



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Air Traffic Organization Policy

**ORDER
JO 7200.20B**

Effective Date:

10/01/2021

SUBJ: Voluntary Safety Reporting Programs

The Air Traffic Organization (ATO) is responsible for ensuring the safe, expeditious flow of air traffic throughout the National Airspace System (NAS). Safety is the basis of the service that the ATO provides, and Voluntary Safety Reporting Programs (VSRPs) are a key component of the ATO Safety Management System (SMS), providing a method to identify and correct potential safety hazards. These important programs encourage employees involved in the delivery of air traffic services to submit safety reports voluntarily, and are foundational to a healthy safety culture.

The mission to improve safety is never complete. We must familiarize ourselves with the contents of this order and understand our own important role in the process. As ATO employees participate in our VSRPs, they should know that they help improve our safety awareness and understanding in the NAS.

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Chapter 1. General Information

1-1. What Is the Purpose of This Order? This order defines the policy and procedures for ATO Voluntary Safety Reporting Programs (VSRPs). It identifies the responsibilities of individuals and organizations, including the requirements, expectations, and policy under which the identified programs operate. Identifying potential safety hazards and taking appropriate corrective action is imperative to maintaining an acceptable level of safety in the NAS.

1-2. To Whom Does This Order Apply? This order applies to all ATO personnel eligible to participate in a VSRP and who are directly engaged in and/or supporting air traffic services, and only to events that occur while acting in that capacity. This order also applies to employees of Federal Contract Towers (FCT) (hereinafter “Vendors”) that provide air traffic services that have developed a VSRP consistent with the policy in this order. Vendors operate their programs with the direct oversight and approval of the Safety Programs in Safety and Technical Training (AJI). This order also applies to those employees who play a role in responding to VSRP requests and any others involved in ATO VSRPs.

1-3. Who Will Receive This Order? This order is distributed to the following ATO Service Units: Air Traffic Services (AJT) to include the Contract Operation Group, Mission Support Services (AJV), System Operations Services (AJR), Technical Operations (AJW), Program Management Organization (AJM), and Safety & Technical Training (AJI). This order is also distributed to the Air Traffic Safety Oversight Service (AOV), the Mike Monroney Aeronautical Center (MMAC), William J Hughes Technical Center (WJHTC), the National Air Traffic Controllers Association (NATCA), Professional Aviation Safety Specialists (PASS), and the National Association of Government Employees (NAGE), the Professional Air Traffic Controllers Organization (PATCO), and the Professional Air Traffic Controllers Organization, Incorporated (PATCO, Inc.). Additionally, this order is distributed to any other bargaining unit that may be covered by this order.

1-4. Where Is This Order Located? This order is available on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices/ and the Federal Aviation Administration (FAA) website at https://www.faa.gov/regulations_policies/orders_notices/.

1-5. What Does This Version of the Order Cancel? This version cancels FAA Order JO 7200.20A, *Voluntary Safety Reporting Program (VSRP)*, dated September 25, 2017.

1-6. What Changes Does This Order Include? This version includes provisions to incorporate a VSRP for Technical Operations personnel represented by PASS, Technical Operations managers and non-bargaining unit employees within chapter 6. It also includes general edits as needed for clarification throughout the order.

1-7. What Do These Terms Mean?

a. Acceptance – The process whereby the Event Review Committee (ERC) determines that a report meets VSRP requirements, receives it into the program for the relevant safety data contained therein, and provides the protective provisions of the program.

b. Aviation Safety Action Program (ASAP) – A defined partnership program where safety issues are resolved through corrective action rather than through punishment or discipline. The program includes collection, analysis, and retention of safety data reviewed and acted upon by an operating organization, their regulator, and the appropriate employee labor organization.

c. Air Traffic Safety Action Program (ATSAP) – The VSRP for Air Traffic Control (ATC) personnel based on the ASAP model as defined in this order and in the “FAA Air Traffic Organization (ATO) Air Traffic Safety Action Program (ATSAP) for Air Traffic Personnel Memorandum of Understanding” signed by NATCA and the FAA.

d. ATSAP Analysis Team (AAT) – The AAT consists of representatives from the ATO and NATCA. The team provides technical advice to AJI and analyzes specific safety issues as directed by the ATSAP Program Office or as requested by ERCs.

e. ATSAP/ATSAP-X/SAFER-FCT/VSRP Reports – A confidential written account of an air traffic safety event, problem, safety concern, or issue, reported through the VSRP (see T-SAP Reports below).

f. ATSAP-X – The VSRP for employees represented by NATCA; specifically those bargaining units covered by the Consolidated Collective Bargaining Agreement, Engineers & Architects, Aviation Technical Systems Specialists (series 2186), Staff Support Specialists, the Flight Procedures Team, and the managers of these groups.

g. Confidential Information Share Program (CISP) – The proactive assessment of safety through the sharing and analysis of information collected through the ATSAP and ASAP. These programs support the collection, assessment, and review of data on safety events from the perspectives of air traffic controllers and pilots.

h. Consensus – Unanimous or general agreement and the process to reach that status. Conceptually, consensus is related to cooperation—the process of working or acting together. For VSRPs, consensus refers to the voluntary agreement of all representatives of the ERC to a particular outcome.

i. Corrective Action Plan (CAP) – A formal response to a Corrective Action Request defining corrective actions.

j. Corrective Action Request (CAR) – A formal document identifying a safety concern that requires mitigation and/or resolution.

k. Credential Action – Any action, including amendment and removal, taken by AOV toward an employee’s AOV Credential (FAA Form 8060-66) as described in the FAA Order JO 8000.90, *Air Traffic Safety Oversight Credentialing and Control Tower Operator Certification Programs*, and associated union-negotiated agreements.

l. Event Review Committee (ERC) – A three-member group comprising representatives from each party to the respective VSRP non-punitive safety-reporting program. The ERC reviews and analyzes submitted confidential reports to determine acceptability of the report under the VSRP requirements, to identify actual or potential safety problems of accepted reports,

and to ensure the appropriate follow-up action is taken and implemented for resolution when appropriate.

m. Information Request – ATSAP Information Requests (AIR) and T-SAP Information Request (TIR) are for gathering additional data and do not require corrective action. Recipients shall provide a response within the identified timeline, or as required by the applicable Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA). An information request may be elevated to a higher level in the appropriate organization should the recipient fail to respond within the established timelines.

n. Intentional Falsification – As related to the exclusionary criteria, intentional falsification is a false statement of a material fact (e.g., a fact with respect to required safety data) made with knowledge of the falsity.

o. Likelihood – The estimated probability or frequency, in quantitative or qualitative terms, of a hazard's effect or outcome as defined in the likelihood tables found within the SMS Manual.

p. Memorandum of Understanding (MOU) / Memorandum of Agreement (MOA) – The agreements that augment Collective Bargaining Agreements (CBAs) with unions recognized as the exclusive representatives for FAA or contract employees.

q. Mandatory Occurrence Report (MOR) – A report of certain types of safety events as defined by the FAA Order JO 7210.632, *Air Traffic Organization Occurrence Reporting*.

r. National Airspace System (NAS) Systemic Problem – Safety problem relating to the NAS as a whole. This term generally refers to a pervasive potential deficiency involving procedures, systems and services, processes, training, culture, etc., in the NAS.

s. Non-Sole-Source – Those reports that do not meet sole-source criteria.

t. Protective Provision – The reporting incentives in this order and the applicable Memoranda of Understanding (MOUs)/Memoranda of Agreement (MOAs) that ensure a non-punitive environment for filing reports of safety issues.

u. Risk – The composite of predicted severity and likelihood of the potential effect of a hazard as defined in accordance with the risk matrix found within the SMS Manual.

