will be elevated to the T-SAP Executive Committee consisting of the ATO Chief Operating Officer (COO), Associate Administrator for Aviation Safety (AVS-1), and PASS National President. Once the inability of the alternate ERC to reach consensus is elevated to the Executive Committee, they will provide any and all resources they deem appropriate to the alternate ERC so that they may reach consensus. If there is failure to reach consensus by the

alternate ERC within 14 days, the event/issue status will change to “dormant” and no data about the event/issue will be released from the T-SAP system. This data will, however, be retained within the T-SAP system so that the submitter has full protections of the program. While the ATO and AOV may not take any action against the submitter in this case, AOV may conduct an independent investigation and issue letters of noncompliance or correction to the organization relative to information contained in the report. Additionally, the ATO may pursue corrective actions and risk mitigation activities relative to information contained in the report.

13. Participant responsibilities.

a. Submitter. When an individual is involved in, observes or identifies an operational safety hazard/problem, or experiences a safety-related event, he or she should:

- 1) Note the hazard/problem or event and any specifics that will help reduce the likelihood for recurrence describing it in enough detail that it can be understood and evaluated by someone not directly involved.
- 2) Submit a T-SAP report for each safety problem or event at an appropriate time during the duty day, if possible.
- 3) Submit reports within 24 hours of the end of the employee’s duty shift on the date of occurrence, or within 24 hours of becoming aware of a possible non-compliance. The ERC will accept reports that they determine to be sole source (as defined in subparagraph 17.i), regardless of the timeframe within which they are submitted, provided they otherwise meet the acceptance criteria.
- 4) Call the T-SAP hotline or send an e-mail to T-SAP and file notice within 24 hours after the end of the duty shift that s/he intends to file a report if the electronic system is not available to the employee at the time he or she needs to file a report. This notice within the prescribed time limit must be followed by a formal report submission within three working days thereafter.

b. Management. During the preliminary investigation process, managers must remind those being investigated about the option to submit a T-SAP report (PASS is entitled to be present during interviews). Management must:

- 1) Supply all information requested by the T-SAP manager/analysts.
- 2) Take no decertification, credentialing, or disciplinary action for events covered by an accepted T-SAP report.
- 3) Conduct skills checks, reviews, or specialty examinations associated with an event/problem covered by an accepted T-SAP report only when approved or directed by the ERC.

4) As appropriate, return the employee to operational duty on some or all of their operational specialties while awaiting the ERC decision.

i. Employees must not be forced into a leave or non-pay status while awaiting the ERC decision.

ii. Employee's regular schedules and days off must not be changed without employee concurrence.

5) Management responsibilities pertaining to ERC recommended training:

i. If applicable, forward proposed training recommendations to the ERC within three administrative days of the ERC request. Supporting information should accompany any recommended training action.

ii. Keep confidential, to the extent feasible, information requested by, and all training recommended by the ERC.

iii. Provide employees adequate time and resources to accomplish training in a timely manner as recommended by ERC for any accepted T-SAP report.

iv. Give feedback to the ERC on training completion and/or qualification issues. Respond to all information requests from the ERC/analysts and accomplish corrective actions.

v. Will not reference ERC recommended training in any performance management actions.

6) Management responsibilities pertaining to ERC recommended corrective action:

i. Accomplish corrective action to the satisfaction of the ERC.

ii. Report status of recommended corrective action in a timely manner.

c. Event Review Committee (ERC). The ERC determines the appropriate response for each T-SAP report by reviewing and analyzing the information provided, conducting interviews of reporting personnel when required, gathering additional information as available, and to the extent appropriate, investigating all safety-related reports. An ERC process flowchart is shown in Appendix B.

1) The T-SAP ERC is comprised of a representative designated by PASS, a representative from the ATO, and a representative from AOV. The ERC may, upon consensus, share and exchange identified information about accepted reports, and may identify actual or potential safety problems from the information contained in the reports. The ERC authorizes fact-finding research, as needed, to support timely decisions.

