

Ms. Karen Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Ms. Gorman,

As we discussed in our phone conversation, there are several discrepancies in their responses.

The OIG's response to the forth item, states that Ry 27L and Ry22L do not intersect or the flight paths do not intersect. I not sure how they arrived at this, but the flight paths clearly intersect.

It seems that the ATO-Safety is starting to forget their previous statements; in their initial response, (the previous one), Ms. Strawbridge states that a controller cannot have an operational deviation if they only violate a local order. Now the same office states that they can, only if it violates both a local order and the 7210.56c. (Response to item 3) There are operational deviations called all the time at DTW ATCT that only violate a local order, and according to their own statement, the office of ATO-Safety is reviewing all of them. So far none have been overturned to the best of my knowledge.

Also the wind instruments are not fixed; on Wednesday June 2, 2010 the ASOS Wind was showing 22016gusts24Kts; TDWR Winds were displaying 21004Kts. There were severe thunderstorms in the area; this is when issuing the correct wind is crucial. What would have happened if the ASOS Winds went out of service and the controllers had to start issuing the TDWR Winds?

The other areas brought up, way back in the beginning, have not been fixed either. The departure SIDs to CVG, CMH, etc; as well as the altitude assignments to jet and prop departures

Vinnie and I have discussed this at length; he forwarded his comments to me. He has covered the areas in a lot more detail, so I am going to keep mine very short. It seems that the parties involved on the management side have had a predetermined outcome from the beginning and they keep trying to tailor their responses to substantiate that decision, no matter how many times they contradict themselves.

I would like to take this opportunity to sincerely thank you and your office for all of your help in the matters that we have discussed over the last two years, I along with the staff at DTW ATCT really appreciate all your long and I believe sometimes boring hours of research in our areas of concern. Thank you.

Sincerely,





**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Ave. SE
Washington, D.C. 20590

May 21, 2010

Karen Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: OSC File No. DI-08-3157 and DI-08-2777

Dear Ms. Gorman:

This is to follow up on your recent request for supplemental information in the above-referenced matter. Attached please find a May 20, 2010 memorandum from the Office of Inspector General, to whom the Secretary delegated the investigation. Please treat this memorandum as our supplemental report.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith S. Kaleta". The signature is fluid and cursive, with the first name being the most prominent.

Judith S. Kaleta
Assistant General Counsel for General Law

Attachment




U.S. Department of
Transportation
Office of the Secretary
of Transportation
Office of Inspector General

Memorandum

Subject: ACTION: OIG Investigation #I09Z000011SINV,
Re: Air Traffic Management at Detroit Wayne
County Metropolitan Airport
OSC File No. DI-08-3157 and DI-08-2777

Date: May 20, 2010

From: Robert A. Westbrooks 
Acting Assistant Inspector General
for Special Investigations and Analysis, JI-3

Reply to
Attn. of: R. Engler

To: Judith S. Kaleta
Assistant General Counsel for General Law
Office of General Counsel

This memorandum/supplemental report follows up on emails to the Department from U.S. Office of Special Counsel (OSC) dated April 14, 2010, requesting additional information from the Office of Inspector General's (OIG) investigation into aviation safety concerns at Detroit Wayne County International Airport's Air Traffic Control Tower. We respectfully request that you forward this information to OSC.

1. **OSC request:** "The report and FAA's memorandum concurring in the findings states that Detroit management took administrative action pertaining to Front Line Manager Kevin Barttelt. What administrative action was taken and what were the charges that formed the basis for the action? Please provide a copy of the notice of disciplinary action."

OIG response: In a memorandum dated August 6, 2008, then Detroit Air Traffic Control Tower Operations Manager Kevin Grammes proposed that Mr. Barttelt serve a seven calendar day suspension for directing three Southwest Flow departures on July 21, 2008, in violation of DTW Notices 7110.156 and 159 and written guidance from the Operations Manager. After considering Mr. Barttelt's response to the proposed suspension, Mr. Grammes notified Mr. Barttelt in an August 31, 2008, memorandum that he would serve a five calendar day

U.S. Department of Transportation — Office of Inspector General
FOR OFFICIAL USE ONLY

(Public availability to be determined under 5 U.S.C. 552, Freedom of Information Act)

suspension. The public release of an employee discipline letter is a privacy matter to be addressed through the FAA Office of the Chief Counsel.

2. **OSC request:** "The Investigative Report . . . states that DTW Operations Manager Kevin Grammes, via an April 21, 2008 e-mail, advised the facility's front line managers that DTW Notice N7110.156 should be used when departing heavy jets from Runway 22L. Please provide a copy of that email."

OIG response: A copy of the email is enclosed as Attachment 1.

3. **OSC request:** "The whistleblowers alleged that FAA officials failed to investigate additional operational errors or deviations that occurred on July 21, 2008, concerning the Boeing 747 departures and Runway 27L arrivals (Allegation 2 in the Investigative Report). The report found that although six additional violations of DTW Notice N7110.156 were substantiated by the investigation, none were operational errors or deviations. The report also states that the Detroit Support Manager for Quality Assurance and Training 'could not specifically recall why the relevant documents mentioned only one arrival flight for each of the Boeing 747 departures when, in reality, three arriving aircraft entered the Runway 27L final approach fix before each of the Boeing 747 aircraft crossed the Runway 27L extended centerline.'