v. Safety Actions from Event Reporting – Federal Contract Tower (SAFER-FCT) – The VSRP for Vendors providing air traffic services to the ATO and covered by an applicable MOU.

w. Safety Check – An undocumented observation period requested by an employee or required by an employee's manager. The goal of the observation is to confirm the employee's self-confidence in his or her ability to provide air traffic services after a serious safety event.

x. Severity – The consequence or impact of a hazard's effect or outcome in terms of degree of loss or harm as defined in the severity tables found within the SMS Manual.

y. Skill Enhancement Training (SET) for ATSAP or ERC Recommended Training for T-SAP – Individually focused education and training designed to address an identified qualification issue of an employee in a skill or task.

z. Sole-source – When all evidence of an event is discovered by or otherwise based on a VSRP report, or as otherwise designated by MOU or applicable chapters of this order.

aa. Submitter – The individual who submits a VSRP report.

bb. System Corrective Action – Action taken to correct identified deficiencies occurring beyond the individual. These deficiencies could include pervasive or specific system issues.

cc. Technical Operations Safety Action Program (T-SAP) – The VSRP for Technical Operations personnel represented by the PASS bargaining unit and their supervisors.

dd. T-SAP Reports – A confidential written account of an aviation safety event, problem, concern or issue reported through the VSRP.

ee. Vendor – Any company that provides air traffic services as a contractor of the ATO.

ff. VSRP – A non-punitive and confidential safety reporting program modeled after airline ASAPs, driven by the voluntary reporting of safety events, problems, concerns or issues from the front-line workforce. The program relies on consensus to identify and mitigate safety issues in the NAS.

Chapter 2. Voluntary Safety Reporting Program

2-1. What Is a VSRP? A VSRP is an integral part of a positive, vibrant safety culture and provides a confidential, non-punitive mechanism for employees to report safety events and problems. VSRPs use employee input to identify leading indicators and significant safety concerns or issues, operational deficiencies, non-compliance with regulations, deviations from agency policies and procedures, and actual or potential safety events. In this way, VSRPs help improve safety awareness throughout the NAS.

2-2. What Information Does a VSRP Collect? The data collected by VSRPs is subjective and does not include all events or issues that occur within the NAS. Usually, the submitter's perspective provides the only report categorization. This qualitative data helps identify leading indicators of potential hazards and areas of risk in the NAS.

2-3. What Should a VSRP Report Contain? When a covered individual observes an air traffic safety problem or safety-related event, he or she should note the problem or event in enough detail so that a third party can evaluate it.

a. Aviation Safety Events. A NAS safety event results from an actual or potential loss of separation or other situation that degrades air traffic safety within the NAS. These events occur during the provision of air traffic services or, for T-SAP, aviation safety.

b. Aviation Safety Problems. NAS safety problems are local, regional, or national issues that deal with policies, procedures, facilities, equipment, automation, or publications used to provide air traffic services. They are generally not related to individuals and may be determined to be systemic.

2-4. Who May Participate in the VSRP?

a. Bargaining Unit. All bargaining unit employees directly involved in and supporting air traffic services and air navigation services, or NAS safety, covered by an applicable MOU or Memorandum of Agreement (MOA) are eligible to participate after an appropriate agreement has been implemented and for the duration of the agreement.

b. Non-bargaining Unit. All non-bargaining unit employees directly involved in and supporting air traffic services, air navigation services, or NAS safety, are eligible to participate, including managers and supervisors.

c. Employees Receiving On-the-Job Training (OJT). The protective provisions in the applicable MOU apply to all employees. Employees receiving OJT for initial qualification training are required to reach the standards necessary to achieve certification. VSRPs will not interfere in that process.

d. Non-filing Employees. If a VSRP report identifies another employee in an event, and the original report otherwise qualifies for inclusion, the ERC may offer the identified employee the opportunity to submit a report. The ERC will consider acceptance by the same criteria as the original report.

2-5. Who Reviews Submitted VSRP Reports? An ERC consisting of a management representative, a union representative, and a safety oversight representative, unless otherwise defined by the applicable MOU/MOA. The ERC reviews and analyzes submitted confidential reports to identify actual or potential safety problems and to ensure corrective action is implemented to resolve the issue or problem when appropriate.

a. Each ERC reviews and analyzes reports listed on the meeting agenda. ERC meetings can be in person, via telephone, through video conferencing, or through any combination of these media. The ERC will meet monthly, at minimum, and more frequently as required by the applicable MOU/MOA or as determined by the ERC based on the number of reports received or the need to acquire time-critical information. The ERC may also meet as needed to address reports or issues that require immediate attention.

b. ERC members review each report to identify actual or potential safety problems and causal factors. They assess and determine severity; T-SAP also assesses the likelihood. using the ATO Safety Risk Management (SRM) severity and likelihood tools found in the most current SMS Manual, and appropriate response. They may request that an analyst contact the submitter or the facility for more information and clarification.

c. The ERC may share and exchange information on accepted reports and may identify actual or potential safety problems from the information contained in the reports. The ERC authorizes fact-finding as needed to support timely decisions.

d. Because of the highly sensitive nature of the information reviewed in VSRP reports, each ERC member is required to sign a VSRP Confidentiality and Non-disclosure Agreement.

e. An ERC may request an investigation based on safety issues identified in VSRP reports. AJI will investigate the issue; nationally, the applicable bargaining unit may designate a participant.

f. The ERC will ensure that every submitted report receives a response. Not all reports warrant additional action beyond the initial response or investigation. In fact, most self-reports of non-compliance will not warrant additional action beyond filing the report. ERCs should be able to make an acceptance decision for most reports based on the information provided by the submitter. In those cases where the report itself does not provide enough information to the ERC, the ERC should review all factual data available in order to reach a consensus. The use of other information such as replays and facility feedback has most value after acceptance and during the consideration of ERC actions, including SET and systemic correction.

g. The ERC should not delay an acceptance decision in order to wait for the results of an outside investigation. An accepted report, with or without previous actions taken, may be re-opened in order for the ERC to take appropriate action. This includes instances where evidence establishes that it should have been excluded from the program.

2-6. What Are Possible Outcomes of Filing a VSRP Report? For reports that involve repeated, similar instances of non-compliance with the same FAA policy, procedures, orders, and/or requirement, the ERC will consider the outcome and appropriate action on a case-by-case basis. Reports will have one of the following outcomes:

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

b. Excluded.

(1) The ERC, by consensus, may exclude a report that meets one or more of the following exclusionary criteria, or as listed in the respective MOUs/MOAs:

(a) The report is not filed within the timeliness criteria in the respective MOU/MOA or in the applicable chapter of this order if not covered by an MOU/MOA.

(b) The report involves possible non-compliance with applicable FAA or Vendor directives when it is determined that an individual knowingly introduced a substantial and unjustifiable risk into the NAS.

(c) The report deals with events that involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. The FAA may use the content of such a report for enforcement purposes, disciplinary actions, and any other action deemed appropriate, and will refer such a report to law enforcement agencies, if appropriate.

(d) The report is initially accepted, but the submitter fails to successfully complete the ERC recommended actions.

(2) If an investigation determines that a report should not have been excluded, it will be referred back to the ERC for a determination of acceptability.

(3) An accepted or closed report may be reconsidered and appropriate action taken if evidence later establishes that the non-compliance should have been excluded from the program.

(4) A differing opinion of a submitter's perspective regarding a potential safety issue should not be used as a reason for exclusion.

c. Failure to Reach Consensus. The success of any VSRP relies on the ability to reach consensus. Failure to reach consensus brings into question the capability of all parties to collaborate successfully and ultimately may result in the program's failure. See the "Alternate Review" or "Steering Committee Review" section in each VSRP's chapter, chapters 3 through 6 herein.

