Testimony of David S. Conley

President, FAA Managers Association, Inc.

Before the House Transportation and Infrastructure Committee

February 9, 2011

Chairman Petri and Ranking Member Costello and Members of the Committee, on behalf of the FAA Managers Association for whom I am the President, I thank you for the opportunity to testify today. I am an active manager within the Federal Aviation Administration and currently hold the position as the Manager of Tactical Operations for the Southwest United States. I began my career with the FAA as an air traffic controller. During the course of my 28-year FAA career, I served in various air traffic controller positions, specialist, and management positions at several major airport facilities, two air route traffic control centers, the FAA Technical Center, and NORAD working in six of the FAA's nine regions. For today, I am here representing the entire cross-section of FAA managers serving around the United States and around the globe. It should be noted that I am here on annual leave and that my testimony does not represent the positions and views of the FAA.

The FAA Managers Association's mission is to promote excellence in public service and to represent managers of all levels throughout the Agency. This includes the operational supervisors and managers who work and support our safety-related occupations and in particular, air traffic control facilities. Among our membership are the front line managers who train, oversee and manage the nation's air traffic controllers. One critical point I would like to stress is that in order to become an air traffic front line manager, the individual must have first certified and served successfully as an air traffic controller. This is a time of great change within the FAA. Since we last testified in front of this Committee on June 11, 2008, the FAA has entered into a new Collective Bargaining Agreement with the National Air Traffic Controllers Association and has worked diligently to achieve labor peace for our air traffic operation. We continue to witness structural changes within the Air Traffic Organization. We are changing our culture with regard to safety and performance management. The Next Generation Air Traffic Control system (known as NextGen) is finally beginning to take shape in the near term, but still

too loosely defined in the long term. At a time when senior employees and corporate knowledge are most important, the specter of the selective implementation of a pay freeze, the potential changes in benefits, and potential furloughs loom within the Agency. Most critical is the increasing challenges presented by the influx of new controllers that require training, mentoring, and guidance as they gain experience. The face of the aviation stakeholder community continues to change and the introduction of new flying vehicles, including unmanned vehicles, very light jets, new aircraft with satellite navigation capability and public sector commercial space projects bring new challenges. We recognize that since the last multi-year FAA authorization bill terminated on September 30, 2007, there have been over a dozen continuing resolutions, bringing with them restrictions which have left the FAA with a certain level of uncertainty and tentativeness that hovers over our strategic planning like a descending fog bank. This organizational apprehension directly hinders the FAA's ability to move forward and to form concrete plans for the Next Generation of Air Traffic System. The FAA Managers Association applauds the efforts of this Committee to finally address, and hopefully resolve, the issues that have prevented our Agency from receiving the funding necessary to address our rapidly changing climate.

In an effort to help, I would like to focus my testimony on three key areas, all of which are interwoven and are integral to the safe and efficient management of our Nation's Air Traffic Control System. First, I would like to address the number of air traffic supervisors necessary to safely and efficiently manage the new controller workforce; second, the implementation of the FAA's Air Traffic Safety Action Program (ATSAP), a non-punitive safety reporting system for air traffic controllers that is used to identify and resolve issues and trends to improve safety systems; and, finally, integration of NextGen into facilities across the country.

The FAA has and will continue to hire air traffic controllers in numbers not seen since the period after the August 1981 PATCO Strike in order to address retirements from an aging workforce and to handle the increasing numbers and variety of flight operations. We have a much younger and less experienced workforce than we did just five years ago. Some major facilities, such as Atlanta, have a high percentage of employees who are not yet fully certified professional controllers or have less than three years of experience. These are talented men and

women, but they require additional oversight and supervision from a dedicated, trained, and seasoned front line manager as they transition through the certification process and gain proficiency.