2) Consensus of the ERC means the voluntary agreement of all representatives of the ERC with each decision required by the process. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each ERC member's range of acceptable solutions for that event in the best interest of safety. The ERC will strive to reach a consensus on whether a reported event is covered under the program and the corrective action, if any, that should be taken as a result of the report. For reports that involve same or similar possible noncompliance with the directives that were previously addressed with no action under T-SAP, the ERC will consider on a case-by-case basis the corrective action appropriate for such reports.

3) If a T-SAP report identifies another covered employee experiencing a safety problem or event, and that employee has not submitted a separate report, the ERC will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible problem or event. If the ERC determines the employee did not know or could not have known about the possible problem or event, and the original report otherwise qualifies for inclusion under T-SAP, the ERC will offer the non-reporting employee an opportunity to submit his/her own T-SAP report within the established timelines.

4) If the non-reporting employee submits his/her own report, that report will be afforded the same consideration as that of the original reporting employee, provided all other T-SAP acceptance criteria are met. However, if the non-reporting employee fails to submit his/her own report within the established timelines, the possible problem or event with that employee will be referred to an appropriate office within the FAA for additional investigation and reexamination and/or enforcement action, as appropriate, and for referral to law enforcement authorities, if warranted.

5) The ERC will forward non-safety reports to the appropriate ATO department head for his/her information and, if possible, internal resolution.

6) After consideration and consensus by the ERC, any eligible employee not yet covered under T-SAP due to program implementation that is identified in a T-SAP report may be offered the opportunity to file a report.

7) The ERC or T-SAP program office will notify an employee and his/her associated manager if training has been recommended and will outline the training objectives.

8) The ERC will provide the report submitter the opportunity to provide feedback concerning the effectiveness of the training.

9) During the initial review of a report, if at least two ERC members provide an initial risk assessment level of "high – unacceptable risk" and the report is carried over for lack of consensus, the ERC must immediately elevate the issue to the T-SAP Steering Committee. The confidentiality of the submission must be maintained. The T-SAP Steering Committee will immediately convene to determine if Agency action is required.

d. Air Traffic Safety Oversight Service (AOV). AOV's responsibilities are detailed in the ASAP MOA and FAA Order 1100.161, Air Traffic Safety Oversight.

14. Training. ERC recommended training is to address an employee's performance that demonstrates a lack of qualifications, or in cases where the employee demonstrates a misunderstanding of requirements or standard procedures. Management is normally responsible for facilitating recommended training. Management must ensure, to the extent practical, that the details of and reasons for the training remain confidential.

1) The ERC will base training recommendations on management, union and submitter feedback and all other available information. The ERC will only consider feedback directed at specific identified qualification issues, and they have discretion to consider feedback received beyond required time limits.

2) The ERC may elect to use some, none or all of the proposed feedback in its training recommendation.

3) The applicable ERC member will coordinate recommended training with the submitter for acceptance prior to providing the recommendation to the local management/labor pair.

4) If the submitter agrees to the recommended training, the ERC will provide the specific training details to the responsible manager, or his/her designee.

5) If the submitter rejects the ERC-recommended training, his or her report may be excluded in accordance with subparagraph 11.b.4.

6) The T-SAP Manager will ensure that ERC-recommended training details such as completion success, effectiveness, and other data necessary to support future decision-making are retained in the T-SAP database.

7) ERC-recommended training will not be referenced in any performance management actions.

8) The employee will be given the option to have any T-SAP ERC-recommended training excluded from their official training record, except for original training required for certification authority. If it becomes necessary as a part of a formal investigation to determine when training was accomplished for a specified submitter, the T-SAP Manager may, upon ERC consensus, release the dates and course number of ERC-recommended training to appropriate officials. T-SAP ERC-recommended training will not be discernible from other training on an employee's official training record.

15. Corrective Action Request (CAR). A CAR is a formal request initiating action to resolve an identified safety concern, which may be a local or system corrective action. A CAR informs the ATO recipient of an identified safety issue providing specific information to the responsible office or service unit, and may provide specific recommendations to address them. For example,

recommendations may include changes to directives, adjustment of timelines, formation of a workgroup, changes to the national/local training curriculum, etc.

