



# FAR 117 *FastRead*

A Publication of the ARW MEC

*December 23, 2013*

We are pretty far off from achieving a contract that recognizes the value that Air Wisconsin pilots bring to this property. Until we achieve a new contract, we will have to continue to work under language that is for the most part over 12 years old. FAR 117 will add another layer of challenges to our old book and will lead in some cases to suboptimal working conditions and crew utilization.

FAR 117 is in many ways more restrictive than our current contract, and in those cases, the new FARs will rule. However, there are other places where our contract will be more restrictive and will lead for challenges for crew services and our crews. In this *FastRead*, we will focus on a few of those places and point out some contractual provisions to look for that the Company may be challenged by. We will also discuss the grievance process so you will know what to do if you think your contractual rights are being violated.

## **Reserve Trip Assignments and “Times”**

The contract is silent about when reserve times need to be assigned because the concept of “times” was a result of the Whitlow Letter, which said that pilots can be on duty no longer than 16 hours. Prior to Whitlow, reserve was a 24-hour ordeal. The Company could, under the contract and under the law, assign you times whenever they saw fit. As you know, the practice today is that the Company will call you (or you will call them) after 1800 Central time the day before your first day of reserve duty to get your “times” and any trip assignments. The Company has indicated that they do not want to risk interrupting your rest by calling you the day before your sequence and cannot require you to call them because that would be considered duty. As a result of this, the Company should be giving you the times for your next sequence prior to coming off duty at the end of your current sequence.

Trip assignments will still be governed by 25.N.8, which states:

*A trip will not be assigned to a reserve pilot sooner than the day before the scheduled departure of the trip. However, the trip will remain posted in open time, and the trip will be awarded to any pilot who is legal to take the trip up until 6 p.m. on the day prior to the trip. After 6 p.m., the trip may be awarded to a non-reserve pilot at the discretion of*

## *Crew Scheduling.*

This trip assignment restriction will be suboptimal for both the reserve pilot and the scheduler. When you go to rest during a reserve sequence, the scheduler will have to give you times based on anticipated open time for the next day but will not have the ability to assign the flying like they do today. The difference under flight time/duty time is that the Company will not risk interrupting your rest to let you know about flying assigned to you until your Reserve Availability Period (RAP) begins, and they cannot require you to make yourself contactable during your rest period (12.D.1.e). Here is an example:

You finish your flying on your first day of your reserve sequence at 1400. You call Scheduling to get released to rest (25.N.7.c). They look at the current open time for the next day and see that there is a trip with a 0430 report time. They give you times to start your RAP at 0230. At 1900, while you are in rest, they can put the trip on your line but will not be able to call you until you start your RAP at 0230 for a 0430 show time. Starting your RAP at 0230 will greatly reduce your available time because maximum RAP+FDP would put you off by 1830. If they did call you out for a 0430 show and you were given two legs, your maximum RAP+FDP would be 14 hours requiring a duty off of 1630.

## **Rest**

One place where our contract is more restrictive than FAR 117 is in rest (in some cases). FAR 117 requires 10 hours of rest (measured from block-in to report) with an 8-hour sleep opportunity. In 12.D.1.a, we require 12 hours of scheduled in-domicile rest. Reserves can be reduced to 9 hours rest once per sequence if they have an assignment for you, so now 10 hours is the minimum rest before you can start a new Flight Duty Period (FDP). Any contractual rest is from duty-off to scheduled report. The in-domicile rest is scheduled only so the FARs would allow that rest to be reduced to 10 hours with an 8-hour sleep opportunity. In 12.D.3, the contract requires more rest if certain block times are exceeded. 12.D.3 says that if a pilot exceeds 8 hours of block in a duty period, they will receive 10 hours of rest at the hotel, and if they exceed 8.5 hours of block, they will receive 11 hours of rest at the hotel. Both of these examples exceed the 10-hour rest requirement from FAR 117 because FAR 117 still has no “at the hotel” type of language. The 10 hours of rest in FAR 117 are measured from block-in to scheduled report.

## **Things to Watch for**

FAR 117 has concepts that are new to our contract. There is no mention in our contract of FDP. This distinction is particularly important when schedules are being integrated or when you are making schedule adjustments. The contract allows the Company to deny an open time add if you

will exceed 28.5 hours in 7 days, but makes no mention of exceeding any FDP limits or rolling restrictions (100 flight hours in 672 hours). The Company has the ability to deny schedule adjustments if FARs will be exceeded but not if FAR limits will be approached (with the exception of references to the old rules like 28.5 flight hours in 7 days). If you submit a schedule adjustment that approaches but does not exceed any of the new FAR limits and it is denied due to approaching a limit, please let us know through the Grievance Committee.

### **FAA Violations vs. Contractual Violations**

There may be times when the Company has violated a new FAR 117 but operated within the scope of our contract. A simple example of this is exceeding a Table B FDP limit but not exceeding any limits in the CBA. If you believe that Scheduling is giving you an assignment that violates the FARs, please ask to speak with a flight manager then respectfully explain your reasoning and cite the applicable language that you are referencing. If there is still a disagreement as to the legality of the issue, continue flying the assignment and file an ASAP with details of your schedule and the perceived violated FARs. The FAA has stated that they will not pursue certificate action, in the early stages of implementation, on pilots who violate the FARs if they have been expressly told by Scheduling or management to complete the assignment.

On the other hand, if you believe that you have been given an assignment that violates our CBA, state the section of the contract that you feel is being violated to a scheduler or manager. Complete the assignment as directed and fill out an Issue Form at [www.awacalpa.org](http://www.awacalpa.org) with as much detail as possible, including pairing information, the specific section of the contract that you believe has been violated, and a summary of any communication with Scheduling or management. One helpful tip: You can upload screenshots of your pairing as you encounter reroutes/reschedules, and this information gives the Grievance Committee the complete chain of events when evaluating an issue form.

### **Conclusion**

The implementation of the new FARs will be a challenge for both Crew Scheduling and our crews. We have been working very closely with Andrea Jensen and her department to make implementation as easy for everyone as possible. We appreciate the Company's willingness to work closely with the Association on this project and hope everything will go smoothly starting Jan. 4.

Until then, please take some time to review ALPA's [Guide to Part 117 Flight Time Limitations and Rest Requirements](#) and past ARW MEC FAR 117 *FastReads*, which are attached to this issue. We will be holding another all-pilot conference call on Jan. 2, and another all-reserve pilot conference call on Jan. 3 for you to get your questions answered. Each of these calls will be held

from 2000 to 2100 Eastern time, using the same dial-in number and access code as past calls. Simply dial **1-888-363-4734**, and enter **6975113** for the access code to participate. While this information will be sent out again prior to the call, we wanted you to have it so you could mark it on your calendar. In the meantime, feel free to e-mail us at [ARW117Questions@alpa.org](mailto:ARW117Questions@alpa.org) with any questions.