U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

April 14, 2023

The Honorable Maria Cantwell
Chair, Committee on
   Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell:

This letter accompanies the Federal Aviation Administration's (FAA) report to Congress on the progress in meeting the requirements of Section 552 of the FAA Reauthorization Act of 2018 (Public Law 115-254).

In Section 552 of the FAA Reauthorization Act of 2018, the Secretary of Transportation was directed to conduct a study on commercial air carriers' Employee Assault Prevention and Response Plans (EAPRPs) addressing the management of disputes on aircraft and assaults against airline customer service agents. Congress directed the study to include: an analysis of EAPRP training received by customer-facing employees, an examination of how institutions of higher learning could assist in providing recommendations and supplemental training, and information on the effectiveness of those EAPRPs. Congress further directed the Secretary to submit a report on the results of the study. The attached report responds to these requests.

A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation, and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

Billy Nolen
Acting Administrator

Enclosure

U.S. Department of Transportation
Federal Aviation Administration

Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

April 14, 2023

The Honorable Ted Cruz
Ranking Member, Committee on
  Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Ranking Member Cruz:

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Sincerely,

Billy Nolen
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April 14, 2023

The Honorable Sam Graves
Chairman, Committee on
  Transportation and Infrastructure
House of Representatives
Washington, DC 20515

Dear Chairman Graves:

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April 14, 2023

The Honorable Rick Larsen
Committee on
  Transportation and Infrastructure
House of Representatives
Washington, DC 20515

Dear Ranking Member Larsen:

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Sincerely,

Billy Nolen
Acting Administrator

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Federal Aviation Administration

REPORT TO CONGRESS:

Study on Training of Customer-Facing Air Carrier Employees

FAA Reauthorization Act of 2018 (Pub. L. No. 115-254) – Section 552

Contents

I. LEGISLATIVE MANDATE

This report responds to Section 552 of the FAA Reauthorization Act of 2018 (the Act)[1]:

SEC. 552. STUDY ON TRAINING OF CUSTOMER-FACING AIR CARRIER EMPLOYEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a study on the training received by customer-facing employees of air carriers.
(b) CONTENTS.—The study shall include—
> *(1) an analysis of the training received by customer-facing employees with respect to the management of disputes on aircraft;*
> *(2) an examination of how institutions of higher learning, in coordination with air carriers, customer-facing employees and their representatives, consumer advocacy organizations, and other stakeholders, could—*
>> *(A) review such training and related practices;*
>> *(B) produce recommendations; and*
>> *(C) if determined appropriate, provide supplemental training; and*
> *(3) the effectiveness of air carriers' Employee Assault Prevention and Response Plans required under section 551.*
(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study.

II. BACKGROUND

The Act includes two sections that address training for air carrier customer service agents (CSAs) to prevent and respond to passenger assaults. Airline customer service representatives are not regulated by the FAA, therefore, CSAs in this context are defined as airline employees who are not members of a flight crew, such as gate/ticket agents, baggage handlers, and ground/ramp agents.

Section 551 directs commercial air carriers to develop Employee Assault Prevention and Response Plans (EAPRP) related to CSAs and in consultation with the labor union representing the CSAs. Each EAPRP should address:

- Reporting protocols for CSAs who have been victims of a verbal or physical assault;
- Protocols for immediate notification of law enforcement after an assault committed against a CSA;
- Protocols for reporting assaults involving security screening personnel to Federal law enforcement agencies;
- Protocols for ensuring that a passenger involved in a violent incident with a CSA is not allowed to move through airport security or board an aircraft until appropriate law enforcement has had an opportunity to assess the incident and take appropriate action; and,

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[1] Public Law 115-254

- Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security responsibilities within an airport.

Section 551 also requires that air carriers submit their EAPRP to the FAA and conduct initial and recurring training for CSAs with respect to the EAPRP. EAPRP's are submitted to the Office of Aviation Safety and retained by the Office of Security and Hazardous Materials. Training elements include:

- De-escalating hostile situations.
- Written protocols on dealing with hostile situations.
- Reporting of relevant incidents.

