

In the Matter of the Mediation Between:

Federal Aviation Administration

and

National Air Traffic Controllers Association

Before the Panel:

Jane Garvey, Chair

George Cohen, Member

Richard I. Bloch, Member

MEDIATION TO FINALITY PROCESS

1. Introduction.

The parties to this agreement, the Federal Aviation Administration ("FAA") and the National Air Traffic Controllers' Association ("NATCA") recognize it is to their mutual benefit to set existing disputes to rest by means of a dispute resolution procedure that will establish, through mediation to finality, a new Collective Bargaining Agreement effective as of the close of these proceedings

2. Appointment and Authority of the Panel

To facilitate this process, the Secretary of Transportation has appointed The Honorable. Jane Garvey as Chair of the Panel. Ms. Garvey has selected Messrs. George Cohen and Richard Bloch to join her as panelists. In the event a Panel Member is unable to serve for part or all of this process, a replacement member will be chosen by the remaining panelists from the list of potential mediators previously agreed to by the parties.

By their signatures, the parties authorize the Panel to meet with the parties and to conduct a process that will conclude in a mediation to a final and binding resolution.

3. Confidentiality

Negotiation/Mediation sessions will be conducted May 12, 19, 21 and 22; and June 1-5, 2009. Sessions will be conducted at a mutually acceptable location. All sessions will be closed to the public. In the interest of full and free discussion of issues and positions, the parties agree there shall be no release of any information to the media, to the internet, or to any individuals or groups other than those directly involved in the mediation to finality process, which include the NATCA Board or FAA upper level management. Neither the Process/Mediation to Finality Agreement nor communications, proposals or positions in connection therewith shall be cited or utilized by either party for any purpose in any legal or other proceedings, unrelated to the interpretation or enforcement of this agreement, nor shall any mediator be called as a witness or provide testimony by deposition or otherwise in any such external proceeding.

4. Mediation.

a. On May 19, 2009, the FAA and NATCA will identify the proposed work rule changes to be included in the new agreement.

b. On Friday, May 22, a plenary session shall be convened and the parties shall be accorded three hours each to submit their economic proposals and statements in support thereof.

c. In addition to the plenary sessions, the parties will meet with the Panel during the allotted days, on such schedule as shall be determined and announced from time-to-time by the Panel. Because time is of the essence each side agrees to make good faith efforts to restrict open issues to a manageable number so as to enhance the effectiveness of the mediation process, better the chances for meaningful and candid discussion of mutual issues of concern and supply the Panel with information sufficient for it to render an informed decision in the event of the parties failure, on one or more issues, to achieve a mutual resolution. Tentative agreements achieved during the mediation sessions will be recorded and certified by the Panel.

d. Following completion of the mediation session on June 5, 2009, should the parties have failed to reach resolution on one or more items that were submitted to this process, the Panel may, at its discretion, supply recommendations on any such items and afford the parties 48 hours to reach agreement on those items. The Panel will then schedule an Additional Session, not to exceed three days, on any and all open issues. During the Additional Session, each side will have one day to present its arguments with one-half day for rebuttal. The rules of evidence will not apply, it shall not be necessary to utilize witnesses. Following receipt of these closing presentations, the Panel will convene in executive session to render an expedited decision within 30 days which, at the Panel's option, may include the Decision only, without supporting opinion, on each of the items in dispute. The Panel's Decision and the list of Tentative Agreements shall then be forwarded to the parties. The parties may submit those items tentatively agreed upon for Agency Head Review (if any) and/or Union ratification.

e. In the event the Agency Head Review does not result in approval within 5 business days of receipt of the Panel's list of Tentative Agreements or the Union is unable to secure ratification on the Tentative Agreements, within a period not to exceed 45 calendar days, those items will be resubmitted to the Panel, which shall, within 24 hours of receipt, schedule a second set of Additional Sessions, not to exceed 3 days, for the parties to present their final positions. The format will follow that discussed in Par. d, above. Following receipt of these closing presentations, the Panel will convene in executive session to render an expedited decision, within 30 days which; at the Panel's option, may include the award only without supporting opinion, on each of the items in dispute.

f. The result of the foregoing procedure will be to assure establishment of a new, final and binding collective bargaining agreement. By agreement of the parties, the Panel will retain jurisdiction, for the life of the agreement, to resolve any issues that may arise as to the meaning, interpretation or implementation of those issues covered by the Panel's Decision.

For the FAA
S/ Henry P. "Hank" Krakowski

For NATCA
S/ Patrick Forrey

S/ Jane Garvey
Chair, Mediation to Finality Panel

May 12, 2009