- 1) CARs typically identify systemic safety issues and are not normally based on a single data point.
 - i. All available information must accompany the request.
 - ii. Recipients must provide a response to the ERC within the identified timeline. Although some issues are very complex and require additional time to develop a comprehensive corrective action plan, at a minimum, a response indicating ATO proposed actions is required within the identified timeline.
 - iii. If recipients do not provide a timely response, or if the recipient requests an extension, ATO Safety and Technical Training will notify the ERC and the Vice President(s) of the affected ATO Service Unit(s) or office(s).
- 2) If the ERC does not initially concur with the response, they will work with the respondents in order to achieve resolution.
- 3) If the ERC determines that the corrective action plan adequately addresses the identified safety issue, implementation of the corrective action will be monitored to completion/compliance.
- 4) If the ERC determines that the issue has not been appropriately addressed, all pertinent data will be escalated to the next level in the responsible office or service unit via the T-SAP Program Office to pursue appropriate corrections. In the event that the ATO does not adequately address the issue, AOV may pursue compliance action in accordance with their processes.

16. Distribution. This notice is distributed for action to all technical operations units that have been trained on T-SAP, and the following Air Traffic Organization service units: Technical Operations Services, En Route and Oceanic Services, Terminal Services, and System Operations Services, Mission Support Services, and to the Air Traffic Safety Oversight Service, the William J. Hughes Technical Center, and the Mike Monroney Aeronautical Center.

17. Definitions.

- a. Corrective Action Request (CAR)** - A CAR is a formal document identifying a nonconformance that is systemic in nature and requires a root cause analysis and modification.
- b. Covered Employee** - An eligible employee that has been granted access to the T-SAP submitter form.
- c. Covered Under the Program/included in T-SAP** - Means that the report qualifies for acceptance into T-SAP.

d. Credential Action - Any action, including amendment and removal, taken by AOV toward an employee's AOV Credential (FAA Form 8060-66), as described in FAA Order 8000.90A and associated union negotiated agreements.

e. ERC Recommended Training - Personally focused education and training designed to increase the proficiency of an employee in a skill or task.

f. Event Review Committee - The T-SAP ERC is comprised of a representative from ATO Management, PASS, and AOV. This group comprised of a representative from each party to the ASAP MOA reviews and analyzes reports submitted under the T-SAP. The ERC may share and exchange information and identify actual or potential safety problems from the information contained in the submissions and reports.

g. Fact-Finding - Research that is authorized by the ERC and requested by the T-SAP Manager to fulfill the ERC requirement for factual information to support timely ERC decisions.

h. Hazard - Any real or potential condition that can cause injury, illness, or death to people, damage to or loss of a system, equipment, or property, or damage to the environment. A hazard is a condition that is a prerequisite to an accident or incident.

i. Intentional Falsification - As related to the exclusionary criteria, intentional falsification refers to knowingly misrepresenting facts with respect to required safety data.

j. Memorandum of Agreement (MOA) - The written agreement between the FAA and PASS setting forth the purposes for, and terms of, an Aviation Safety Action Program (ASAP) for Technical Operations Services employees represented by PASS.

k. Non-Sole Source - When an individual submits a report detailing an observed safety problem or an experience concerning a safety-related event of which the organization or management is already aware.

l. Risk - The composite of the severity and likelihood/frequency of the potential or current effect of a hazard.

m. Sole-Source - A report is considered a sole-source report when all evidence of the event is discovered by or otherwise predicated on the report.

n. Submitter Feedback - Communications to those filing T-SAP reports following the receipt of any T-SAP report, once the ERC has reached a corrective action decision, and again once the T-SAP report is closed.

o. System Corrective Action - Those actions taken to correct identified deficiencies occurring beyond the individual or local level. These could include issues pervasive throughout the system, or specific to the system itself.