Notwithstanding the report's finding that these additional violations did not violate a national order, and thus were not reportable to FAA Headquarters, the report does not fully address the allegation that these incidents were not investigated in any manner. Nor does the report reflect that any employee was held accountable for this failure. We understand that FAA officials have determined that a violation of local, and not national, standards would not result in the classification of the event as an operational error or deviation; nevertheless, our whistleblowers report that controllers are regularly charged with operational deviations for violations of local orders. Please clarify: (a) whether any action is required by the facility when a local order is violated, and if so, why no action was taken with respect to the six additional violations identified; (b) whether the policy regarding local vs national orders is uniformly applied at Detroit; and (c) whether any administrative action was considered with regard to the missed violations (particularly in view of the subsequent finding that the Quality Assurance procedures were lacking)."

OIG response:

(a) We found no order, rule, or regulation that *requires* Detroit officials to take action against an employee for violating a local order; it is within management's

discretion to take such action. Motown District Manager Joseph Figliuolo told the OIG investigator he will not take additional action against Mr. Barttelt (beyond that listed in #3 above) because: (i) the six other violations of the same local order stemmed from the departure of the same three heavy jets; (ii) Mr. Barttelt has already served a suspension for his violation of that order during the departure of those jets; and (iii) it would be inappropriate to take further action for events that occurred almost two years ago.

(b) FAA Order 7210.56C, Chapter 5, defines an operational deviation. A violation of a local order is not necessarily an operational deviation, unless the same event is also a violation of 7210.56C. Should a controller violate both a local order and 7210.56C during the same event, the controller would be charged with an operational deviation in violation of both the national and local order.

Mr. Figliuolo advised that the facility uniformly applies the policy on violations of local vs. national orders. We found no evidence that Detroit officials incorrectly charged controllers with operational deviations for violating local orders.

Mr. Figliuolo stated that even if Detroit officials allegedly incorrectly charged a controller with an operational deviation for violating a local order, the alleged deviation was independently reviewed outside the facility and subject to reversal. The Operations Evaluation Team Manager for the Central Service Area Quality Control Group confirmed that, at the time of our investigation into this matter, her group would have reviewed all operational deviations reported within the Central Service Area. According to the Operations Evaluation Team Manager, her group received paperwork from the reporting facility, asked follow-up questions, briefed the FAA Air Traffic Organization - Office of Safety (ATO-Safety) in Washington, DC, and then reviewed the data of the incident with ATO-Safety before determining whether an operational deviation occurred.

(c) Mr. Figliuolo told OIG that it was during our May 2009 site visit to Detroit that he first became aware of our finding that the Quality Assurance Manager — who reviewed the data tapes of July 21, 2008, and submitted the operational error paperwork — failed to identify the six additional violations of local order DTW N7110.156. According to Mr. Figliuolo, he subsequently advised the Quality Assurance Manager of our finding and counseled him and instructed him that, in the event of any similar events in the future, he should look for preceding and subsequent aircraft in violation of a local order rather than only the lead aircraft that is allegedly in violation.

Additionally, subsequent to our site visits for this matter, the Quality Assurance Manager developed a new Quality Assurance Review Directive and Reporting Form that became effective June 8, 2009. Although the July 21, 2008, incident was not reported through the Quality Assurance Review process because it was an operational error or deviation, the process is a common mechanism through which alleged violations of local orders are investigated. The FAA Central Service Area Safety Assurance Group determined that the new Quality Assurance Review Directive is adequate, and the Central Service Area Director described the new Quality Assurance Review process as "very robust." Further, the Quality Assurance Department contracted with a former front line manager at Detroit to review the violations alleged in Quality Assurance Review Reports. According to Mr. Figliuolo, this Quality Assurance official has also been instructed to pay attention to the aircraft that precede and follow any aircraft that have been reported as violating a local order. In addition, management has provided training and briefings to employees on the requirements for reporting and properly investigating violations or concerns

4. **OSC request:** "Allegation 3 was not substantiated, because the runways involved in the July 21 Boeing 747 departures do not intersect or have intersecting flight paths, wake turbulence requirements do not apply, and there was no resultant violation of FAA Order 7110.65 (Page 4). In addition, the report concludes that because no go-arounds occurred that day, 'the complainants' concerns regarding that possibility are not applicable to the events of July 21, 2008. (Page 11)

The investigation did substantiate violations of Notice N7110.156, a local order. The report refers to training records, including the April 21, 2008 email requested above, which reference the need to provide sufficient gaps for aircraft using Runway 27L so that the heavy jet departing Runway 22L has crossed the 'Runway 27L extended centerline before arriving aircraft have reached the Runway 27L final approach fix.' (Page 6) This implies that the flight paths of Runways 22L and 27L are intersecting flight paths. The report also states that Mr. Grammes has verbally re-briefed al[] five of DTW's front line managers concerning compliance with local Notice N7110.156. Please clarify: (a) what the verbal re-briefing consisted of, and how the reference to intersecting flight paths in the training records was reconciled with the determination that FAA Order 7110.65 does not apply; and (b) whether, if go-arounds had occurred on that day, FAA Order 7110.65 would have applied.

