

Part 142 Training Center Scenarios

The following information is presented in a question and answer format to respond to common questions that have been raised concerning the interaction between operators and training centers. When appropriate, scenarios have been used to provide a backdrop for real world situations and as a common basis for related questions. Questions that do not lend themselves to a common scenario are listed separately.

SCENARIO 1 (The following scenario applies to questions 1.1 and 1.2)—

- High Flight, an air operator, needs to locate suitable classroom facilities and wishes to include a flight simulator in its flight training program.
- XYZ training center has core and specialty curriculums, a flight simulator, procedure trainers, and classroom facilities that will meet High Flight's needs.
- High Flight and XYZ training center enter into a training agreement whereby High Flight will provide an approved course and XYZ will provide ground instructors, facilities, simulators, and procedure trainers.

Question 1.1: Is the proposed arrangement consistent with current regulations?

Answer: Yes, reference 14 CFR part 121 §121.402(a), 14 CFR part 125 §125.296, and 14 CFR part 135 §135.324(a).

Comment: In order for High Flight to use any of the training center's facilities, personnel, training devices, or other services to satisfy its regulatory training requirements, it must first incorporate XYZ's facilities, simulator, and training devices into its training program and submit a proposal (in accordance with the 14 CFR part under which it is certificated) to its principal operations inspector (POI) for review and approval. Until the POI approves High Flight's submission, none of the training conducted by the center may be credited toward the completion of High Flight's required training.

It is important to understand that the training center program manager's (TCPM) approval of the center's simulator or training devices and facilities **does not** authorize High Flight to conduct training at XYZ training center or to use XYZ training center facilities, simulators, or training devices. The TCPM's approval only ensures that the facilities, simulators, and training devices are approved to conduct the training, testing, and checking permitted under part 142.

Additionally, before High Flight may use any of the center's personnel to conduct its flight training, High Flight must ensure the instructors meet the training of part 135 or part 121 and have all been trained in High Flight's approved curriculum, courseware, procedures, manuals, flows, checklists, callouts, etc. Adequate documentation of the instructor training must be maintained by High Flight and made available to its POI if requested.

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Question 1.2: Does the center's training center evaluator (TCE) training qualify the TCE to be appointed by High Flight's POI as check airman for High Flight?

Answer: No.

Comment: To put this in perspective, the **operator** is responsible for determining the qualifications of center personnel to act as check airmen. TCPMs do not have the responsibility or authority to qualify TCEs as check airmen for an operator. Applicable regulations require that the operator have an approved check airman training program and ensure that each potential check airman submitted to the POI for approval is adequately trained.

Training centers do not train their personnel (instructors or TCEs) in operator-specific procedures. Center personnel are trained in the programs that are approved under part 142 for their specific center. If High Flight's program included XYZ training center's core and/or specialty curriculums, the center's TCE would have received training in those portions of High Flight's check airman training that mirror XYZ's core and/or specialty curriculums. Even if High Flight would have adopted the center's training curriculum in total, it is very likely that there would still be operator specific training that would have to be completed by the center's TCEs before they could be approved to act as High Flight's check airmen. (This specifically applies to sections §135.293(a)(1)/(4)–(8), §121.413(c)(1)–(5), §121.415(a)(1)(i)/(ii)/(iii)/(iv), §121.415(d), §121.419(a)(1)(i), §121.419(a)(1)(vii), §121.419(a)(2)(vi)(A)–(C), §121.419(a)(2)(vi)(C), and §121.419(a)(2)(vii)–(xi)).

In this scenario, no portion of High Flight's training program originated from one of XYZ training center's core or specialty curriculums. Therefore, training center personnel would not have been trained, tested, and checked in High Flight's program.

NOTE: It must be understood that the responsibility for ensuring all center instructors and check airmen are properly trained in the operator's programs rests with the operator. Additionally, it is important to note that a center may only evaluate those areas that are identified as the center's responsibility in the Instructor/Check Airman Standardization Program between the operator and the center. Simply stated, training center personnel cannot test or evaluate an operator's personnel on subjects in which the center does not provide training.

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SCENARIO 2 (The following scenario applies to questions 2.1 through 2.4)—

- XYZ training center has three core and six specialty curriculums that have been approved by its TCPM and listed in its training specifications.
- High Flight, a 14 CFR part 119 air operator, has received approval from its POI to include one of the center's core and one specialty curriculum in its approved training program.
- High Flight has also been granted approval, by its POI, to use XYZ as its training provider.

Question 2.1: Must XYZ training center list High Flight in its training specifications?

Answer: No, reference to 14 CFR part 142 §142.1(b) and §142.35.

Comment: Part 142 training specifications are issued to training centers outlining the centers' curriculum requirements, training, testing, and checking authorizations and limitations. Individual 14 CFR part 119 operators are **not** required to be listed in training specifications.