- p. T-SAP Analyst** - The analyst's primary duty is to assist the T-SAP Manager with the preparation of documentation and material pertinent to the conduct of the ERC meetings.
- q. T-SAP Executive Committee** - The T-SAP Executive Committee has ultimate oversight authority to ensure that T-SAP achieves its core principles and values. The committee is made up of the ATO Chief Operating Officer, Associate Administrator for Aviation Safety (AVS-1), and the President of PASS.
- r. T-SAP Introduction and Submitter Form Training** - The official introductory training for T-SAP. The training addresses safety culture, an introduction to the program, how to submit a T-SAP report, and the post-submission process. The FAA course number is 49460004.
- s. T-SAP Manager** - The T-SAP Manager will be responsible for program administration and will not serve as a voting member of the ERC.
- t. T-SAP Program Office** - The T-SAP Program Office will serve as the focal point for information about and inquiries concerning the status of T-SAP reports, and for the coordination and tracking of ERC recommendations. The Program Office resides within ATO Safety and Technical Training.
- u. T-SAP Report** - A confidential written account of an event that involves an operational issue or event related to NAS safety and reported through the Technical Operations Safety Action Program.
- v. T-SAP Steering Committee** - The T-SAP Steering Committee is made up of the ATO's Director of Safety Programs, Director of Air Traffic Safety Oversight Service (AOV-1), PASS National T-SAP Representative, or their designated alternates. The purpose of the Steering Committee is to provide organizational oversight to T-SAP.



Joseph Teixeira
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APPENDIX A**AIR TRAFFIC ORGANIZATION
AVIATION SAFETY ACTION PROGRAM
FOR PROFESSIONAL AVIATION SAFETY SPECIALISTS
MEMORANDUM OF AGREEMENT**

- 1. GENERAL.** This agreement is between the Federal Aviation Administration (FAA) and Technical Operations Services employees represented by the Professional Aviation Safety Specialists (PASS) and covered by the collective bargaining agreement between PASS and the FAA effective July 2, 2000, or its successor (the CBA).
- 2. PURPOSE.** The FAA and PASS are committed to improving flight safety. Each party has determined that safety would be enhanced if there were a systematic approach for specialists to promptly identify and correct potential safety hazards. The primary purpose of the Aviation Safety Action Program (ASAP) is to identify safety events, and to implement corrective measures that reduce the opportunity for safety to be compromised. In order to facilitate safety analysis and corrective action, FAA and PASS join in voluntarily implementing this ASAP, which is intended to improve safety through personnel self-reporting, cooperative follow-up, and appropriate corrective action. This Memorandum of Agreement (MOA) describes the provisions of the program.
- 3. BENEFITS.** The program will foster a voluntary, cooperative, non-punitive environment for the open reporting of safety concerns. Through such reporting, all parties will have access to valuable safety information that may not otherwise be obtainable. This information will be analyzed in order to develop corrective actions to help solve safety issues that previously may not have been discovered, thereby reducing the likelihood of errors, incidents or other safety related events. For a report accepted under this ASAP MOA, the FAA will not take punitive or credentialing action against the submitter with respect to the reported event. The Parties agree that training may be included in the recommended corrective action by the Event Review Committee (ERC).
- 4. APPLICABILITY.** The ASAP applies to all employees covered by the CBA and only to events that occur while acting in that capacity. Reports of events involving apparent noncompliance with directives that is not inadvertent or that appears to involve an intentional disregard for safety, criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are excluded from the program. Any modifications of this MOA must be accepted by all parties to the agreement.
- 5. PROGRAM DURATION.** This is a Demonstration Program, the duration of which shall be 18 months from the date this MOA is signed. If the program is determined to be successful after a comprehensive review and evaluation, the parties intend for it to be a continuing program. This ASAP may be terminated at any time for any reason by PASS or the FAA. The termination or modification of a program will not adversely affect anyone who acted in reliance on the terms of a program in effect at the time of that action; e.g., when a program is terminated, all reports and investigations that were in progress will be handled under the provisions of the program until they are completed.

Failure of any party to follow the terms of the program ordinarily will result in termination of the program.