I want to thank this Committee, and more generally Congress, which has long supported increased numbers of supervisors. The FAA has responded to the repeated Congressional expressions of interest in supervisor staffing by increasing staffing numbers from about 1500 in 2003, to 1927 on June 30, 2010. DOT Inspector General Studies have repeatedly shown a correlation between the number of front line supervisors and the number of air traffic incidents, including operational errors and runway incursions. It is noteworthy that as the number of supervisors has increased, the errors have steadily fallen. As the air traffic system continues to change and evolve with new technology, and new challenges arise from stakeholders unknown to the system just a few short years ago, we believe that is essential to continue increasing the number of first level supervisors to maintain and improve this level of safety, especially in light of a less-experienced workforce. Accordingly, we strongly support the inclusion of an in depth study by the FAA on supervisor staffing in the next FAA Reauthorization Bill that will provide guidance to the FAA and keep Congress informed about the appropriate levels of supervisors and managers required to directly oversee day-to-day personnel working in safety related areas. It is our opinion that Congress should set a minimum of 2060 air traffic front line managers nationwide for the duration of the next reauthorization bill with a requirement to review this number and revise it appropriately through future legislation to address the changing role of supervision in the NextGen environment. Please note that while we are specifically addressing air traffic supervisory staff during this hearing, FAAMA is supportive of using this activity as a model for assessing supervisory numbers for all safety related occupations. We thank the committee for including this language in the current legislation, and hope and encourage that it remain in place throughout the legislative process until this bill becomes law.

The frontline manager serves as the liaison between safety and efficiency in the operational environment. The need for these key oversight positions has been demonstrated over and over again. For example, during a 5-year period from 1991 to 1996, the Operational Error (OE) rate per 100,000 operations averaged .51% and the annual average total was only 750

errors (1). In 1995 and 1996 as part of the "Reinventing Government" initiative, the FAA made the decision to reduce Area Managers positions by 300 and 140 front line manager positions. This FAA initiative went against its own internal "Air Traffic Evaluation study" that the need for 6.4 to 1 supervisor ratio was optimum. The FAA Managers Association is not in favor of using a ratio system to determine appropriate supervisory staffing levels. In 1998 we saw an immediate error rate increase of 10% (2). Additionally, in 1998, as a result of a new labor contract agreement, the FAA made the decision to eliminate an additional 600 frontline manager positions. Again in 1999 we saw another 10% increase in the error rate. This is one of the most commonly identified barriers by ATO middle managers to increasing FLM numbers. The need is acknowledged, but there is a sense of powerlessness because of the "cap."

Despite this committee's concern and directions to the FAA to restore supervisory positions, the FAA continued to reduce positions from over 2200 positions down to as low as 1565(4) positions. In a ten-year period from 1999 to 2008, we saw the number of Runway Incursions soar by 315% (2&3), Operational Error rates increase by 90%, total errors per year increase by 84% and the number of delays increased 49% (2&3). The numbers speak for themselves and demonstrate the need for close management oversight on the frontlines of air traffic control facilities to assure the continued safety of the air traffic system. Therefore we implore the FAA to take the needed steps to restore the frontline manager positions to the optimum safety levels of 2060. References: (1) FAA Fact book March 1998, (2) FAA Fact book January 2001, (3) FAA Fact book March 2010, (4) FAA Fact book March 2004

While the FAA has de-emphasized, and as they say "de-criminalized," operational errors with the introduction of a new safety reporting system called ATSAP, the significance of the numbers of operational error events should not be ignored and the resultant escalations in the operational error trend metric should still be analyzed and should still raise concerns.

Our second key topic is the Air Traffic Safety Action Program (ATSAP). This program encourages employees to identify events which according to the official website, "did or may lead to a breakdown in safety or increase risk to our operation." This program is intended to improve flight safety and service delivery through self-reporting, cooperative follow-up and

appropriate skill enhancement or system corrective action. The original ATSAP Memorandum of Understanding (MOU) with the National Air Traffic Controllers Association (NATCA) was signed in March 2008 and, more recently, a similar agreement was signed with the Professional Aviation Safety Specialists (PASS) union. Although the MOU was signed almost two years ago, it has only been within the last several months that the program was implemented across all the Air Traffic Organization's Service Areas.