(1) T-SAP Only: In the event there is not a consensus of the ERC on decisions concerning a report, and upon request from one ERC member, the ERC will utilize a facilitator to assist in gaining consensus.

(2) T-SAP Only: If the ERC remains unable to reach consensus, the report will be forwarded to the Steering Committee if requested by at least one ERC member.

2-7. What Options Are Available to the ERC? The ERC determines the appropriate actions based on the contents of reports and provided feedback. Informal and formal methods are used to resolve reports; recommendations are made for individual training or systemic corrective action.

For SAFER-FCTs, the appointed AJI representative must coordinate all requests from a Vendor ERC that involve the FAA.

a. Training. ERC may recommend training. ERC-recommended training addresses employee performance that demonstrates a lack of qualifications. Facilities are usually responsible for conducting recommended training. The facility must ensure, to the extent practical, that the details of and reasons for the training remain confidential.

The ERC may make the following training recommendations:

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

(2) The ERC may elect to use some, none, or all of the facility-proposed SET, for T-SAP, ERC Recommended Training, in its recommendation.

(3) The appropriate ERC member will coordinate recommended SET with the submitter for agreement prior to providing the recommendation to the facility. If the submitter agrees to the recommended training, the ERC will provide the specific SET details to the responsible manager, or his/her designee.

(4) If a reported event is also reported following the FAA Order JO 7210.632, or if requested by the submitter, the ERC will provide the SET details to the local union representative.

(5) VSRP-recommended training cannot be referenced in any performance management actions.

b. Professional Standards. (For ATSAP and ATSAP-X Only). The ERC may refer individual recommended corrective actions to a union professional standards program. The referral must comply with the professional standards program's requirements.

c. Information Requests. ERCs or the ATSAP Analysis Team (AAT) may request information from a facility, service unit, or office to supplement VSRP report content. Information requests are for gathering additional data and do not require corrective action. Recipients of an information request may choose to initiate corrective action as a result of receiving a request.

(1) An informal information request may be any form of communication the ERC/AAT initiates via e-mail, phone, or other means to better understand a potential issue.

(2) A formal information request is initiated using a standard template directed to the appropriate level within the FAA responsible for the reported issue.

(3) Recipients must provide a response within the specified timeline.

(4) If recipients do not provide a timely response, the issue may be elevated to a higher level in the appropriate organization.

(5) If a response to an information request confirms a safety issue, the ERC/AAT will work with the respondents to resolve the issue. If further action is required, the ERC/AAT may issue a CAR.

d. Corrective Action Request (CAR). A CAR is a formal request for action to resolve an identified safety concern. A CAR provides the responsible organization and the appropriate bargaining unit representative specific information and possible recommendations for resolving the issues. CAR recommendations may include, for example, changes to directives, adjustment of timelines, formation of a workgroup, modifications to equipment design, issuance of Maintenance Alerts, or changes to the national or local training curriculum.

(1) CARs typically identify systemic safety issues and are based on multiple data points. The ERC/AAT will provide supporting information in the request.

(a) Recipients of a CAR shall provide a Corrective Action Plan (CAP) within the specified timeline identified in the CAR.

(i) CAPs define actions proposed or taken by an office of primary responsibility (OPR) to correct a safety issue that has been properly identified, validated, and understood through data collection and analysis.

(ii) CAP development teams should ensure that they gather input from key stakeholders to ensure all information is considered in creating a CAP. The following elements are required to complete a CAP:

- a. Identification of the safety issue(s) and root cause(s);
- b. Description of the specific corrective actions that will mitigate the identified safety issue. Examples of corrective actions include, but are not limited to:
 1. Training (must target the specific knowledge gap).
 2. Changes to local/national procedures and/or processes.
 3. Repair/replacement/installation of equipment or software.
 4. Changes to letters of agreement with adjacent facilities, airport operators, etc.
- c. Identification of the scope of the correction (e.g., facility, regional, national).
- d. Identification of a timeframe for completion of the proposed corrective action(s).

(b) If recipients do not provide a timely response, or if the recipient requests an extension, the ERC and/or AAT and the affected organization or office will be notified. For T-SAP, built in elevation timelines and extension requests have been established and T-SAP will follow the agreed upon Work Instruction.

(2) If the ERC and/or AAT determines that the CAP adequately addresses the identified safety issue, it may be monitored for completion or compliance and then closed. The CAP monitoring process includes status updates until the plan is satisfactorily completed.

(3) If the ERC and/or AAT does not concur with the initial response, it will work with the respondents to resolve the issue.

(4) If the ERC and/or AAT determines that the final response does not appropriately address the issue, the ERC may, via consensus, request that the ERC member providing oversight pursue appropriate action.

2-8. Program Office Roles and Responsibilities

a. VSRP Manager. The VSRP Manager will work collaboratively with the Unions at the appropriate level in his/her responsibilities in the administration of all aspects of VSRPs.

(1) Plan the delivery of the overall program and its activities in accordance with the mission and the goals of the ATO and AJI.

(2) Develop new initiatives to support the strategic direction of AJI.

(3) Develop and implement long-term goals and objectives to achieve the successful outcome of the VSRPs.

(4) Participate in the development of an annual budget and operating plan to support the VSRPs.

(5) Maintain a VSRP evaluation framework to assess the strengths of the program and to identify areas for improvement.

(6) Assist in developing funding proposals for the VSRPs to ensure the continuous delivery of program requirements.

b. Program Manager. The Program Manager will work collaboratively with the Unions at the appropriate level in his/her responsibilities. As detailed in this section, or as required by the applicable MOU/MOA, the Program Manager:

(1) Manages an individual program within the VSRP Office.

(2) Develops and maintains program resources, funding, processes, personnel, and training.

(3) Provides guidance standardizing ERC processes to ensure consistency in decision making across multiple ERCs.

(4) Approves releases of program information in accordance with the VSRP Data Request Process.

(5) Ensures a database is available to track each submitted report, the analysis of the events, and any resultant corrective actions.

(6) When applicable, ensures a database is available to track recommended SET and to report progress as part of regular ERC meetings. Analysts should record incomplete SET and the reason it was not completed.

(7) Serves as the focal point for information and inquiries about the status of VSRP reports, and for the coordination and tracking of ERC recommendations. The Program Manager will report on progress of the recommended CARs and publish required reports.

(8) Ensures that each submitter is given the status of his/her report when requested.

(9) Directs an annual review on behalf of the ERC with an emphasis on determining whether system corrective action was effective in preventing or reducing the recurrence of similar, identified, safety-related events.

(10) On behalf of the ERC conducts periodic reviews of SET assignments and success and may, at any time, seek to improve the quality and quantity of training opportunities deemed critical to improving safety.

2-9. Steering Committee (SC). Each VSRP covered by this order has an SC. Each VSRP SC is made up of an executive representative from each Party (Management, Oversight, and Union) to the program. The Application of the MOU/MOA is the responsibility of the respective program SC. Additionally, the SC provides organizational oversight to the VSRP, reviews the program's progress, examines significant trends, and attempts to resolve any outstanding VSRP safety issues.

a. The ATSAP/ATSAP-X SC is made up of the Vice President for Safety and Technical Training (AJI-0), Executive Director, Air Traffic Safety Oversight Service (AOV-1), and the NATCA Safety Chair, or their designated alternates.

b. The T-SAP SC is made up of an executive from the ATO, AOV, and a PASS representative.

c. The SAFER-FCT SC is made up of AJI-0, the NATCA Safety Chair or appropriate bargaining unit executive, and the appropriate executive for each of the FCT vendors.