Section 552 of the Act mandates a study of, among other topics, the effectiveness of the EAPRPs mandated in Section 551. Section 552 also mandates this report on the results of that study.

III. ANALYSIS OF TRAINING RECEIVED BY CSAs WITH RESPECT TO MANAGEMENT OF DISPUTES ON AIRCRAFT

De-escalating hostile situations
Air carriers tend to provide a more comprehensive approach to training employees to deal with and report hostile situations than they do to written protocols on such matters. The FAA identified the following best practices in the training CSAs received:
- Providing contextual messaging about the difficulties of presenting a calm demeanor when an individual is upset and about the need for employees to practice de-escalation techniques, which can feel unnatural, in order to learn them.
- Being clear about which behaviors towards employees will not be tolerated.
- Providing employees with easy-to-remember protocols that can help them recall steps they should take when faced with hostile situations.
  - One carrier provides an infographic with keywords as a memory device to help employees in de-escalating situations.
  - Similarly, another carrier's training includes the "5 Don'ts of De-Escalation" in an easy-to-remember mnemonic device.

Written protocols on dealing with hostile situations
Very few air carriers provided any information about how their training prepares employees to refer to written protocols that address prevention of and responses to assault. One carrier provided employees with a card that reminds them how to handle hostile situations and includes reporting instructions.

Reporting relevant incidents
The most comprehensive training by air carriers is training that is user-friendly and also provides CSAs with sufficient detail to be able to follow up as needed after an incident. Examples of this approach to training include:
- One carrier's reference manual describes the carrier's reporting processes in detail. Air carriers should include this information within training modules.

- Three carriers provide employees with training slides or an online course outlining various options for reporting. Some training materials use infographics to present reporting options in a visually stimulating way.
- Air carriers are transparent in alerting employees that reports might be shared externally and that report paperwork might be turned over to other entities such as law enforcement and legal personnel, depending upon the severity of the incident.

IV. EXAMINATION OF HOW INSTITUTIONS OF HIGHER LEARNING COULD REVIEW TRAINING AND RELATED PRACTICES, PRODUCE RECOMMENDATIONS, AND, IF APPROPRIATE, PROVIDE SUPPLEMENTAL TRAINING[2,3]

Colleges and universities with aviation management programs are well-poised to review air carrier training and related practices, produce recommendations, and, if determined appropriate, develop these supplemental training programs. Specifically, collaboration with institutions of higher learning would benefit air carriers in the following ways:

- Institutions of higher learning could work with industry representatives to establish comprehensive model EAPRPs and training plans that are aligned with the goals and objectives of Section 551. This would address the inconsistency and lack of a comprehensive approach to EAPRPs described in Section V.

- Air carriers could work with institutions of higher learning and with US Government, law enforcement, and/or crisis response specialists to develop standard protocols for incident response.

- Air carriers can work with institutions of higher learning to develop specialized training based on the needs of their workforce. Depending on business models and size, air carriers face different challenges and needs in tailoring plans to their workforce. Topics should include, among others: human factors and change management, conflict management and resolution, communication/customer service skills, dealing with persons under the influence, negotiating, and stress management. Training can be developed, delivered, and accomplished in various ways to accommodate the needs of each air carrier workforce.

V. EFFECTIVENESS OF EAPRPs

In general, all materials submitted for this study by air carriers are at least partially compliant with Section 551. FAA identified 40 Part 121 operators for which the agency would expect to receive plans. To date, the agency has received 33 EAPRPs and has followed up with the

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[2] In coordination with air carriers, customer-facing employees and their representatives, consumer advocacy organizations, and other stakeholders.