Question 2.2: Must High Flight's approved curriculum be listed in XYZ's training specification?

Answer: No, reference 14 CFR part 142, subparts B and F.

Comment: In order for a curriculum to be listed in a center's training specifications it must have been developed for that center's use, in accordance with 14 CFR part 142, subparts B or F. Technically speaking, part 119 operators' training programs are not approved under part 142, and consequently do not meet the test for inclusion in the training specifications as outlined in part 142. Although both the center and operator curriculums are developed to meet the requirements of 14 CFR, only those curriculums that have been developed in accordance with part 142, subparts B or F are to be listed in the center's training specifications. Those curriculums approved by the POI for an operator's use are not to be included in the center's training specifications.

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Question 2.3: When the training center conducts High Flight's training program, is the center required to keep the training records specified in part 142, subpart E?

Answer: No.

Comment: The training center is only required to maintain records in support of **its** (the training center's) approved programs. 14 CFR part 142, subpart E, requires training centers to maintain records for trainees, instructors, and evaluators for courses, "...approved in accordance with subpart B of this part." In our example, High Flight's contract with the center may have included a provision wherein the center will maintain certain portions of High Flight's training records. However, the responsibility for the adequacy of such records remains with High Flight. The fact that High Flight's POI may have also approved the subject records to be physically kept at the training center does not generate a requirement for the center to keep a separate set of records to comply with part 142, subpart E. Part 142, subpart E only requires the center to keep records for training conducted in accordance with part 142. High Flight is not being trained in accordance with part 142. High Flight's crewmembers are being trained in accordance with the operating rules governing their operations. (Reference 14 CFR part 121 or 135.)

Question 2.4: Who is responsible for maintaining High Flight's required training records?

Answer: High Flight. Reference 14 CFR part 121 §121.663 and part 135 §135.63(4).

Comment: 14 CFR parts 121 and 135 are very clear on this point. The operator is responsible for maintaining adequate records in support of required training. The function may be delegated to a third party, however, the responsibility for the adequacy of the records remains with the operator and cannot be delegated. In this example, the training center has no responsibility under part 142 to maintain training records in support of the training accomplished through its contract with High Flight.

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SCENARIO 3 (The following scenario applies to questions 3.1 through 3.6)—

- XYZ training center has an approved Gulf Stream IV core curriculum.
- High Flight, a 14 CFR part 119 operator, and Richman Inc., a 14 CFR part 91 operator, both fly Gulf Stream IV aircraft.
- High Flight has been approved by its POI to use XYZ training center to provide its aircraft specific training.
- Richman Inc. has also contracted with XYZ training center to provide its required training.
- Both Richman Inc. and High Flight are using XYZ training center's core curriculum.

Question 3.1: What training record is XYZ training center required to maintain in this scenario?

Answer: XYZ training center is only required to maintain the records required to support the training accomplished for Richman Inc. (Reference 14 CFR part 121 §121.663, part 135 §135.63(4) and part 142, subpart E.)

Comment: As mentioned in questions 2.3 and 2.4, training centers are only required by regulation to maintain the training records required by part 142, subpart E. High Flight's training is being accomplished under a different part. The referenced record requirements in part 142, subpart E only pertain to the training conducted in accordance with part 142.

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Question 3.2: Is it appropriate for the training center to refer to High Flight's curriculums as core or specialty?

Answer: No.

Comment: Training centers often submit programs for approval that are targeted for specific customers, including operators. However, these curriculums must meet all of the 14 CFR part 142 requirements of subparts A through F. Part 142 specifically uses the terms "core" and "specialty" for those curriculums developed for use by the training center in accordance with part 142, subparts B and F. Once approved by the TCPM, these curriculums will be listed in the center's training specifications as either core or specialty. When one of these programs is provided to a certificate holder and its POI approves it for use, it becomes part of the certificate holder's approved training program. At that time, it ceases to be either a core or specialty curriculum as it relates to that operator.

In this scenario, XYZ training center was contracted to provide one of its core curriculums to High Flight. Since the subject program was approved by High Flight's POI, the center, when conducting training for High Flight, should refer to the subject curriculum by the name given to it by High Flight to avoid oversight and ownership questions. It is important to note that the training center should not refer to the operator's program as a specialty curriculum. Part 142 is clear on this point. Operator's programs are approved by its POI in accordance with the applicable part. Training center curriculums, both core and specialty, are approved in accordance with part 142. Although curriculums approved by the TCPM may meet certain training, testing, and checking requirements common to the requirements of airman certification (14 CFR part 61) and the flight crewmember requirements of part 121 and/or part 135, the TCPM's approval does not enable an operator to use such curriculums. It is the approval of its POI that allows these curriculums to be used by the operator as a part of its training program.