2-10. Executive Committee (EC). The EC validates VSRP core principles and values. The committee is made up of senior executives from each Party (Management, Oversight, and Union) to the program; for example, the ATSAP EC is made up of the ATO Chief Operating Officer, the

Associate Administrator for Aviation Safety, and the NATCA President. (Not applicable to T-SAP.)

2-11. What May Be Reported to a VSRP? VSRPs are for reporting non-compliance with FAA directives and aviation safety concerns. Regardless of position or whether any additional investigation takes place, an eligible employee may always file a VSRP report when they observe a safety problem or experience a safety-related event.

a. Non-compliance Reports. Non-compliance reports identify a specific instance of a failure to follow the FAA directives and/or FAA and federal safety regulations.

b. Aviation Safety Concern Reports. Aviation safety concerns that do not involve specific non-compliance with the FAA directives are also reportable via a VSRP. 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 control services.

c. Reports Not Directly Related to Aviation or NAS Safety. Reports of events or issues not directly related to aviation safety may fall outside the purview of the VSRP. Submitting a report to a VSRP does not preclude employees from seeking assistance through other processes. If the ERC excludes a non-safety report, they may, by consensus, forward a de-identified (i.e., redacted) copy to the appropriate ATO department head as information and possible internal resolution.

Note: Submitting a VSRP report does not exempt employees from also notifying the appropriate authorities when the employee determines an occurrence involved national security or an immediate safety occurrence or problem.

2-12. Where May People Request VSRP Data? Requests for VSRP data can be submitted to the Program Office using the data request process described on each VSRP website.

2-13. Protective Provisions. Information provided to a VSRP is confidential. For an accepted report, neither the report, nor its contents will be used to initiate or support any disciplinary action, or as evidence for any purpose in a credentialing action, unless it meets the exclusionary criteria identified in paragraph 2-6b(1)(c) of this order or the respective VSRP MOU/MOA.

2-14. Is a VSRP Confidential? A VSRP's success is based on its ability to maintain submitter confidentiality. While VSRPs are confidential reporting systems, they are not anonymous programs and excluded reports may not receive the same confidentiality protection as accepted reports. Confidentiality means that individually-identifiable information is disclosed only on a need-to-know basis and only to those with ERC authorization. It does not mean complete submitter anonymity. Information submitted to a VSRP is protected from the Freedom of Information Act by 14 Code of Federal Regulations Part 193. Court-ordered release of VSRP reports are done under a Protective Order. Protective Orders prevent the disclosure of sensitive information except to certain individuals under certain conditions, thus ensuring confidentiality and VSRP integrity.

2-15. Investigations. Filing a VSRP report does not preclude the FAA from performing its responsibilities pertaining to event reporting, safety risk management, quality assurance, quality control, and oversight; nor does it prevent employees from fulfilling their obligations to any investigative process. Although the FAA may conduct an independent investigation of any event disclosed in a report, the VSRPs will not share the contents of that report with any investigation, with two exceptions: if the report is excluded in accordance with the appropriate VSRP agreement (that is, an MOU/MOA); or pursuant to the exclusionary criteria identified in paragraph 2-6b(1)(c).

2-16. What Is the VSRP Consensus Process? ERC decisions involving VSRP issues will be based on consensus. Consensus refers to the voluntary agreement of all representatives of the ERC for a particular outcome.

a. As a decision-making process, consensus is inclusive, participatory, cooperative, democratic, and solution-oriented. Debate improves the consensus outcome; everyone's opinion is equally valued. The consensus decision-making process places importance on concurrence among members rather than on reaching a particular outcome. The success of VSRPs hinges on the ability of the ERCs to reach consensus agreement on every element of the ERC process.

(1) **Inclusive.** The three ERC representatives act for the three parties to the MOU/MOA and are empowered by their organizations to be the decision-making body in execution of ERC processes. They represent their organizations in service to the best interests of safety.

(2) **Participatory.** The consensus process should actively solicit input and participation from all members of the ERC involved in the decision. Achieving consensus in the ERC requires that the considered opinion of every member is treated seriously. Discussing the issue can also help identify opinions and information relating to the topic at hand. The general direction of the group and potential proposals for action are often identified during these discussions.

(3) **Cooperative.** Cooperation must be voluntary and free from coercion. Cooperation can be frustrated in consensus decision making when individual, inflexible, or unpopular opinions hinder agreement. Participants in an effective consensus process should strive to reach the best possible decision for all ERC members rather than pursue a majority opinion to the detriment of the minority opinion. The same is true for the minority opinion to the detriment of the majority opinion.

(4) **Democratic.** All members of the ERC involved in the decision should be afforded, as much as possible, equal input into the process.

(5) **Solution-oriented.** An effective ERC decision-making process should emphasize common agreement over differences and reach effective decisions by compromise, to avoid or resolve disagreements within the group.

b. VSRPs rely on the ability of the ERC to use the previously explained concepts to reach agreement. Reaching consensus involves collaboration and compromise. In some situations, none of the ERC members may feel that the group decision is the right decision, but it is a decision that all can accept.

c. Reaching consensus is difficult at times and requires work, active listening, and the ability to maintain the vision of what VSRPs seek to attain. Occasionally an issue may arise that is of primary concern to one representative; identifying and addressing such concerns is a critical component of ERC consensus building.

d. Consensus may be reached with little or no discussion if there is agreement between ERC members when a report is discussed for the first time. Other reports may challenge ERC members to compromise and suggest alternatives (either within the scope of the MOU/MOA or, if the MOU/MOA does not provide criteria or other alternatives), which might lead to acceptable positions. These proposals may start several rounds of discussion to address or clarify concerns. Each member must show commitment to the program by articulating his/her position as it relates to provisions in the MOU/MOA. Also, members must look for acceptable solutions to impasses, even if the solution is one they would not necessarily choose. Willingness to strive for compromise whenever possible is crucial to the proper functioning of an ERC and enhances mutual respect for the views of other members. Care should be taken so that a few dominant individuals or issues do not drive all decisions.

e. The consensus decision-making process relies on the ability of each ERC member to represent their organization to the best of their ability without any outside interference. According to AOV Safety Oversight Circular, SOC 07-04, *Aviation Safety Action Program (ASAP) for Credentialed ATO Personnel*, paragraph 8b. (1) dated September 28, 2007, “management and supervisors should not preempt their respective ERC’s representative discretion for an event reported under [any VSRP]. If the parties to [the] MOU do not permit their respective ERC representative to exercise this discretion, the capacity of the ERC to achieve consensus will be undermined, and the program will ultimately fail.”

f. It is worth stressing that consensus does not imply an outcome that is favorable to the submitter who filed the report. The focus is on reaching an agreed-upon solution, not a favorable outcome. When an ERC member is unable or unwilling to continue looking for a compromise solution to an impasse, that member should consider whether to postpone the discussion, seek additional data, or request concurrence from members to forward the report for an independent review (for T-SAP, a single ERC member may request facilitation then elevation to the Steering Committee IAW the MOA). See the “Alternate Review” or “Steering Committee Review” section in each VSRP’s chapter, chapters 3 through 6 herein.