[3] Air carrier reports provided us with only a limited understanding of air carriers' current training practices. Many air carriers may already be using some of the practices cited below.

remaining 7 carriers to receive their plans. Since Section 551 was not tied to a specific statute or regulation, the FAA has no authority to require air carriers to comply with the requirement.

While many air carriers documented protocols for de-escalating tense situations and notifying authorities, many did not document protocols to inform passengers of the laws and legal consequences for assaulting CSAs. Such laws are generally outside the legal authority of the FAA because they would be about conduct outside of the airplane. Moreover, few air carriers identified mechanisms in place to address a CSA's well-being in the aftermath of an assault.

In addition, air carriers do not appear to have a shared understanding of what constitutes an effective EAPRP. The documents the FAA reviewed outlined considerably different methods for communicating with and training the workforce. The EAPRPs the FAA reviewed suggest that air carriers rely on existing training materials and manuals rather than developing a separate EAPRP.

Section 551 requires that air carriers address five specific protocols within their EAPRPs. In addressing them, comprehensive EAPRPs should, at a minimum:
- Include all necessary steps and procedures in preventing and responding to assaults.
- Define individuals responsible for reporting incidents and contacting law enforcement and who is responsible for making specific decisions.
- Identify and review processes and procedures to ensure follow-up actions are taken.

Victims of verbal or physical assaults
The best EAPRPs submitted for the study address the CSA's well-being after the CSA experiences an assault. For example, they stress the emotional well-being of the employee as well as the CSA's legal rights. In addition, they provide references to additional resources to help the affected employees, e.g., the availability of Employee Assistance Program support services.

The study suggests that carrier responses should also acknowledge that an employee who has experienced an assault may not immediately be able to fulfill the duties of the position and should include provisions for other employees to step in in order to support the next steps, such as maintaining the safety of passengers and reporting.

Immediate notification of local law enforcement
In identifying best practices for notifying local law enforcement, notification should be immediate and provide multiple ways to get the attention of law enforcement. This includes a hotline accessible to air carrier employees.

Based on the EAPRPs submitted for the study, the FAA identified the following ways to support this protocol:
- Clearly identify the methods for notifying law enforcement.
- Provide multiple options for accomplishing the notification.
- Identify the individual responsible for notifying law enforcement and a backup individual in the event the employee experiencing the assault is not able to notify law enforcement directly themselves.

- Identify the order in which, based on each carrier's specific structure, CSAs should notify law enforcement and the carrier's security mechanism and leadership.
- Identify the rights and possible involvement of employees in potential legal follow-up.

Informing Federal law enforcement
Based on the EAPRPs submitted, the FAA identified the following ways to support this protocol:
- Clearly state that interfering with the ability of air carrier personnel to perform their duties is a violation of Federal law.[4]
- Clearly state that an incident must be reported to the appropriate Federal law enforcement agency.
- Designate and clearly identify a point of contact within the company responsible for notifying Federal law enforcement.
- Clearly identify company policies that support employee cooperation with Federal law enforcement personnel.

As with notification of local law enforcement above, there are very similar considerations for air carriers when identifying how to inform Federal law enforcement of an assault. Air carriers should do the following in order to provide a clear process for their employees:
- Identify the method for notifying Federal law enforcement, preferably multiple options.
- Identify the individual responsible for notifying Federal law enforcement.
- Identify the order in which CSAs notify Federal law enforcement, the carrier's security mechanism, and leadership, given each carrier's specific company structure.
- Clarify that cooperation with Federal authorities may be required in the aftermath of an incident.
- Identify the rights and possible involvement of employees in potential legal follow-up.

Preventing a passenger involved in an incident from moving through security or boarding aircraft
Based on the EAPRPs submitted, the FAA identified the following ways to support this protocol:
- Clearly identify the individuals involved in this rapid decision-making process and the sequence for notifying supervisors and corporate leadership decision-makers.
- Clearly identify the options within the company's discretion, including refusal to transport the individual or canceling a reservation within the Contract of Carriage, and restricting the individual's future use of the airline.