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Question 3.3: If XYZ training center instructors are to conduct flight training for High Flight, what training must they receive in addition to that which qualified them to be instructors in XYZ training center's Gulf Stream IV core curriculum?

Answer: Any differences that exist between the center's core curriculum and the aircraft-specific curriculum as approved by High Flight's POI. Reference 14 CFR part 121 §121.663 and part 135 §135.338.

Comment: It is the responsibility of the operator to ensure that the training center instructors are qualified and have received training appropriate to that portion of the operator's training program that the training center will be delivering. This can best be determined through the use of a thorough and proper standardization document during the drafting of the operator's agreement with the center to conduct training.

The training of center instructors on core and specialty curriculums is approved and monitored by the TCPM. The TCPM's involvement with the training center will enable them to respond to POIs' requests for information concerning center activities as well as requests for surveillance assistance from the POI.

Question 3.4: After a few months of training, High Flight wishes to make a change to its aircraft-specific training. Keeping in mind that its program is identical to XYZ training center's core curriculum, is it necessary for XYZ training center to change its core curriculum to accommodate High Flight?

Answer: No.

Comment: Changes to High Flight's curriculum do not affect any of XYZ training center's core or specialty program approvals. However, in our example, once a revision to High Flight's original training program is made and approved by the POI, that program is no longer a mirror of the core or specialty from which it was modeled. High Flight is responsible for ensuring that the XYZ training center's instructors and TCEs acting as High Flight's check airmen are trained in the new procedures (differences). Likewise, should XYZ training center make changes to its core or specialty curriculums, XYZ should notify High Flight that its core curriculum has been revised and High Flight's program no longer mirrors the center's curriculum.

Operators must be especially vigilant to ensure that changes to the training center's original core or specialty curriculums do not affect the training they receive.

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Question 3.5: What items can the center's personnel, who have been approved to act as contract check airmen for High Flight check or evaluate?

Answer: Only those items that the center has taught.

Comment: TCEs who are trained and qualified to test or check training center curriculums may also be approved by an operator's POI to act as a contract check airmen for the operator. Since training center instructors and TCEs typically do not receive instruction in subjects that are operator specific, it is important to ensure they receive appropriate training, in accordance with the operator's program, before they are permitted to check or evaluate individuals on those subjects.

In situations where operators request training in subjects that are not aircraft specific, the center must ensure that training center instructors and those TCEs approved as a contract check airmen are adequately trained to accomplish all assigned tasks. Likewise, it must be understood that the responsibility for ensuring all center instructors are properly trained in the operator's programs rests with the operator.

Question 3.6: May High Flight use the training center's TCEs as check airmen and have them issue type ratings to qualified pilots?

Answer: Yes, if proper procedures are followed.

Comment: Current FAA policy permits a TCE who has been properly appointed as a contract check airman for a 14 CFR part 121 or part 135 operator to simultaneously signoff a company initial pilot-in-command aircraft check ride and issue a type rating, providing the applicant meets the requirements of 14 CFR part 61, subpart G. In this situation, the TCE is acting on behalf of the operator as a contract check airman and also using his/her authority as a TCE for the training center. A sample Letter of Authority (LOA) authorizing a training center TCE to act on behalf of an air carrier as a contract check airman is located on the FAA's Air Transportation Division—Air Carrier Training and 142 Training Center Branch web site.

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SCENARIO 4 (The following scenario applies to question 4.1 and 4.2)—

- Flight Connector is approved for on-demand 14 CFR part 135 operations in a Lear 60.
- XYZ training center is qualified to conduct Lear 60 training in Level D simulators.
- Flight Connector's contracts are with XYZ training center to conduct its part 135 §135.293 and §135.297 checks **only**.

Question 4.1: Who is responsible for qualifying the center's personnel to evaluate Flight Connector's pilots and accomplishing the requested §135.293 and §135.297 checks?

Answer: Flight Connector.

Comment: TCPMs may not (without the specific approval of an operator's POI) determine the qualification of the TCEs for functions outside of their purview with respect to part 142. The qualification of a check airman is an operator function. The Instructor/Check Airman Standardization Program developed between the operator and training center must be sufficiently detailed to determine qualifications as well as responsibilities for accomplishing Flight Connector's checks. Selecting a contract check airmen not only requires the operator to review individual qualifications and acquire POI approval, but it also requires the operator to provide training, checking, and testing modules that will further qualify training center personnel in the operator's program. Although approval of the contract check airmen is strictly a POI function, TCPM's are a good source of information for POIs in their evaluation of a particular individual as a potential contract check airman for an operator.

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Question 4.2: Can XYZ's TCPM approve a training center program that fulfills Flight Connector's §135.293 and §135.297 checks?

Answer: No. A TCPM cannot approve 14 CFR part 119 required functions.

