



FDX MEC FastRead

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January 14, 2020

As stated in the December 18, 2019, MEC Chairman's [message](#), your MEC representatives met in July of 2019 and passed [Resolution 19-26](#), reaffirming their advocacy of One Level of Security and Safety. Given recent communications from the Company, one might be inclined to assume that something changed with regard to our position. We encourage you to read this article and spend some time on the many links provided for perspective and history. We think you will see that the FedEx MEC originally [supported](#) FAR Part 117 and [opposed](#) the cargo carveout. In a [December 2011 letter](#) to the Vice President of Flight Operations, FDX ALPA asked our Company to accept then Transportation Secretary LaHood's invitation to voluntarily opt-in to operate under the new rules. FDX ALPA and ALPA National support One Level of Safety in our Strategic Plans, and we have occasionally reaffirmed that position as happened in July.

In June 2009, the [Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee](#) (ARC) was formed by then FAA Administrator Randy Babbitt, and in September 2010, the FAA published the Notice of Proposed Rulemaking (NPRM) regarding flight time duty time regulations. Importantly, in the [NPRM](#), the FAA specifically stated, "The FAA has decided against proposing special rules for all-cargo operations because there are no physiological differences between pilots who fly cargo planes and pilots who fly passenger planes." As a reminder, FedEx Capt. Bill Soer (ret.) was on the Aviation Rulemaking Committee (ARC) for Part 117. The FedEx MEC supported participating in the ARC and joining FAR 117. On behalf of the Corporation, VP of Flight Operations Capt. Jim Bowman (ret.) also served on the ARC. Therefore, we are astounded by the recent communication from our current SVP of Operations, stating that "The Part 117 rules were developed largely with passenger carriers, not FedEx operations in mind."

In the final hours, we know cargo was "carved-out" of FAR 117 due to industry lobbying at the Obama White House. The industry was effective in lobbying that the value of regulation was deemed insufficient compared to the cost in terms of loss of life of an all-cargo aircraft. For those not on the property at the time, there was justifiable discontent amongst FedEx pilots over the carveout and the valuation of a cargo pilot's life. From that time on, we have advocated for inclusion in science-based regulations.

After receiving the support of our MEC with [Resolution 19-26](#), ALPA National has worked with the

Airline Professionals Association/Teamsters and the Independent Pilots Association (IPA) to gather support for the Safe Skies Act of 2019 ([H.R. 5170](#)). As you are likely aware, the Safe Skies Act faces legislative headwinds and strong industry opposition. Given these difficulties, it is likely the Safe Skies Act will be a multi-year effort requiring your [support](#). We are sure the Company would love to have their pilots agree to be treated differently than passenger pilots for security, safety, and even crew augmentation. The MEC has [repeatedly affirmed](#) that we cannot agree to be different.

While the MEC has consistently sought to understand the effects on your schedule created by a change to Part 117, our one level goal is to protect your safety and your career. With all evidence to the contrary, the Company would have you believe they finally care about your schedule rather than the need to protect their flexibility for the next operational emergency. [Read the comment](#) they made to the FAA on the original Notice of Proposed Rulemaking (NPRM) for Part 117: “Use of sweep aircraft, standby periods, and rerouting allow us to accommodate our customers. As such, a FedEx pilot realizes and prepares for the flexibility required to operate to the max allowable flight duty period to assist in the movement of our products.”

One hazard of supporting broad science-based flight time duty time regulations is the reality that those rules may not support behavior that you, the Company, and/or ALPA deem safe. Importantly, there is the possibility built into Part 117 that an [Alternate Means of Compliance](#) (AMOC) can be obtained to deviate from the rule. The AMOC allows data collection to prove that operating outside the limits of Part 117 are demonstrably as safe or safer within the context of an individual operation, thus nullifying the one size cannot fit all arguments. We know from past bargaining and common sense that the Company will seek AMOCs. Since we cannot know which AMOCs will be sought or accepted, absolute forecasting of the effects of 117 are impossible. Nonetheless, the MEC is convinced that limitations on duty periods and having all industry under Part 117 is a safety issue worthy of pursuit.

Much like their [“PBS” articles](#) during CBA 2015 bargaining, the Company has decided to use direct communications to the pilot group that are incomplete and lack context. They are ignoring your decision as an organized labor group to have your voice heard through your elected leadership. We have not received a request from Labor Relations for discussions or from Mr. Dillman to hear his thoughts on a One Level of Safety campaign that preexisted his employment at FedEx and was discussed in prior negotiations.

Unfortunately, the Company has decided to create a workplace debate over safety rules. We ask you to be professional and keep these discussions out of the cockpit and training events. With the disappointing unlikelihood of any near-term legislative changes, we are left to view this as more attempted management manipulation of the pilot group prior to Contract 2021 negotiations. Common anti-labor tactics include inserting fear and uncertainty into employee groups in order to weaken their

resolve. While the Company seems unlikely to change their playbook, hopefully, some additional history and context are helpful in understanding our One Level of Security and Safety campaign.

In unity,



Pete Harmon, MEC Chairman



David Chase, MEC Vice Chairman



Don Loepke, MEC Secretary Treasurer



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