Inform passengers of Federal laws
Based on the EAPRPs submitted, the FAA identified the following ways to support this protocol:
- Insert relevant language on external websites.
- Include language on relevant Federal laws within conditions of carriage.
- Post signage at ticket counters, gates, and baggage service areas.
- Include mention of Federal laws within public announcements.

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[4] Title 49 of the United States Code §§ 46318 and 46504 and Title 14 of the Code of Federal Regulations §§ 91.11, 121.580, 135.120, and 125.328

VI. BEST PRACTICES FOR TRAINING[5]

Provide training through an online course
For air carriers with staff located across the country or across the world, standalone eLearning modules may be the most effective training method for reaching all employees. Employees may access eLearning modules across the organization anytime and anywhere. Standalone eLearning modules enhance training by providing guidance and standard procedures through scenario-based simulations such as dealing with hostile situations and reporting relevant incidents. This approach allows for immediate feedback and remediation.

Integrate topics with existing training
Air carriers should consider whether it is most effective to conduct training on de-escalation and dealing with hostile situations as a standalone module or as an integrated part of other existing training for employees. Air carriers can also take a hybrid approach. For example, air carriers' orientation and new employee training for CSAs can incorporate modules on de-escalation and dealing with hostile situations. In this way, air carriers can ensure that all new CSAs learn the appropriate procedures and how to deal with hostile situations while maximizing the use of employee and trainers' time. Carriers might then use an annual, required eLearning refresher training so that all employees stay current on the procedures.

Use instructional systems design principles
Courses, including eLearning modules, are most effective when they are built using adult learning theory and following the accepted principles of instructional systems design. Instructional design principles start with articulating learning objectives that define expectations for what participants will learn by the end of the training. The module is then built to train and reinforce the learning objectives. In addition, participants learn best when they are engaged by highly interactive elements, including reinforcement of the material and demonstration and practice with the content. This is especially true with eLearning modules, which must hold the learner's attention. eLearning modules can be made more interactive through the use of video, simulations, scenarios requiring participant responses, and knowledge checks. These features help to keep participants engaged, so they gain the full benefit of the course and retain the information.

Use scenarios and simulations
Scenarios and simulations might include, for example, employees encountering various confrontational situations with difficult customers and considering how they might respond to these situations. Participants can review case studies and different scenarios, which, depending on their response, lead to varying results (for instance, escalating or de-escalating situations).

Training Evaluation
Air carriers should track the number of participants trained and the number of participants who successfully complete the courses. Using pre-and post-tests, training evaluators can determine the degree to which participants acquire the knowledge and skills presented in training. Carriers can build these tests into eLearning modules easily. The use of summative and formative

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[5] Carrier reports provide only a limited understanding of air carriers' current training practices. Many air carriers may already be using some of the practices cited below.

evaluation throughout the training design and implementation processes is critical to ensuring its effectiveness.

Follow-up and socialization
In-person courses can include time for discussion, role-playing scenarios, and question and answer opportunities with instructors. Online courses can include discussion board features, allowing for peer learning opportunities and enabling instructors to respond.

VII. CONCLUSION

While many air carriers have training, reporting, and other protocols to de-escalate or address verbal or physical assaults against CSAs, the industry lacks a shared vision or standard methodology in this area. Air carriers also lack a common interpretation of the application of Section 551 requirements.

Industry could strengthen the effectiveness of EAPRPs and training by identifying best practices and moving toward consistent industry-wide implementation and application. This, in turn, could lead to more effective threat management and response.

Leveraging institutions of higher learning, especially those with aviation management programs, could help create industry standards for dealing with assaults and interface with Federal and local law enforcement. The FAA applauds those air carriers that are taking comprehensive action to address this important problem and encourages all air carriers to share best practices and leverage expertise both within the air carrier industry and within the network of institutions of higher learning that have specialized expertise.