ATSAP is modeled after two very successful safety-reporting programs. The first is the NASA Aviation Safety Reporting System (ASRS). ASRS' confidential reports identify deficiencies/discrepancies in the National Airspace System (NAS) and provide information to improve safety and reduce accidents. This program is considered important enough that current and previous NATCA Collective Bargaining Agreements contained an article specifically addressing this program. Historically, facility management handled performance deficiencies if they were identified through the post-accident or incident investigation of known safety events. Often, there was assistance provided through the Service Center or Headquarters for select events. If an employee performance deficiency was observed during these investigations, then skill enhancement could be assigned. ATSAP signifies the FAA's efforts to move from a "Blame Culture" into a "Just Culture," which is defined as an atmosphere of trust where employees are encouraged (even rewarded) for providing essential safety-related information. Unfortunately, accepted ATSAP safety reporting events are creating practical barriers for their use in the performance management process. In some instances, managers find their hands tied with process constraints that prevent them from using their experience and intuition to coach, mentor, and train controllers toward correcting deficiencies. Before managers can take action, they are instructed to wait for the recommendations of a committee whose members are evenly comprised of both labor and management participants.

During an ATSAP safety event, employees identify safety events without fear of reprisal, thus they have "immunity" from discipline if the safety event was reported via the ATSAP program. This new approach utilizes voluntary reporting by air traffic controllers to identify hazards within the aviation system. The ATSAP program creates a process requiring designated representatives from both the Agency and Labor to reach a consensus on how an event should be

addressed, if at all. This Event Review Committee (ERC) determines the recommended skill enhancement or system corrective action that must be taken to address the safety issue.

Managers working directly with these employees now have process barriers to providing timely skill enhancement training after an event where the employee files an ATSAP report. Our Association received a report in one case where an employee, a new public hire who certified on their first position after training for several months, was involved in a loss of separation nine (9) days after certifying and filed an ATSAP report. The manager requested skill enhancement training immediately after the event to correct the deficiency. Through the ATSAP process, the Event Review Committee (ERC), including representatives from each party, did not reach a consensus on what occurred and the skill enhancement training was denied. The employee involved in this safety incident received no training and no corrective action. This should be a concern for each of us.

This remains a highly controversial issue for front line managers and covers several issues. There is a lack of information flowing from the ERC's due to privacy agreements, as well as their low priority on communication. Misperceptions about what is permitted in performance management under ATSAP continue to be prevalent and we encourage the FAA to step up training for managers in this area. Poor field training, and in some cases, attitudes, have resulted in a victim mentality where some managers yielded all their tools because one effort to address performance became constrained.

The FAA Managers Association applauds and supports the effort to improve transparency within the safety culture. We are, however, concerned about the potential erosion of personal accountability if there are not limits on a controller or technician's ability to file multiple ATSAP reports without some form of consequence. The airline industry's safety program called Aviation Safety Program (ASAP), after which the FAA's ATSAP was modeled, has these appropriate limits.

During a NTSB conference in March 2010, in the forum's keynote presentation, Tony Kern, CEO and senior partner of Convergent Performance, suggested that the pendulum in safety

theory has swung too far in accepting human error as uncontrollable, and has diminished personal accountability. He continued, "If you believe the researchers, hundreds — maybe thousands — of mistakes and casual noncompliance [instances occur] without a single negative outcome," Kern said, "is it any wonder that we have a slight erosion [of personal responsibility] in an industry that has highly repetitive, highly automated systems where everything goes right nearly all the time, right up to the moment when it doesn't?" Aviation professionals have to be inspired and motivated to practice introspection, self-management and ethical behavior along with training to master technical systems, procedures, tactical skills and information. In light of breakdowns in professionalism cited by the NTSB, issues of behavior represent "the last big challenge in aviation safety now onto the future," said Mr. Kern.

Perfection is an unrealistic expectation for human endeavor. Safety is achieved by combining highly functional system design and highly resilient human systems, such as persistent performance management, not just a skill enhancement package after a bad outcome. Culture is at the heart of resilience – individuals who have accepted the role of a safety professional in a "hearts and minds" manner. Such a transformation comes from better understanding of cultural norms and leadership's influence on that culture.

