

ANGER IN THE NAS: A CONTRACTUAL PROBLEM

As you read the following analysis, please keep in mind it is not meant to attack the 1999 pay MOU under the 1998 CBA and pay reclassification or argue that it should not have occurred. Rather, this document is meant to examine and analyze how the FAA's Imposed Work Rules (IWR), the White Book, and the subsequent Mitigation Panel ruling on July 6, 2009, affected air traffic controller pay. Excerpts from spreadsheets with relevant supporting data are included, as necessary.

Background: Pre-1999 it was known that GS limitations wouldn't allow for effective grouping of facilities to allow for pay based on traffic volume worked. For example, the GS-14 pay band ran the gamut of Core-30 towers to large TRACONs to all of the ARTCCs. Re-class acknowledged that S46, M98, and S56 were not equal to N90, C90, or D10. ZAB, ZLC, and ZSE were not equal to ZFW, ZLA, or ZAU. Lastly, BOS, LGA, and PHX were not equal to ATL, DFW, or LAX. The same can be said for the groups of facilities that were classified as GS-12 through GS-13.

To address the problem, the GS bands needed to be spread out:

- GS-14 was spaced out into ATC 9-12
- GS-13 was spaced out into ATC 8-11 (in 2006, one GS-13 became an ATC-7)
- GS-12 was spaced out into ATC 6-9 (in 1999, no GS-12 became an ATC-5 and the preponderance became ATC-7; in 2023, eight are ATC-4 but only due to realignment)
- GS-10 and 11 were spaced out into ATC 5-8 (in 1999, no GS-11 facilities transitioned to ATC-4 or 9; in 2023 eight are ATC-4 and four are ATC-9)

To create space to expand all the pay grades, re-class had to expand upwards in incremental steps. Example: GS-12 and ATC-5 were basically even (negative 1 percent). ATC-6 increased from GS-12 by 9 percent. ATC-7 increased from GS-12 by 21 percent and ATC-8 increased from GS-12 by 33 percent.

To analyze the impact of the Imposed Work Rules (IWRs) and the 2009 panel to finality decision on Article 108 (pay), let's start with two pieces of comparable data:

1. How each ATC pay band (4-12) compares for the years 2006 and 2022, and
2. How each ATC pay band compares to the General Schedule (GS) (ATC 4-12 vs. GS 11-15)

GS is used and is relevant because it is the constant and is where current ATC pay bands were derived and transitioned from in 1999. To create a baseline, you must compare how each pay band in 2006 performed against GS. Then, you can compare each pay band in 2022 against GS—all the while keeping an eye on what pay band a facility transitioned from in 1999.

What is immediately noticeable is that the current pay structure is nowhere near as lucrative as the 1999 Pay MOU (2006 being its last year). The closer you get to entry-level position(s), the worse the compensation and therefore, the larger the problems.

GS is also specifically relevant because of the Department of Defense (DoD). Generally, they employ only GS-11 and GS-12 controllers (there are only a handful of GS-10 positions across the country). The FAA has a growing problem of CPCs leaving ATC-4, 5, and 6 facilities for the DoD. The reason for their departure will become obvious in this analysis.

WHAT THE DATA SHOWS

Keep in mind that all data described below is *basic* pay; no locality is included.

Everything boils down to each ATC pay band and their respective percentage above or below GS in both 2006 and 2022. The problems are immediately apparent at the lower pay grades.

Consider the ATC-6 pay band versus its GS-12 counterpart: there are 53 ATC-6 FAA facilities in the NAS; in 1998, 29 were GS-12 facilities and the remainder were GS-11. In 2006, in year one/step one, an ATC-6 employee earned 9 percent more than a GS-12 employee. Contrast that to 2022, where first year ATC-6 pay is equal to a GS-12:

Pay in 2022 ATC6 and GS12		
		Year 1
		Step 1
	GS12	\$68,299.00
		Year 1
	ATC6	\$68,509.00
		1.60%
		\$1,096.14
		1.00307472
% above or below GS		0%

Pay in 2006 ATC6 and GS12			Year 1
		STEP	STEP 1
	2006 GS	GS12	\$55,360.00
	2006 AT (pre-IWRs)	ATC6	\$60,458.00
Annual	1.60%		\$967.33
			1.09208815
			9.00%

On the surface, "equal" may seem okay. However, GS has a progressive nature of step increases that front-loads pay bands with increases. The AT system, on the other hand, provides balanced 1.6 percent increases, which makes the ATC-6 pay band fall behind its GS-12 counterpart very quickly.