6. REPORTING PROCEDURES. When an employee covered by the CBA observes a safety problem or experiences a safety-related event, s/he should note the problem or event and describe it in enough detail so that it can be evaluated by a third party.

a. ASAP Reporting. At an appropriate time during the workday, the employee should submit an ASAP report for each safety problem or event and submit it electronically.

b. Time Limit. Reports the ERC determines to be sole-source will be accepted under the ASAP, regardless of the timeframe within which they are submitted, provided they otherwise meet the acceptance criteria of paragraphs 11 a(2) and (3) of this MOA. Reports which the ERC determines to be non-sole-source must meet the same acceptance criteria, and must also be filed within one of the following two possible timeframes:

(1) Within 24 hours after the end of the duty shift, absent extraordinary circumstances. If the electronic system is not available to the employee at the time s/he needs to file a report, the employee may contact the ASAP hotline and file notice via telephone within 24 hours after the end of the duty shift that s/he intends to file a report. This notice within the prescribed time limit must be followed by a formal report submission within three working days thereafter.

(2) Within 24 hours of having become aware of a safety problem or safety-related event provided the following criteria are met: If a report is submitted later than the time period after the occurrence of an event stated in paragraph 6 b (1) above, the ERC will review all available information to determine whether the specialist knew or should have known about the possible problem or event within that time period. If the ERC determines the employee(s) did not know or could not have known about the possible problem or event until informed of it, then the report would be included in ASAP, provided the report is submitted, or telephone notification made, within 24 hours of having become aware of a possible problem or event, absent extraordinary circumstances, and provided the report otherwise meets the acceptance criteria of this MOA. Any telephone notification must be followed by a formal report submission within three working days thereafter. If the ERC determines the employee knew or should have known about the possible problem or event, then the report will not be included in ASAP.

c. Non-reporting employees covered under this ASAP MOA. If an ASAP report identifies another covered employee experiencing a safety problem or event, and that employee has not submitted a separate report, the ERC will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible problem or event. If the ERC determines the employee did not know or could not have known about the possible problem or event, and the original report otherwise qualifies for inclusion under ASAP, the ERC will offer the non-reporting employee the opportunity to submit his/her own ASAP report within the established timeline outlined in 6 b(1). If the non-reporting employee submits his/her own report, that report will be afforded the same consideration under ASAP as that accorded the report from the original reporting employee, provided all other ASAP acceptance criteria are met. However, if the non-reporting employee fails to submit his/her own report within the established timeline in

6 b(1), the possible problem or event with that employee will be referred to an appropriate office within the FAA for additional investigation and reexamination and/or enforcement action, as appropriate, and for referral to law enforcement authorities, if warranted.

7. POINTS OF CONTACT. The ERC will be comprised of one representative from Air Traffic Organization (ATO) management, one representative from PASS, and one Air Traffic Safety Oversight Service (AOV) representative assigned as the ASAP representative; or designated alternates in their absence. The ATO will designate one person who will serve as the ASAP Program Manager. The ASAP Program Manager will be responsible for program administration and will not serve as a voting member of the ERC.

8. ASAP PROGRAM OFFICE. When the ASAP reporting system receives a report, the date and time of any event described in the report and the date and time the report was submitted will be recorded. The ASAP Program Office will enter the report, along with all supporting data, on the agenda for the next ERC meeting. The ERC will determine whether a report is submitted in a timely manner or whether extraordinary circumstances precluded timely submission. Each employee who submits a report will receive an electronic receipt. The ASAP Program Office will serve as the focal point for information about, and inquiries concerning the status of, ASAP reports; and for the coordination and tracking of ERC recommendations.