2-17. Program Reporting and Data Exchange Requirements. Without violating confidentiality, each VSRP in this order will produce the following reports:

a. Regular Communications. The VSRP Office will publish communications periodically that may include portions of redacted reports. The frequency of these publications will be delineated by each VSRP’s Administrative Manual.

b. Quarterly Reports. The VSRP Office will produce quarterly reports that provide updates and status of the program, as applicable. Reports may include safety issues identified and/or resolved, statistical data, and other information deemed appropriate by the program.

c. Annual Reports. The VSRP Office will produce an annual report providing a comprehensive review of the year's statistical data, significant activities and accomplishments, and other information deemed appropriate by the program. Vendors with approved VSRPs must submit annual reports to the Air Traffic Services Contract Operations Group and the VSRP Office.

d. Data-sharing Processes. The Safety Programs Group Manager must establish a data-sharing process that allows recipients to access safety information gathered by the program, as determined by each VSRP. The process must be documented. Data-sharing processes must include provisions to prevent sharing information that may violate the submitter's confidentiality without his/her consent.

(1) The information within each VSRP is sensitive; therefore, data sharing must not compromise the integrity of the program.

(2) Requests for VSRP data must be coordinated through the appropriate process for each VSRP.

(3) VSRPs will share data with each other as necessary.

(4) As appropriate, the process should address sharing safety data with potential recipients, including the following:

(a) Aviation Safety Information Analysis and Sharing.

(b) Other ATO service units or offices as part of the SMS.

(c) Any organization requesting data, as approved by the respective VSRP.

2-18. What is the VSRP Reporting Process?

a. Submission of Reports. Submitters file reports via the respective VSRP website. They should describe the event in sufficient detail so that the ERC can understand the event or problem.

(1) ATSAP and ATSAP-X: <http://www.atsapsafety.org>

(2) SAFER-FCT: <http://www.SAFER-FCT.org>

(3) T-SAP: <http://www.T-SAP.org>

b. Administrative Processes. Each VSRP must document a process for appropriate report handling and analysis. This process must address at least the following:

(1) Report review and de-identification.

(2) Data gathering for sole-source and non-sole-source reports.

(3) Communication with submitters.

- (4) ERC responsibilities.
- (5) Corrective actions.

2-19. The Aviation Safety Reporting System (ASRS)

a. What is ASRS? It is a program funded by the FAA and administered by the National Aeronautics and Space Administration (NASA). Although ASRS is a type of VSRP, it does not follow the same model as the other programs identified in this order. Also, it is not regulated by this order except for the protections identified in paragraph 2-19b(1)-(3). Under the ASRS program, ATO employees may submit information that NASA will de-identify, except where it involves criminal activities or accidents, before submitting to the respective agencies participating in the program. Reports and information are available at <http://asrs.arc.nasa.gov/>.

b. Protections. When an employee submits an ASRS report, disciplinary action may not be taken for a reported event if all of the following conditions are met:

- (1) The employee's action or lack of action was inadvertent;
- (2) The employee's action or lack of action did not involve a criminal offense, accident, or action under 49 United States Code, Section 44709, which discloses a lack of qualification or competency; and
- (3) The employee shows proof that within 10 days after the occurrence, he/she completed and submitted, electronically or by mail, a report to NASA's ASRS. When completing a VSRP report, employees may choose to submit a copy of their VSRP report electronically to ASRS via the VSRP database.

Chapter 3. Air Traffic Safety Action Program (ATSAP)

3-1. Roles and Responsibilities in ATSAP.

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 that it recurs.
- (2) Submit an ATSAP report for each safety problem or event at an appropriate time during the duty day, if possible.
- (3) Submit event reports within 24 hours after the end of the duty day for the day of occurrence, absent extraordinary circumstances, or within 24 hours of having become aware of a possible non-compliance.
- (4) Submit reports identifying safety problems at any time.
- (5) Provide additional clarifying information to the ERC as requested. It is very important for submitters to give additional information when requested so that the ERC can make an informed decision concerning all aspects of the report. This information has the same protective provisions as the original report.

b. Facility Manager.

- (1) The Air Traffic Manager or his/her designee should remind employees that they may file an ATSAP report if they are involved in any of the following: MOR, Risk Analysis Event, System Service Review, Traffic Management Review, or Covered Event Review (CER) and must:
 - (a) Consider a submitted ATSAP report as accepted unless the ERC determines otherwise.
 - (b) Provide employees who choose to file an ATSAP report the time and a location to file the report.
 - (c) Unless a requested extension is approved by the ERC, provide the ERC all relevant information or SET recommendations within three administrative days of notifying the employee of the event (in cases where a covered event review (CER) is required, the response must be provided within five administrative days). A review of an employee's performance during an occurrence is not considered disciplinary. Such a review is necessary to determine whether additional action is appropriate. Supporting information must accompany any recommended corrective action.

Note: *The ERC is interested in any additional information that facility management, union representative, and submitter can provide that would help the ERC understand not only what happened during a safety event, but also why the event happened. If SET is proposed, the information that forms the basis of the recommendation (for example, relevant portions of the employee's performance history, involvement in similar types of events, ongoing training, and other performance directly related to this type of event) must be supplied. A collaborative proposal from facility management and the union representative provides the most useable feedback for the ERC.*

(d) Take no de-certification or disciplinary action for events covered by an accepted ATSAP report.

(e) Not use an excluded report or the fact that a report was excluded as the basis for de-certification or disciplinary action except as specified in 2-6b(1)(c). This section does not preclude management from conducting an independent investigation of the event and taking appropriate action(s) based on their finding.

(f) Conduct performance skills checks or Individual Performance Management (IPM) Operational Skills Assessments (OSAs) associated with an event/problem covered by an accepted ATSAP report only when performing a CER or when approved or directed by the ERC.

(g) As appropriate, return the employee to operational duty on some, none, or all positions while awaiting the ERC decision.

(h) As appropriate, or at any time at the request of the employee, perform a "safety check." A "safety check" is an undocumented observation period to confirm the employee's self-confidence to provide air traffic services after a safety event. Management must coordinate with the ATSAP ERC regarding any issues that arise during a safety check and would preclude the employee from resuming normal duties.

(i) Assign administrative duties to employees not immediately returned to operational duty.

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

(ii) Employees' regular schedules and days off must not be changed without employee concurrence.

(j) Provide employees adequate time and resources to accomplish SET as recommended by ERC for any accepted ATSAP report.

(k) Keep confidential, to the extent feasible, information requested and all SET recommended by the ERC.

(l) Record ATSAP SET as Type 4 training on FAA Form 3120-1 under "Major Subject Areas." The form will simply state "ATSAP."

- (m) Give feedback to the ERC on training completion and/or qualification issues.
 - (n) Respond to all information requests from the ERC/analysts and accomplish corrective actions.
 - (o) Ensure new employees receive ATSAP training within 30 days of arriving at their facility.
- (2) Local documentation may be retained regarding events/problems about which reports were accepted into ATSAP. Events/problems with an accepted ATSAP report may not be referenced or used to support any disciplinary or de-certification action. In addition, they may be used as part of the rationale for SET only if that training is approved by the ERC.

Personal records, notes, or diaries maintained by a supervisor about his/her employees' involvement in events/problems with an accepted ATSAP report are restricted from use as a basis to support the following:

- (a) Performance evaluation of less than fully successful, including initiation of an Opportunity to Demonstrate Performance.
- (b) Denial of a promotion.
- (c) Denial of a pay increase.
- (d) Disciplinary or adverse actions.
- (e) De-certification.

c. ATSAP Analysis Team (AAT). The AAT consists of representatives from ATO and NATCA. The team provides technical advice to AJI and analyzes specific safety issues as directed by the ATSAP Program Office or as requested by ERCs.

(1) The AAT provides the ATSAP Program Office and other approved entities with reports of their analyses that are filtered to remove the identity of individuals or entities. The AAT provides the ATSAP Program Office with information on safety issues identified in its analyses that may require corrective action or follow-up.