Comment: Only the POI can approve part 119 operator training programs, including those that will qualify center personnel to act as contract instructors and contract check airmen. Part 135 §135.324 permits an operator to enter into an agreement with a part 142 training center to provide required training, however, all such training must be approved by the operator's POI. Flight Connector's contract check airmen (who may coincidentally be XYZ training center TCEs) must be trained in Flight Connector's training program before being appointed to perform check airman duties for the operator. The following briefly summarizes pertinent requirements and policies:

- **Only** the operator's POI may grant authority to TCEs to act as contract check airmen.
- Part 121, part 135, and part 91K training and evaluations of crewmembers are conducted under the appropriate operating part, and as such, they cannot be approved as part 142 training center programs.
- TCEs may not be authorized as contract check airmen unless qualified by the operator and approved by the POI.
- TCEs may not qualify to check part 119 crewmembers without being trained in the operator's program.
- A TCPM's knowledge of training center personnel (instructors and TCEs) is a valuable resource for POIs when considering a TCE's training, experience, knowledge, skills, and abilities as a potential contract check airman for an operator.

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SCENARIO 5 (The following scenario applies to question 5.1)—

- Mid Flight and three other on-demand 14 CFR part 135 operators use the same captain on a recurring basis (“Rent-A-Captain,” Dan).
- Each of the four operators use XYZ training center’s core curriculum.
- All four operators’ POIs have approved XYZ’s core curriculum for their respective operator.

Question 5.1: Mid Flight contracts with XYZ training center to conduct Captain Dan’s §135.293 and §135.297 checks **only**. Following these checks, may XYZ’s TCE, acting as Mid Flight’s contract check airman, make copies of the original signed form and provide these copies to the other POIs?

Answer: Yes, if the TCE has been approved by each of the other operator’s POI, and the POIs have agreed to accept copies of the check form.

Comment: For the most part, as long as original copies are maintained in a manner and location agreeable to the POIs, there is not a requirement that original signed copies be provided to each operator.

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The following questions are listed separately and do not reflect any of the information contained in the previous scenarios.

Question 1—Must FAA Form 8410-3 *Airman Competency/Proficiency Check*, be used to record the satisfactory completion of a required evaluation?

Answer: No. FAA Form 8410-3 was intended for use as an example only.

Comment: FAA Form 8410-3 was not designed to accommodate evaluations that are completed by two or more individuals. Training provided by a center is often completed in two or more settings. Aircraft specific items may be accomplished by the center with the operator specific items being completed at a different time and by a different person. Forms used by a center and/or operator should be designed to accommodate its particular checking requirements. With this thought in mind, a sample form has been provided that will enable required evaluations to be segregated and signed for by the individual responsible for the particular portion without the individual appearing to be signing for the complete evaluation.

Question 2—Must part 142 ground school instructors complete the initial and annual recurrent training and testing required in part 142 sections 142.47, 142.53(a)(1) and 142.53(a)(2)?

Answer: With certain exceptions for persons conducting training in narrow, special areas, yes. Please refer to part 142 §§142.39(d), 142.47(c), and 142.53(a). See also FAA Order 8900.1 Volume 3, Chapter 54, Section 2, paragraph 3-4354A.

Comment: Unlike 14 CFR parts 121 and 135, part 142 specifies requirements for ground instructor initial and recurrent training and testing. For example, part 142 ground instructors must complete 8 hours of ground training prior to initial designation as a training center ground instructor as required by part 142 §142.47(c). Additionally, the training center instructor training and testing requirements of §142.53(a) apply.

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Question 3—Are training centers required to keep an operator's check airmen records?

Answer: No.

Comment: Training centers that are providing training to an operator are considered, for all intents and purposes, to be a part of that operator's training program. In that context, FAA policy permits the center to be used as a suitable location for required records if approved by the operator's POI. Many training centers provide a large portion of an operator's training and in some cases are the sole providers of such training. This most often occurs when an operator approves the training center's core and specialty curriculums for use.

Training centers must maintain the training records of their TCEs. When these individuals are also approved to act as an operator's check airman, it may make sense for the operator to have its check airmen records also maintained by the center. This may also be true for the operator's crewmember records. It is, however, the responsibility of the operator to ensure that all crewmember records are readily available for inspection as provided for in the regulations.

Question 4—When a TCE is administering a 14 CFR part 61 certification test, (airline transport pilot (ATP) or ATP and type rating) in accordance with an air carrier's approved training program, does the test have to include all portions of the appropriate practical test standard?

Answer: No. Reference 14 CFR part 61 §61.43(a), §61.157(f), and part 121 Appendix F.

Comment: §61.157(f) allows for a 14 CFR part 119 or a part 91 subpart K employee applicant for an ATP certificate and/or a type rating to meet the requirements by satisfactorily completing the operator's approved pilot-in-command training program and proficiency and/or competency check.