9. EVENT REVIEW COMMITTEE (ERC). The ERC will review and analyze reports submitted by employees covered by the CBA, identify actual or potential safety problems from the information contained in the reports, and propose solutions for those problems. The ERC will provide feedback to the individual who submitted the report.

a. The ASAP Program Office will maintain a database that continually tracks each event and the analysis of those events. The ERC will conduct a 12-month review of the ASAP database with emphasis on determining whether corrective actions have been effective in preventing or reducing the recurrence of safety-related events of a similar nature. That review will include recommendations for corrective action for recurring events indicative of adverse safety trends.

b. The ERC review is in addition to any other review conducted by the ATO. The ERC will also be responsible for preparing a final report on the demonstration program at its conclusion. If an agreement for a continuing program is anticipated, a report will be prepared by the ERC or ASAP Program Office in advance of the termination date of the demonstration program.

10. ERC PROCESS.

a. The ERC will meet as necessary to review and analyze reports that will be listed on an agenda submitted by the ASAP Program Office. The ERC will determine the time and place of the meeting, which may be in person, via telephone or in any other manner the ERC deems appropriate. The ERC will meet at least twice a month. The frequency of meetings will be determined by the number of reports that have accumulated or the need to acquire time critical information.

b. The ERC will make its decisions involving ASAP issues based on consensus. Under the ASAP, consensus of the ERC means the voluntary agreement of all representatives of the ERC. It does not require that all members believe a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event in the best interest of safety. In order for this concept to work effectively, each ERC representative shall be empowered to make decisions within the context of the ERC discussions on a given report. The ERC representatives will strive to reach consensus on whether a reported event is covered under the program, how that event should be addressed, and the corrective action that should be taken as a result of the report. The corrective action process would include working the safety issue(s) with the appropriate stakeholders that have the expertise and responsibility for the safety area of concern. After a report has been accepted, recognizing that AOV holds regulatory authority to enforce the necessary rules and regulations, it is understood that AOV retains all legal rights and responsibilities contained in FAA Order 1100.161, *Air Traffic Safety Oversight*, FAA Order 8000.90, *AOV Credentialing and Control Tower Operator Certification Programs* and FAA Order 8000.86, *Air Traffic Safety Oversight Compliance Process* in the event there is not a consensus of the ERC on decisions concerning that accepted report involving an apparent noncompliance or qualification issue. If a report is rejected by a consensus of the ERC, the report will be purged from the system after the reason for rejection has been captured.

c. It is anticipated various types of reports will be submitted to the ERC: safety-related reports that appear to involve possible noncompliance with directives; reports that are of a general safety concern, but do not appear to involve possible noncompliance with directives; and any other reports. All safety-related reports shall be fully evaluated and, to the extent appropriate, investigated.

d. The ERC will forward non-safety reports to the appropriate Line of Business (LOB) for information and, if possible, internal resolution. For reports related to system safety, including reports involving possible noncompliance with directives, the ERC will analyze the report, conduct interviews of reporting specialists, and gather additional information concerning the matter described in the report, as necessary.

e. The ERC should make recommendations to ATO for corrective action for systemic issues. For example, such corrective action might include changes to procedures, standard operating procedures, or modifications to the training curriculum. Any recommended changes that affect ATO will be forwarded through the ASAP Program Office to the appropriate LOB for consideration and comment, and if appropriate, implementation. The FAA will work with PASS to develop appropriate corrective actions for systemic issues. The ASAP Program Office will track the implementation of the recommended corrective actions and report on associated progress as part of the regular ERC meetings. Any recommended corrective action that is not implemented should be recorded along with the reason it was not implemented.

f. Any corrective action recommended by the ERC for a report accepted under ASAP must be completed to the satisfaction of all members of the ERC. If the LOB fails to complete the recommended corrective actions, the issue will be referred to AOV for further action, as appropriate. The AOV member of the ERC must report back on issue

resolution. If an individual fails to complete recommended corrective actions, that individual's ASAP report will be excluded from the program.

g. Use of the ASAP Report: Neither the written report nor the content of the written ASAP report will be used to initiate or support any disciplinary action, or as evidence for any purpose in an FAA enforcement action, except as provided in paragraph 11 a(3) of this MOA. The FAA may conduct an independent investigation of any issue.