ATC-6 remains behind GS-12 through year 13. In 2006, year one of ATC-6 was 9 percent ahead of GS-12 and it dipped to 4 percent above GS-12 in year six. By year 17, ATC-6 was 11 percent above GS-12. In 2022, ATC-6 started even before it dipped to as low as negative 4 percent below GS-12; it does not become positive until year 15. In year 17, ATC-6 is a 2 percent above GS-12.

The problem is exacerbated by the fact that terminal controllers are placed at ATC-7 level facilities and lower. An ATC-6 tower/TRACON employee would not start their CPC pay until year two or three of employment. This results in a situation where if an employee stayed at the same ATC facility for the duration of their career, they would not pass their GS-12 origin pay level until year 17 or 18 of their career:

Pay in 2022 ATC6 and GS12																	
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17
	Step 1	Step 2	Step 3	Step 4		Step 5		Step 6		Step 7			Step 8			Step 9	
GS12	\$68,299.00	\$70,576.00	\$72,853.00	\$75,130.00		\$77,407.00		\$79,684.00		\$81,961.00			\$84,238.00			\$86,515.00	
ATC6	\$68,509.00	\$69,605.14	\$70,718.83	\$71,850.33	\$72,999.93	\$74,167.93	\$75,354.62	\$76,560.29	\$77,785.26	\$79,029.82	\$80,294.30	\$81,579.01	\$82,884.27	\$84,210.42	\$85,557.79	\$86,926.71	\$88,317.54
1.60%	\$1,096.14	\$1,113.68	\$1,131.50	\$1,149.61	\$1,168.00	\$1,186.69	\$1,205.67	\$1,224.96	\$1,244.56	\$1,264.48	\$1,284.71	\$1,305.26	\$1,326.15	\$1,347.37	\$1,368.92	\$1,390.83	\$1,413.08
% above or below GS	1.0030747	0.9862438	0.9707058	0.9563467	0.9716482	0.9581554	0.9734858	0.9607988	0.9761716	0.9642369	0.9796647	0.9953393	0.9839297	0.9996726	1.0156674	1.0047588	1.020835
	0%	-1%	-3%	-4%	-3%	-4%	-3%	-4%	-2%	-4%	-2%	EVEN	EVEN	-2%	EVEN	2%	2.00%
Pay in 2006 ATC6 and GS12																	
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17
2006 GS	STEP	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11	STEP 12	STEP 13	STEP 14	STEP 15	STEP 16
2006 GS	GS12	\$55,360.00	\$57,205.00	\$59,050.00	\$60,895.00	\$62,740.00	\$64,585.00	\$66,430.00	\$68,275.00	\$70,120.00	\$71,965.00	\$73,810.00	\$75,655.00	\$77,500.00	\$79,345.00	\$81,190.00	\$83,035.00
2006 AT (pre-IWRs)	ATC6	\$60,458.00	\$61,425.33	\$62,408.13	\$63,406.66	\$64,421.17	\$65,451.91	\$66,499.14	\$67,563.13	\$68,644.14	\$69,742.44	\$70,858.32	\$71,992.05	\$73,143.93	\$74,314.23	\$75,503.26	\$76,711.31
Annual	1.60%	\$967.33	\$982.81	\$998.53	\$1,014.51	\$1,030.74	\$1,047.23	\$1,063.99	\$1,081.01	\$1,098.31	\$1,115.88	\$1,133.73	\$1,151.87	\$1,170.30	\$1,189.03	\$1,208.05	\$1,227.38
1.0920882	1.0737755	1.0568693	1.0412458	1.0579057	1.0432246	1.0599162	1.0461117	1.0628495	1.0498636	1.0666615	1.083728	1.0713135	1.0884545	1.1058698	1.0940004	1.1115044	
9.00%	7.00%	6.00%	4.00%	6.00%	4.00%	6.00%	5%	6%	5.00%	7.00%	8.00%	7.00%	9.00%	10%	9.00%	11%	

ANALYZING ATC-4

ATC-4 facilities were 4 percent above GS-11 in 2006. In 2022, ATC-4 was 4 percent below GS-11. For reference, there are 17 ATC-4 facilities in the NAS; some were realigned up/downs and the rest were GS-11s in 1998.

In 2006, ATC-4 was even with GS-11 in years 3, 4, 6, 8, and 10. In 2022, ATC-4 starts 4 percent below GS-11 and by year four it is 9 percent below. ATC-4 doesn't reach equality with GS-11 until year 21. What is also relevant is that in 1999, no current FAA facility was in the ATC-4 pay band.