- (2) The roles and responsibilities of the AAT include but are not limited to:
- (a) Developing the data analysis plan.
 - (b) Developing the data de-identification methodology appropriate for the analysis.
 - (c) Coordinating information and data standards for third-party and AAT activities.
 - (d) Producing an analysis report for the ATSAP Program Office or ERCs and issuing CARs as necessary.

- (e) Developing and implementing the tracking of corrective action effectiveness.
- (f) Conducting the effectiveness-tracking analysis as directed by the Program Office or ERCs.
- (g) Supporting industry safety information-sharing forums.
- (h) Acting as the point of contact for and administering the CISP. Coordinates with other ASAPs via the CISP to promote resolution of identified safety problems and to promote data sharing.

(3) The ATO and NATCA will provide subject matter experts and analysts as required to conduct approved analysis. AAT decisions and activities regarding report referral are made by consensus. If AAT members are unable to reach consensus, the issue will be elevated for resolution to the Director of Safety and the NATCA ATSAP Coordinator.

d. Safety Oversight. AOV's responsibilities are detailed in AOV Safety Oversight Circular SOC 07-04 and FAA Order JO 1100.161, *Air Traffic Safety Oversight*.

3-2. Alternate Review. Use of an alternate ERC should be viewed as a measure of last resort because the first priority of all ERC members is to strive for consensus on each issue. If the ERC cannot reach consensus, having exhausted all of its resources and ability to reach compromise, the complete report will be forwarded for review by another ERC. To bring a fresh perspective to the event, the ERC members involved in an alternate review will not solicit input from the original ERC. In addition, they will treat the reports they receive as new reports. Although data that makes up the case file for each report may be forwarded from the analysts, the alternate review ERC will conduct its own independent review and investigation and collect the necessary information to process the report. The alternate review ERC then retains responsibility for the report; there is no further referral.

a. If the alternate review ERC fails to reach consensus on an outcome, the report will be deleted from the VSRP ATSAP database without further ERC action unless:

(1) The report meets exclusionary criteria identified in paragraph 2-6b(1)(c) or the respective MOUs/MOAs. Only in those cases will the oversight representative refer the report for additional investigation and re-examination and/or enforcement action, as appropriate.

(2) If at least two ERC members provide an initial severity rating of 1 (Catastrophic) or 2 (Hazardous), and the report is carried over for lack of consensus, the ERC must immediately elevate the issue to the program's steering committee. The confidentiality of the submission must

be maintained. The steering committee will immediately convene to determine if agency action is required.

3-3. Does Filing an ATSAP Report Satisfy Mandatory Reporting? Not necessarily. VSRPs and [FAA Order JO 7210.632](#), *Air Traffic Organization Occurrence Reporting*, require employees to report specific occurrences in the following situations.

a. Management Employees. Management employees must still report events in accordance with FAA Order JO 7210.632. In addition, they may also file a voluntary report according to this order.

b. Non-management Employees Acting in a Management Role. The responsibilities of employees performing this function (for example, controller-in-charge) vary based on the situation. When reporting according to the FAA Order JO 7210.632 is required, a VSRP report may also be filed.

(1) If the employee observes a developing event, he/she must take action to correct the situation and must report according to the FAA Order JO 7210.632.

(2) If an event is reported to an employee performing this function, he/she must report according to the FAA Order JO 7210.632.

(3) If the employee is directly involved in or observes an event, other than as described in paragraph 3-3.b.(1), he/she must report following either FAA Order JO 7210.632 or the VSRP, or he/she may report through both.

c. Non-management Employees.

(1) Submission of a VSRP report satisfies non-management employees' requirement to report following the FAA Order JO 7210.632, *except* when the employee providing air traffic services determines that pilot actions affected the safety of operations. When such a determination is made, pilot actions must also be reported as a MOR in accordance with the FAA Order JO 7210.632, paragraphs A2–A8.

(2) Submission of a VSRP report does not exempt employees from making appropriate notifications when the employee providing air traffic services determines an occurrence involved national security or the immediate safety of flight (for example, in-flight emergencies, overdue aircraft, no radio [NORDO]/no radio acknowledgement [NORAC] aircraft, aircraft accidents).

3-4. What Is the Confidential Information Share Program (CISP)? The CISP is the program that shares and analyzes information collected through the ATSAP and airlines' ASAPs. These programs support the collection, assessment, and review of safety events from the perspectives of air traffic controllers and pilots. The merging of these perspectives is critical to understanding the causal factors of both known and previously unknown events of NAS operations. Through CISP, the FAA and participating airlines can more accurately identify potential hazards and develop more robust mitigation strategies.

Chapter 4. Air Traffic Safety Action Program-X (ATSAP-X)

4-1. Roles and Responsibilities in ATSAP-X.

a. Submitter. When an individual is involved in, observes, or identifies a safety hazard/problem, or experiences a safety-related event in support of air traffic or air navigation services, he or she should:

(1) Note the hazard/problem or event and any specifics that will help reduce the likelihood that it recurs.

(2) Submit an ATSAP-X report for each safety problem or event at an appropriate time during the duty day, if possible.

(3) At an appropriate time during the duty day, the employee should complete an ATSAP-X report for each safety problem or event and submit it electronically. Reports should be filed within 24-hours after the end of the duty shift: absent extraordinary circumstances. Refer to the ATSAP-X MOU for additional information on reporting timelines.

(4) Reports that the ERC determines to be sole source will be accepted under this VSRP, regardless of the timeframe within which they are submitted, provided they otherwise meet the acceptance criteria of the ATSAP-X MOU.

(5) Provide additional clarifying information to the ERC as requested. It is very important for submitters to give additional information when requested so that the ERC can make an informed decision concerning all aspects of the report. This information has the same protective provisions as the original report.

b. Manager.

(1) The Manager or his/her designee should remind employees that they may file an ATSAP-X report for any air traffic or air navigation service safety related problems they are involved in or observe and must:

(a) Consider a submitted ATSAP-X report as accepted unless the ERC determines otherwise.

(b) Provide employees who choose to file an ATSAP-X report the time and a location to file the report.

(c) Provide the ERC all relevant information within three administrative days of notifying the employee of the event. A review of an employee's performance during an occurrence is not considered disciplinary. Such a review is necessary to determine whether additional action is appropriate. Supporting information must accompany any recommended corrective action.

(d) Take no disciplinary or adverse actions for events covered by an accepted ATSAP-X report.

- (e) Not force employees into a leave or non-pay status while awaiting the ERC decision.
- (f) Not change an employee's regular schedules and days off without employee concurrence.
- (g) Provide employees adequate time and resources to accomplish training in a timely manner as recommended by ERC for any accepted ATSAP-X report.
- (h) Keep confidential, to the extent feasible, information requested by, and all training recommended by, the ERC.
- (i) Give feedback to the ERC on training completion and/or qualification issues.
- (j) Respond to all information requests from the ERC/analysts and accomplish corrective actions.
- (k) Ensure new employees receive ATSAP training within 30 days of arriving at their duty station.

(2) Local documentation may be retained regarding events/problems about which reports were accepted into ATSAP-X. Events/problems with an accepted ATSAP-X report may not be referenced or used to support any disciplinary or adverse action. In addition, they may be used as part of the rationale only if training is approved by the ERC. Personal records, notes, or diaries maintained by a supervisor about his/her employees' involvement in events/problems with an accepted ATSAP report are restricted from use as a basis to support the following:

- (a) Performance evaluation of less than fully successful, including initiation of an Opportunity to Demonstrate Performance.
- (b) Denial of a promotion.
- (c) Denial of a pay increase.
- (d) Disciplinary or adverse actions.
- (e) De-certification.

