

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.187

National Policy

Effective Date:
5/1/12

Cancellation Date:
5/1/13

SUBJ: Management Vacancies Under Sections 119.65 and 119.69

- 1. Purpose of This Notice.** This notice provides guidance to field offices in regards to a certificate holder's management vacancies under Title 14 of the Code of Federal Regulations (14 CFR) part 119, §§ 119.65 and 119.69.
- 2. Audience.** The primary audience for this notice is Flight Standards District Office (FSDO) and certificate management office (CMO) aviation safety inspectors (ASI) who are responsible for the approval of required management positions for certificate holders operating under 14 CFR part 121 or 135. The secondary audience includes Flight Standards Service (AFS) branches and divisions in the regions and in headquarters (HQ).
- 3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.
- 4. Background.** FAA Order 8900.1 contains guidance for inspectors on approving positions or numbers of positions other than those listed in §§ 119.65(a) and 119.69(a). Neither the regulations nor the guidance addresses the period of time for which a required management position may remain vacant.
- 5. Discussion.** Sections 119.65(e)(3) and 119.69(e)(3) state that the certificate holder must notify the certificate-holding district office (CHDO) within 10 days of any change in personnel or of any vacancy in any position listed. If there is a vacancy in one of the required positions, the notice required under § 119.65(e)(3) or § 119.69(e)(3) should indicate which position is vacant and the course of action the certificate holder is taking to fill the vacancy. The certificate holder may use any of the following courses of action to comply with §§ 119.65 and 119.69 when there has been a change in personnel or a vacancy in one of the required management personnel positions.

 - a. Current Employee Appointment.** If the certificate holder operating under part 121 has an employee that meets the certification and experience requirements of § 119.67, or a certificate holder operating under part 135 has an employee that meets the certification and experience

requirements of § 119.71, the certificate holder may appoint that employee to the vacant position. The notice required by §§ 119.65(e)(3) and 119.69(e)(3) should state this change in personnel. The certificate holder should demonstrate in the notice that the individual meets the qualification requirements of § 119.67 or § 119.71. This may be accomplished by submitting a copy of the individual's résumé showing his or her qualifications, certificates, ratings, and experience.

b. Deviation. If the certificate holder has an employee or candidate who does not meet the appropriate airman experience, managerial experience, or supervisory experience requirements of § 119.67 or § 119.71, but who has comparable experience and can effectively perform the functions associated with the position, the certificate holder may request a deviation from these experience requirements in accordance with § 119.67(e) for part 121 operations or § 119.71(f) for part 135 operations. See FAA Order 8900.1, Volume 3, Chapter 18, Section 3, Part A Operations Specifications—General, operations specification (OpSpec)/management specification (MSpec) A006, Management Personnel, for specific guidance for this type of deviation request. If the FAA grants the deviation, the certificate holder can then appoint that employee to the vacant position, thus complying with § 119.65 or § 119.69. Deviation authority is not available for a person who does not hold the required airman certificates and ratings.

c. Waiver. If a certificate holder can show that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel, the certificate holder can utilize §§ 119.65(b) and 119.69(b) to ask the FAA to amend its OpSpec and approve the operation without filling the otherwise required position. See FAA Order 8900.1, Volume 3, Chapter 18, Section 3, OpSpec/MSpec A006 for specific guidance.

6. Unable to Fill Within 10 Days. If a certificate holder is not able to fill the vacancy within the 10-day period prior to being required to notify the CHDO of the vacancy or use one of the options outlined above, the notice required by § 119.65(e)(3) or § 119.69(e)(3) should state which position is vacant and provide an explanation for the vacancy. A vacancy in one of the required management positions should only exist for a reasonable duration of time needed by the air carrier to fill the position. Based on current industry practice, this may range from 10-60 days.

7. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions regarding this notice to the Air Transportation Division (AFS-200) at 202-267-8166.

for 

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