Pay in 2022 ATC4 and GS11		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 1
GS11	Step 1	\$66,983.00	\$68,882.00	\$70,781.00	\$72,680.00		\$64,579.00		\$66,478.00		\$68,377.00			\$70,276.00			\$72,175.00
	Step 2	\$68,882.00	\$70,781.00	\$72,680.00	\$74,579.00		\$66,377.00		\$68,276.00		\$70,175.00			\$72,074.00			\$73,973.00
ATC4	Year 1	\$54,623.00	\$55,496.97	\$56,384.92	\$57,287.08	\$58,203.67	\$59,134.93	\$60,081.09	\$61,042.39	\$62,019.06	\$63,011.37	\$64,019.55	\$65,043.86	\$66,084.57	\$67,141.92	\$68,216.19	\$69,306.46
	Annual 1.60%	\$873.97	\$887.95	\$902.16	\$916.59	\$931.26	\$946.16	\$961.30	\$976.68	\$992.31	\$1,008.18	\$1,024.31	\$1,040.70	\$1,057.35	\$1,074.27	\$1,091.46	\$1,108.91
		0.95858414	0.9425116	0.92767344	0.91396104	0.9285844	0.91569907	0.9303503	0.9182344	0.9329262	0.92152873	0.9362732	0.92512536	0.94035754	0.9554033	0.9706897	0.9611111
	% below GS11	4%	6%	7%	9%	7%	8%	7%	8%	7%	8%	6%	5%	6%	4%	3%	2%
Pay in 2006 ATC4 and GS11		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 1
2006 GS	STEP 1	\$46,189.00	\$47,729.00	\$49,269.00	\$50,809.00		\$52,349.00		\$53,889.00		\$55,429.00			\$56,969.00			\$58,509.00
	STEP 2	\$47,729.00	\$49,269.00	\$50,809.00	\$52,349.00		\$53,889.00		\$55,429.00		\$56,969.00			\$58,509.00			\$60,049.00
2006 AT (pre-IWRs)	ATC4	\$48,205.00	\$48,976.28	\$49,759.90	\$50,556.06	\$51,364.96	\$52,186.80	\$53,021.78	\$53,870.13	\$54,732.05	\$55,607.77	\$56,497.49	\$57,401.45	\$58,319.87	\$59,252.99	\$60,201.04	\$61,159.24
	Annual 1.60%	\$771.28	\$783.62	\$796.16	\$808.90	\$821.84	\$834.99	\$848.35	\$861.92	\$875.71	\$889.72	\$903.96	\$918.42	\$933.12	\$948.05	\$963.22	\$978.74
		1.04364676	1.02613254	1.00996368	0.99502173	1.0109421	0.99690147	1.0128519	0.99964988	1.0156443	1.00322516	1.0192768	1.035852	1.02371245	1.0400919	1.0567333	1.04364676
	% above GS11	4.00%	3.00%	even	even	1.00%	even	1.00%	even	2%	even	2.00%	4.00%	2.00%	4.00%	6%	4.00%

ANALYZING ATC-5

There are 53 total ATC-5 FAA facilities. 12 transitioned from GS-12, and all 12 previous GS-12 facilities were previously higher ATC pay level facilities and were downgraded. The remaining were GS-11 (three from GS-10). What is consistent is that when comparing the percentage above or below GS, the 2022 ATC-5 controller makes about 8 percent less than their 2006 self. It is also relevant that in 1999, there were a total of 113 FAA facilities that transitioned from GS-12. During 1999 reclass, the lowest pay grade for a previous GS-12 facility was ATC-6.

Pay in 2022 ATC5 vs GS12		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
GS12	Step 1	\$68,299.00	\$70,576.00	\$72,853.00	\$75,130.00			Step 5		Step 6		Step 7		Step 8
	Step 2	\$70,576.00	\$72,853.00	\$75,130.00	\$77,407.00			\$77,407.00		\$79,684.00		\$81,961.00		\$84,238.00
ATC5	Year 1	\$61,997.00	\$62,988.95	\$63,996.78	\$65,020.72	\$66,061.06	\$67,118.03	\$68,191.92	\$69,282.99	\$70,391.52	\$71,517.78	\$72,662.07	\$73,824.66	\$75,005.86
	Annual 1.60%	\$991.95	\$1,007.82	\$1,023.95	\$1,040.33	\$1,056.98	\$1,073.89	\$1,091.07	\$1,108.53	\$1,126.26	\$1,144.28	\$1,162.59	\$1,181.19	\$1,200.09
		0.90772925	0.892498186	0.87843706	0.86544288	0.87928997	0.86707962	0.88095289	0.86947181	0.88338335	0.8725831	0.88654443	0.90072914	0.89040404
	% Below GS12	-9%	-11%	-12%	-13%	-12%	-13%	-12%	-13%	-12%	-13%	-11%	-10%	-11%
Pay in 2006 ATC5 vs GS12		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
2006 GS	STEP 1	\$55,360.00	\$57,205.00	\$59,050.00	\$60,895.00			STEP 5		STEP 6		STEP 7		STEP 8
	STEP 2	\$57,205.00	\$59,050.00	\$60,895.00	\$62,740.00			\$62,740.00		\$64,585.00		\$66,430.00		\$68,275.00
2006 AT (pre-IWRs)	ATC5	\$54,712.00	\$55,587.39	\$56,476.79	\$57,380.42	\$58,298.51	\$59,231.28	\$60,178.98	\$61,141.85	\$62,120.12	\$63,114.04	\$64,123.86	\$65,149.84	\$66,192.24
	Annual 1.60%	\$875.39	\$889.40	\$903.63	\$918.09	\$932.78	\$947.70	\$962.86	\$978.27	\$993.92	\$1,009.82	\$1,025.98	\$1,042.40	\$1,059.08
		0.9882948	0.971722612	0.95642321	0.94228457	0.95736112	0.94407526	0.95918046	0.94668802	0.96183503	0.95008336	0.96528469	0.98072924	0.96949456
		-1.00%	-3.00%	-4.00%	-5.00%	-4.00%	-6.00%	-4.00%	-5%	-4%	-5.00%	-3.00%	-2.00%	-3.00%