4-2. Alternate Review. Use of the alternate ERC members should be viewed as a measure of last resort, because the first priority of all ERC members is to strive for consensus on each issue. If the primary ERC members cannot reach consensus, having exhausted all of resources and ability to reach compromise, the complete report will be forwarded for review by the alternate ERC members. To bring a fresh perspective to the event, the ERC members involved in an alternate review will not solicit input from the original ERC members. In addition, they will treat the report as a new report. Although data that makes up the case file for each report may be utilized, the alternate review ERC members will conduct their own independent review and investigation and collect the necessary information to process the report. The alternate review ERC members retain responsibility for the report; there is no further referral.

Chapter 5. Federal Contract Towers Safety Action Program – Safety Actions from Event Reporting – Federal Contract Towers (SAFER-FCT)

5-1. Roles and Responsibilities in SAFER-FCT.

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 that it recurs.

(2) Submit a SAFER-FCT report for each safety problem or event at an appropriate time during the duty day, if possible.

(3) Submit reports within 24 hours after the end of the employee's duty day on the date of occurrence or within 24 hours of becoming aware of a possible non-compliance.

(4) Provide additional clarifying information to the ERC as requested. It is very important for submitters to give additional information when requested so that the ERC can make an informed decision concerning all aspects of the report. This information has the same protective provisions as the original report.

b. Facility Manager.

(1) The Air Traffic Manager or his/her designee should remind employees that they may file a SAFER-FCT report if they are involved in any of the following: MOR, Risk Analysis Event, System Service Review, Traffic Management Review, or CER and must:

(a) Consider a submitted SAFER-FCT report as accepted unless the ERC determines otherwise.

(b) Take no de-certification or disciplinary action for events covered by an accepted SAFER-FCT report.

(c) Not use an excluded report or the fact that a report was excluded as the basis for de-certification or disciplinary action except as specified in 2-6b(1)(c). This section does not preclude management from conducting an independent investigation of the event and taking appropriate action(s) based on their finding.

(d) Provide employees who choose to file a SAFER-FCT report the time and a location to file the report.

(e) Provide the ERC all relevant information or SET recommendations within three administrative days of notifying the employee of the event. A review of an employee's performance during an occurrence is not considered disciplinary. Such a review is necessary to determine whether additional action is appropriate. Supporting information must accompany any recommended corrective action.

Note: *The ERC is interested in any additional information that facility management, union representative, and submitter can provide that would help the ERC understand not only what happened during a safety event, but also why the event happened. If the facility intends to propose SET, it must supply the information that forms the basis of the recommendation (for example, relevant portions of the employee's performance history, involvement in similar types of events, ongoing training, and other performance directly related to this type of event). A joint proposal from facility management and the union representative provides the most useable feedback for the ERC.*

- (f) Conduct performance skills checks or Operational Skills Assessments associated with an event/problem covered by an accepted SAFER-FCT report only when performing a CER or when approved or directed by the ERC.
- (g) As appropriate, return the employee to operational duty on some, none, or all positions while awaiting the ERC decision.
- (h) As appropriate, or at any time at the request of the employee, perform a "safety check." A "safety check" is an undocumented observation period to confirm the employee's self-confidence to provide air traffic services after a safety event. Management must coordinate with the ERC any issues arising during a safety check that would preclude the employee from resuming normal duties.
- (i) Employees must not be forced into a leave or non-pay status while awaiting the ERC decision.
- (j) Employees' regular schedules and days off must not be changed without employee concurrence.
- (k) Provide employees adequate time and resources to accomplish SET as recommended by ERC for any accepted SAFER-FCT report.
- (l) Keep confidential, to the extent feasible, information requested by, and all SET recommended by, the ERC.
- (m) Record SET in accordance with the agreed upon company policy or if used as Type 4 training on FAA Form 3120-1 under "Major Subject Areas." In either case, the form will simply state "SAFER-FCT."
- (n) Give feedback to the ERC on training completion and/or qualification issues.
- (o) Respond to all information requests from the ERC/analysts and accomplish corrective actions.
- (p) Newly hired controllers will be trained on SAFER FCT as a part of their initial facility training. As necessary, recurring training will be made available to eligible employees.

(2) Local documentation may be retained regarding events/problems about which reports were accepted into SAFER-FCT. Events/problems with an accepted SAFER-FCT report may not be referenced or used to support any disciplinary or de-certification action. In addition, they may be used as part of the rationale for SET only if that training is approved by the ERC.

(3) Personal records, notes, or diaries maintained by a supervisor about his/her employees' involvement in events/problems with an accepted SAFER-FCT report are restricted from use as a basis to support the following:

(f) Performance evaluation of less than fully successful, including initiation of an Opportunity to Demonstrate Performance.

(g) Denial of a promotion.

(h) Denial of a pay increase.

(i) Disciplinary or adverse actions.

(j) De-certification.

5-2. Alternate Review. If the primary ERC members cannot reach consensus, the use of alternate ERC members should be viewed as a last resort. The first priority of all ERC members is to strive to reach consensus. If the alternate ERC members fail to reach consensus, it is understood the FAA holds statutory authority to enforce the necessary rules and regulations, and the FAA retains all legal rights and responsibilities contained in Title 49, United States Code, the FAA Order 2150.3 and the applicable FAA contract in the event there is not a consensus of the ERC on decisions concerning a report involving an apparent violation(s) and/or a qualification issue. The FAA will not use the content of the ASAP report in any subsequent enforcement action against the Company or employee, except as described in paragraph 12(a) (3) of the applicable vendor MOU.

5-3. Does Filing a SAFER-FCT Report Satisfy Mandatory Reporting? Not necessarily. VSRPs and the [FAA Order JO 7210.632](#), *Air Traffic Organization Occurrence Reporting*, require employees to report specific occurrences in the following situations.

a. Management Employees. Management employees **must** report events in accordance with FAA Order JO 7210.632. In addition, they may also file a voluntary report according to this order.

b. Non-management Employees Acting in a Management Role. The responsibilities of employees performing this function (for example, controller-in-charge) vary based on the situation. When reporting according to FAA Order JO 7210.632 is required, a VSRP report may also be filed.

(1) If the employee observes a developing event, he/she must take action to correct the situation and must report according to the FAA Order JO 7210.632.

(2) If an event is reported to an employee performing this function, he/she must report according to the FAA Order JO 7210.632.

(3) If the employee is directly involved in or observes an event, other than as described in paragraph 5-5.b.(1), he/she must report according to either the FAA Order JO 7210.632 or the VSRP. He/she may also report through both systems.

c. Non-management Employees.

(1) If a non-management employee submits a SAFER-FCT report, this satisfies the requirement to report according to FAA Order JO 7210.632, except when the employee determines that pilot actions affected the safety of operations. In this case, pilot actions must also be reported as an MOR in accordance with FAA Order JO 7210.632, paragraphs A2–A8.

(2) Submitting a SAFER-FCT report does not exempt employees from also notifying the appropriate authorities when the employee determines an occurrence involved national security or the immediate safety of flight (for example, in-flight emergencies, overdue aircraft, no radio [NORDO]/no radio acknowledgement [NORAC] aircraft, aircraft accidents, etc.).

Chapter 6. Technical Operations Safety Action Program (T-SAP)

6-1. Roles and Responsibilities in T-SAP.

a. Submitter. Per the MOA when an employee observes or experiences aviation safety events, problems and/or concerns and/or non-compliance with FAA Directives while acting in their official capacity as an employee, , he/she should:

(1) Note the aviation safety concern and any specifics that will help reduce the likelihood that the aviation safety concern recurs.

a. Submit a separate report for each aviation safety concern in sufficient detail so that it can be evaluated by the Event Review Committee (ERC), including but not limited to a detailed description of the issue, relevant background material, past efforts and forums used to resolve the aviation safety concern and any other relevant considerations.

b. Submit Aviation Safety Event reports within one working day after the end of the duty day from the day of occurrence, absent extraordinary circumstances, or within one working day of having become aware of a possible non-compliance. Through consensus, the ERC can determine to accept “untimely” reports if in their opinion acceptance of the report would or could improve aviation safety.