To keep the public trust, as FAA Managers and FAA employees, we believe that we have a responsibility to maintain personal accountability and professionalism. Past evidence has shown when aviation professionals deviate from their training and procedures, errors occur. While we believe the Agency is going in the right direction on changing the safety culture, under the ATSAP program, individual controller performance management has become difficult to manage. In some cases, the front line manager's span of observation and control is being widened beyond capability. No manager can see and hear everything that happens in an operational environment. The additional workload on managers should be closely considered as part of creating an effective operational culture. Therefore, we urge the FAA to examine whether additional managerial resources are needed to manage ATSAP amidst an increasingly complex operational environment.

Specifically, the FAA in concert with the National Air Traffic Controllers Association (NATCA), created a confidential, non-punitive voluntary system. It is our concern that as the comfort level with the ATSAP Program grows among the controller workforce, it could be used as a way to avoid perceived punitive action as opposed to meeting its goals of pointing out vulnerabilities in the system, followed by appropriate corrective action. In spite of the FAA efforts to change our culture, upper management constantly challenge field managers as to why operational errors are climbing within their facilities. Media outlets, the Office of Inspector General (OIG), and even Congressional inquiries ask the FAA to explain safety incidents within the managers area of responsibility, which then in turn applies pressure on facility managers to create management action plans (MAP) to reduce the steady increase in safety events. Former Vice President of the ATO Office of Safety Bob Tarter stated that " the ATSAP group is receiving an average of 250 reports a week, reflecting the increase in facilities who have employees now eligible to file ATSAP reports." We are pleased to see this steady reporting. We want to continue to encourage more reporting in a non-punitive culture. At the same time, the FAA Managers Association received a report on a Supervisor who was alleged not to have reported a safety event even though it was known the safety event was being reported by an air traffic controller via the ATSAP reporting system. This supervisor received a proposed suspension for these allegations. We cannot have a system that excuses the violator, while the manager is punished for not having reported an event that was being simultaneously filed via ATSAP. A Just Culture deals with fairness for all people within the system.

It is important to note that approximately 45% of ATSAP reports are classified as "unknown" events (per office of Safety) – validating the purpose of the program as uncovering previously unmitigated risk. At the current ~30,000 reports, that represents somewhere around 13,000 pointers toward risk in the system. However, we also have an unacceptable situation where someone in a facility can report risk that the facility management may never learn about, compromising the primary purpose of the program. The critical gap then exists in turning that data into usable information for field facilities.

FAA Managers Association supports the Agency's intent to create a system that identifies safety deficiencies and is able to use data to correct future occurrences. However, we believe

that ATSAP is not widely understood among the FAA's management team. More importantly, managers have perceived a reduced ability to address poor performance particularly with employees who self-report repeatedly under ATSAP. Our concern is that we are only collecting data and are failing to make true progress in improving the leading safety indicators of the air traffic system. In summary, ATSAP is an important change. We also believe that it is a work in progress that requires the closest attention from managers across the FAA, as well as the fullest cooperation of our employees and their unions.

The third element in the safe, efficient operation of our air traffic control system is the prompt and efficient introduction of NextGen equipment and systems. As I said in my testimony in June 2008 to this Subcommittee, "we applaud the introduction of NextGen. These upgrades and exciting new technologies are essential to managing the Nation's airspace where the new demands of higher fuel prices, unmanned air systems, climate change and very light jets will all pose significant challenges." First level supervisors – managers across the ATO that directly supervise FAA personnel involved in safety-related operational areas, will play a crucial role in the integration of this new equipment and procedures to ensure that in the interregnum between the new and old systems that our high standards of flight safety are not diminished.