Regarding ATC-8: There are 42 ATC-8 facilities, of which 21 transitioned from GS-13 in 1999. Of those 21, several would probably not have continued as GS-13 based on traffic and situational changes (STL and CLE losing hubs, for example). In 2022, their CPCs started 3 percent above GS-13. In years 3-12, those same CPCs hover between even and negative 1 percent to negative 2 percent below GS-13. Considering those employees will not be able to get to an ATC-8 tower until they achieve CPC at a lower-level facility and transfer via NCEPT, *they will be eligible to retire* by the time their pay turns positive in year 13. In 2006, however, those same employees start 12 percent above GS-13. In years 4, 6, and 8 they are 7 percent above. In year 20 they were 17 percent above.

Pay in 2022 ATC8 and GS13		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
	Step 1		Step 2	Step 3	Step 4		Step 5		Step 6		Step 7		Step 8			
	GS13	\$81,216.00	\$83,923.00	\$86,630.00	\$89,337.00		\$92,044.00		\$94,751.00		\$97,458.00		\$100,165.00			
	ATC8	\$83,651.00	\$84,989.42	\$86,349.25	\$87,730.83	\$89,134.53	\$90,560.68	\$92,009.65	\$93,481.81	\$94,977.51	\$96,497.15	\$98,041.11	\$99,609.77	\$101,203.52	\$102,822.78	\$104,467.94
	1.60%	\$1,338.42	\$1,359.83	\$1,381.59	\$1,403.69	\$1,426.15	\$1,448.97	\$1,472.15	\$1,495.71	\$1,519.64	\$1,543.95	\$1,568.66	\$1,593.76	\$1,619.26	\$1,645.16	\$1,671.49
	% Above GS	1.02998178	1.01270708	0.99675917	0.98202127	0.99773361	0.98388467	0.99962682	0.98660495	1.00239063	0.99014093	1.00598319	1.02207892	1.010368126	1.02653402	1.04295856
		3%	1%	EVEN	-2%	EVEN	-2%	EVEN	-1%	EVEN	-1%	-1%	EVEN	1%	3%	4%
Pay in 2006 ATC8 and GS13		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
	STEP 1	STEP 2	STEP 3	STEP 4		STEP 5		STEP 6		STEP 7		STEP 8				
2006 GS	GS13	\$65,832.00	\$68,026.00	\$70,220.00	\$72,414.00		\$74,608.00		\$76,802.00		\$78,996.00		\$81,190.00			
2006 AT (pre-IWRs)	ATC8	\$73,822.00	\$75,003.15	\$76,203.20	\$77,422.45	\$78,661.21	\$79,919.79	\$81,198.51	\$82,497.69	\$83,817.65	\$85,158.73	\$86,521.27	\$87,905.61	\$89,312.10	\$90,741.09	\$92,192.95
Annual	1.60%	\$1,181.15	\$1,200.05	\$1,219.25	\$1,238.76	\$1,258.58	\$1,278.72	\$1,299.18	\$1,319.96	\$1,341.08	\$1,362.54	\$1,384.34	\$1,406.49	\$1,428.99	\$1,451.86	\$1,475.09
	% Above GS	1.12136955	1.10256596	1.08520653	1.06916416	1.08627079	1.07119602	1.08833515	1.07416064	1.09134721	1.0780132	1.09526141	1.11278559	1.100038185	1.1176388	1.13552102
		12.00%	10.00%	8.00%	7.00%	9.00%	7.00%	9.00%	7.00%	9.00%	8.00%	10.00%	11.00%	10.00%	12.00%	14.00%