(2) An employee has the right to file a T-SAP report on duty time, if otherwise in a duty status.

(3) Provide additional clarifying information to the ERC as requested. It is very important for submitters to give additional information so that the ERC can make an informed decision concerning all aspects of the report.

(4) Complete any corrective training action requested or recommended by the ERC.

b. Front Line Management. Identify and apply operational expertise to ensure the success of T-SAP. He/she should:

(1) Advise employees that they have an option to file a T-SAP report if they observe or experience an aviation safety concern.

(2) Remind those involved in a known event about their option to submit a T-SAP report during the preliminary fact-finding process.

(3) Advise employees that they have the right to file a T-SAP report on duty time, if otherwise in a duty status.

(4) Keep confidential, to the extent feasible, T-SAP information, and ERC recommended training.

(5) Provide employees adequate time and resources to accomplish ERC recommended training.

(6) Give feedback to the ERC on ERC recommended training completion.

Note: The ERC is interested in any additional information that management, union representative, and submitter can provide that would help the ERC understand not only what happened during a safety event, but also why the event happened. If ERC recommended training is proposed, the information that forms the basis of the recommendation (for example, relevant portions of the employee's performance history, involvement in similar types of events, ongoing training, and other performance directly related to this type of event) should be supplied. A collaborative proposal from facility management and the union representative provides the most useable feedback for the ERC.

(7) Respond to all T-SAP Information Requests (TIRs) as applicable.

(8) Oversee and implement Corrective Action Requests (CARs) as applicable.

(9) Not use the submitted report in part or in whole to initiate or support any AOV credentialing, disciplinary or adverse personnel action.

(10) Not use an excluded report or the fact that a report was excluded as the basis for credentialing or disciplinary action except as specified in the T-SAP MOA.

(11) Not force employees into a leave or non-pay status while awaiting the ERC decision.

(12) Consider a submitted T-SAP report as accepted unless the ERC determines otherwise. The protections go into effect upon the employee submitting their report, unless and until excluded under the terms of the T-SAP MOA.

(13) Not change employee's regular schedules and days off based on their submitted T-SAP report.

c. T-SAP Analysts. The T-SAP analysts, consisting of Subject Matter Expert (SME) representative(s) from PASS, Technical Operation Services (AJW) appointed analyst(s), and AJI analyst(s), which provide the Program Manager and other approved individuals with reports of their analyses filtered to remove the identity of individuals. Team members will be given the appropriate level of access to the T-SAP database for the performance of their duties.

(1) Analysts provide the Program Office and ERC with information on safety assurance issues determined by the ERC to require corrective action or follow up.

(2) Analyst tasks are further described in the T-SAP Administrative Manual and work instructions.

d. AOV. AOV's responsibilities are detailed in the AOV Safety Oversight Circular, SOC 07-04 and the FAA Order JO 1100.161, *Air Traffic Safety Oversight*.

6-2. Steering Committee (SC) Review. Reports can after facilitation be elevated to the SC for review in accordance with the T-SAP MOA.

a. The Steering Committee will assess the ERC's overall effort to reach consensus on the report, and has three possible actions. The Committee will either:

- (1) Remand a report back to the ERC for further discussion and effort
- (2) Conclude that the ERC exhausted all reasonable efforts to reach consensus and the report will be excluded
- (3) Any other action deemed appropriate by the Committee.

6-3. Does T-SAP Share Confidential Information? The intent of the T-SAP is to protect the identity of the employee reporting an aviation safety concern. Every effort will be made to maintain the employee's confidentiality for reports within the terms of this MOA. The T-SAP Office will coordinate with other VSRPs, as needed, to promote data sharing and resolution of identified aviation safety concern in collaboration with PASS

6-4. Does Filing an ATSAP Report Satisfy Mandatory Reporting? Not necessarily. VSRPs and [FAA Order JO 7210.632](#), *Air Traffic Organization Occurrence Reporting*, require employees to report specific occurrences in the following situations.

a. Management Employees. Management employees must still report events in accordance with FAA Order JO 7210.632. In addition, they may also file a voluntary report according to this order.

b. Non-management Employees Acting in a Management Role. The responsibilities of employees performing this function (for example, controller-in-charge) vary based on the situation. When reporting according to the FAA Order JO 7210.632 is required, a VSRP report may also be filed.

(1) If the employee observes a developing event, he/she must take action to correct the situation and must report according to the FAA Order JO 7210.632.

(2) If an event is reported to an employee performing this function, he/she must report according to the FAA Order JO 7210.632.

(3) If the employee is directly involved in or observes an event, other than as described in paragraph 3-3.b.(1), he/she must report following either FAA Order JO 7210.632 or the VSRP, or he/she may report through both.

c. Non-management Employees.

(1) Submission of a VSRP report satisfies non-management employees' requirement to report following the FAA Order JO 7210.632, *except* when the employee providing air traffic services determines that pilot actions affected the safety of operations. When such a

determination is made, pilot actions must also be reported as a MOR in accordance with the FAA Order JO 7210.632, paragraphs A2–A8.

(2) Submission of a VSRP report does not exempt employees from making appropriate notifications when the employee providing air traffic services determines an occurrence involved national security or the immediate safety of flight (for example, in-flight emergencies, overdue aircraft, no radio [NORDO]/no radio acknowledgement [NORAC] aircraft, aircraft accidents).

Appendix A. Acronyms

AAT - ATSAP Analysis Team
AIR - ATSAP Information Requests
AJI - Safety Programs in Safety and Technical Training
AJM - Program Management Organization
AJR - System Operations Services
AJT - Air Traffic Services
AJV - Mission Support Services
AJW - Technical Operation Services
AOV - Air Traffic Safety Oversight Service
ASAP - Aviation Safety Action Program
ATC - Air Traffic Control
ATSAP - Air Traffic Safety Action Program
ATSAP-X - Air Traffic Safety Action Program-X
ATO - Air Traffic Organization
CAP - Corrective Action Plan
CAR - Corrective Action Request
CBA - Collective Bargaining Agreement
CER - Covered Event Review
CFR – Code of Federal Regulations
CISP - Confidential Information Share Program
EC - Executive Committee
ERC - Event Review Committee
FAA - Federal Aviation Administration
FCT - Federal Contract Towers
IPM - Individual Performance Management
MMAC - Mike Monroney Aeronautical Center
MOA - Memorandum of Agreement
MOR - Mandatory Occurrence Report
MOU - Memorandum of Understanding
NAGE - National Association of Government Employees

NAS - National Airspace System

NATCA - National Air Traffic Controllers Association

NORAC - No Radio Acknowledgement

NORDO - No Radio

OJT - On-the-Job Training

OPR - Office of Primary Responsibility

OSA - Operational Skills Assessment

PATCO - Professional Air Traffic Controllers Organization

PATCO, Inc. - Professional Air Traffic Controllers Organization, Incorporated

PASS - Professional Aviation Safety Specialists

SAFER-FCT - Safety Actions from Event Reporting - Federal Contract

SET - Skill Enhancement Training

SC - Steering Committee

SME - Subject Matter Expert

SMS - Safety Management System

SRM – Safety Risk Management

TIR - T-SAP Information Request

T-SAP - Technical Operations Safety Action Program

VSRP - Voluntary Safety Reporting Program

WJHTC - William J Hughes Technical Center