NextGen will be an expensive and integrated system of highly complex components. It promises great benefits and improved efficiencies, but with each complex system introduced, there are greater chances of error as new systems and technologies are integrated and introduced into the NAS. We must never forget the human component. Intense and active supervision during the implementation period is essential to maintaining the FAA's mission to "provide the safest, most efficient aerospace system in the world." It is imperative that we recognize the risk we are introducing and take all necessary steps in order to mitigate this impact, including the increase in direct oversight in our safety-related enterprises. The NextGen systems implementation will require constant and direct monitoring. This will likely create a void in the general oversight realm for safety related jobs such as Air Traffic Control. We still need a supervisor that can actively move from controller to controller to meet the demands of a constantly changing environment that our people face every day. Front line managers will be

unable to fully engage in this critical element of management – the leadership of people -- if they are faced with requirements to simultaneously monitor technical equipment and systems.

In conclusion, I want to thank the Committee for allowing me to testify today. You and your staff have graciously and patiently met with me and my colleagues in the FAA Managers Association. You have listened to our concerns, and with your assistance, we have increased the number of supervisors by over 25% above 2003 levels.

David Conley

President

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Education

4-yr Diploma **Garden State Bible School** Biblical Theology

Experience

- President, FAA Managers Association — 2008-present
- Director/Manager, Tactical Operations, Southwest U.S., Ft. Worth, TX - FAA — 2010-present
- Director, Tactical Operations, Southeast U.S., Atlanta, GA - FAA — 2009-2010
- Director, Tactical Operations, Southwest U.S., Fort Worth, TX - FAA — 2008-2009
- Traffic Management Officer, Houston ARTCC, Houston, TX - FAA — 2006-2008
- Traffic Management Officer, Philadelphia ATCT, Philadelphia, PA - FAA — 2004-2006
- Subject Matter Expert in Air Traffic Control, Research and Development Human Factors Laboratory, FAA William J. Hughes, Technical Center, Atlantic City, NJ — 2002-2004
- FAA Liaison to Cheyenne Mountain Air Force Station, Colorado Springs, CO — 2003
- Front Line Manager, Jacksonville, FL - FAA — 1996-2002
- Air Traffic Controller, ATC Towers/TRACON/ARTCC - FAA — 1983-1996

Publications/Presentations

- Recurrent Columnist, *Managing the Skies* magazine — 2008-present
- Guest WTOP 1500-AM Radio, Washington, DC — 2009-2010

Research Experience

- Future ATC Enroute Workstation development, Human Factors — 2002-2004
- Human Factors Research for Traffic Management Advisor, Controller-to-Pilot Data Link Communications, User Request Evaluation Tool (URET), etc., Human Factors — 2004-2004
- Simultaneous Offset Instrument Approach/Precision Runway Monitor, Human Factors — 2002-2004

Teaching Experience

- FAA OJT Cadre Instructor — 1990-1996
- Workforce Development Cadre Instructor — 1991-1996
- High School Music, Nassau Christian Schools, Yulee, FL — 1991

Professional Development

- Graduate, FAA Center for Management and Executive Leadership, Palm Coast, FL — 1996

Affiliations/Memberships

- FAA Managers Association – 1996-present
  - National President, 2008-present
  - Other national offices included: Vice-President, Dir. Administration, Dir. Legal Affairs, Dir. Communications, and local Chapter President and Vice President
- Federal Employee Education Assistance (FEEA) - Director — 2010-present
- South Jersey Human Factors Engineering Society — 2002-2009
- Air Traffic Control Association– 2005-2009 — 2005-present
- Professional Women Controllers, Inc. – 2005-2009 — 2005-present

Interests/Experience

- FAA- Private Pilot License Certificate, singe-engine, land -- since 1986
- American Sign Language – 1992
- Small business owner – 1985-2005
- Minister of Music, Nassau Baptist Temple – 1989-2002
- Radio Station program director and disc jockey, WNLE 91.7 FM, Host of "Monday Mornings with Dave and Rob" – 1987-2002

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

DAVID S. CONLEY

(2) Other than yourself, name of entity you are representing:

FAA MANAGERS ASSOCIATION, INC

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

(YES) **If yes, please provide the information requested below and attach your curriculum vitae.**

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

$0.00 NONE

David S. Conley
Signature

02/03/11
Date