11. ENFORCEMENT.

a. Criteria for Acceptance. The following criteria must be met in order for a report to be covered under ASAP:

(1) The employee must submit the report in accordance with the time limits specified under paragraph 6 of this MOA;

(2) Any possible safety issue disclosed in the report must be inadvertent and must not appear to involve an intentional disregard for safety; and,

(3) The reported event must not appear to involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving any of these five actions will be referred to an appropriate FAA office for further handling. The FAA may use the content of such reports for any enforcement purposes and will refer such reports to law enforcement agencies, if appropriate. If upon completion of subsequent investigation it is determined the event did not involve any of the aforementioned activities, then the report will be referred back to the ERC for a determination of acceptability under ASAP. Such referred back reports will be accepted under ASAP provided they otherwise meet the acceptance criteria contained herein.

b. Sole-Source Reports. A report is considered a sole-source report when all evidence of the event is discovered by or otherwise predicated on the report. It is possible to have more than one sole-source report for the same event.

c. Reports Involving Qualification Issues. ASAP reports covered under the program that demonstrate a lack, or raise a question of a lack of qualification of a covered employee may result in the assignment of training, if such action is appropriate and recommended by the ERC.

d. Excluded from ASAP. Reported events involving possible noncompliance with directives that are excluded from ASAP due to the reasons outlined in 11 a(3), will be referred by the AOV ERC member to an appropriate office within the FAA for any additional investigation and re-examination and/or credential action, as appropriate.

e. Corrective Action. Employees initially covered under an ASAP will be excluded from the program and not entitled to the enforcement-related incentive if they fail to complete the recommended corrective action in a manner satisfactory to all members of the ERC. Failure of an employee to complete the ERC recommended corrective action may result in the reopening of the case and referral of the matter for appropriate action.

f. Systemic Issues or Repeated Instances of Noncompliance with Directives. Reports involving systemic issues or the same or similar possible noncompliance with the directives that were previously addressed with no intervention under ASAP will be accepted into the program, provided they otherwise satisfy the acceptance criteria in paragraph 6 above. The ERC will consider on a case-by-case basis the corrective action appropriate for such reports.

g. Closed Cases. A previously accepted ASAP report for which no action has been taken, may be reopened and appropriate action taken if evidence is later discovered that establishes the report should have been excluded from the program in accordance with 11 a(2) or (3).

12. EMPLOYEE FEEDBACK. The ASAP Program Office will provide regular feedback to the employees in a manner acceptable to the ERC. A monthly report will be published covering the number of reports received, the number of reports accepted and rejected, a list of the top ten issues raised, and corrective action recommendations and results. This report will be published on a designated ASAP page of the FAA Employee website. Any employee who submitted a report may also contact the ASAP Program Office to inquire about the status of his/her report. In addition, each employee who submits a report accepted under ASAP will receive individual feedback on the final disposition of the report.

13. INFORMATION AND TRAINING. The details of the ASAP will be made available to all ATO employees and their supervisors in a manner acceptable to the ERC. Each covered employee and manager will receive written guidance outlining the details of the program in a timely manner but at least 2 weeks before the program begins. All new-hire specialists (employees) will receive training on the program during initial training.

14. REVISION CONTROL. Revisions to this MOA may be proposed by any party, and will require a voluntary agreement between the parties before any change can be affected.

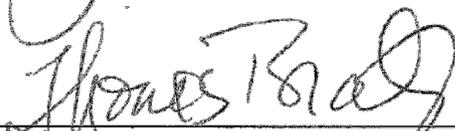
15. RECORDKEEPING. All documents and records regarding this program will be kept by the ASAP Program Office and made available to the other parties of this agreement at their request. All records and documents relating to this program will be appropriately kept in a manner that ensures compliance with directives and all applicable law. PASS and FAA will maintain whatever records they deem necessary to meet their needs.

16. SIGNATORIES. All parties to this ASAP are entering into this agreement voluntarily.



Administrator, Federal Aviation Administration (FAA)

12/17/10
Date



President, Professional Aviations Safety Specialists (PASS)

12/17/10
Date

APPENDIX B
ERC Process Flow Chart