In other words, there always exists the possibility for go-arounds, and in those cases would the flight paths (as defined in your prior Technical Investigative

Report in OSC File Nos. DI-08-0591 and DI-08-1696, page 9, fn 11) intersect, and thus wake turbulence requirements apply?"

OIG response:

(a) Facility officials provided us with a July 31, 2008, memorandum from Mr. Grammes to the front line managers stating: (i) Notice N7110.156 must be followed when launching heavy jets from Runway 22L during a West Flow and (ii) Runway 22L departures must be past the Runway 27L extended centerline before the next arrival to Runway 27L reaches the final approach fix. This language addresses the violations that occurred on July 21, 2008, and each of the front line managers signed the memorandum acknowledging they were verbally briefed as well.

Additionally, our report does not state that FAA Order 7110.65 does not apply to the incidents of July 21, 2008; the order always applies to all air traffic operations. More precisely, our report states that the paragraphs of 7110.65 that the whistleblower alleges were violated on July 21, 2008, paragraphs 3-9-8 and 3-10-4, do not apply because they concern intersecting runways or runways with intersecting flight paths. Neither of those conditions applies to Runways 22L and 27L. Whether the local order "implies" Runways 22L and 27L have intersecting flight paths is not pertinent for determining a violation of FAA Order 7110.65. Nevertheless, the facility's local order requirement goes beyond the national standards found in FAA Order 7110.65, and it is the local order that Mr. Bartelt violated.

(b) FAA Order 7110.65 applies during all air traffic operations, including in the event of go-arounds, and our report did not state otherwise. As mentioned above, however, paragraphs 3-9-8 and 3-10-4 would not apply to go-arounds from Runway 27L because that runway and Runway 22L do not intersect or have intersecting flight paths.

Further, FAA Order 7110.65 does not provide specific instructions for dealing with go-arounds. In that vein, paragraph 2-1-2 notes:

Because there are many variables involved, it is virtually impossible to develop a standard list of duty priorities that would apply uniformly to every situation. Each set of circumstances must be evaluated on its own merit, and when more than one action is required, controllers shall exercise their best judgment based on facts and circumstances known to them. That action which is most critical from a safety standpoint is performed first.

Further, the order provides additional general guidance that applies to go-arounds, as well as wake turbulence. Paragraph 1-1-1, for example, states, "Controllers are required to be familiar with the provisions of this order that pertain to their operational responsibilities and to exercise their best judgment if they encounter situations that are not covered by it." Additionally, 7110.65, paragraph 2-1-20b, instructs controllers to "[i]ssue cautionary information to any aircraft if in your opinion, wake turbulence may have an adverse effect on it. When traffic is known to be a heavy aircraft, include the word 'heavy' in the description."

FAA is still working on more specific instructions for dealing with go-arounds and wake turbulence. In the meantime, controllers at Detroit are expected to be aware of the guidance provided in FAA Order 7110.65, including the requirement to use their best judgment to apply safe separation during, for example, a go-around and to minimize the adverse affects of wake turbulence in such an instance.

5. **OSC request:** "FAA's memorandum Dated December 14, 2009 references an attachment: 'MSP instructions to operational personnel regarding use of wind sensors.' Please provide a copy of the attachment."

OIG response: A copy of the attachment is enclosed as Attachment 2.

If you have any questions or concerns, please contact me at (202) 366-1415, or Director of Special Investigations Ronald Engler at (202) 366-4189.



Kevin Grammes/AGL/FAA
TCL-DTW, Detroit Metro
ATCT, MI

04/21/2008 06:18 AM

To
cc
bcc Cliff Auxier/AGL/FAA@FAA; Thomas
Boland/AGL/FAA@FAA; Gary F Ancinec/AGL/FAA@FAA;
John Guth/AGL/FAA@FAA; Joseph Figliuolo/AGL/FAA
Subject NE FLOW

SUPES-

Welcome to another round of runway closures.

A couple things to remember:

1. NO SW FLOW!

We are working through some solutions to the issues raised by AOV. But SW flow will not be in place anytime soon.

Also remember the guidance when transitioning from south flow to west flow and back. A new notice will be out clarifying that the same limitations are in place for RY27R arrivals as well as 27L.

2. WEST FLOW

When WINDS dictate a west flow we can still depart RY22R, please ensure when running this configuration you have the ceiling and visibility to provide visual separation between departures off of RY22R and any missed approaches on RY27L and 27R until another form of separation can be accomplished.

Also if you have the few HEAVYS that require RY22L for departure use the guidance that was put out in regards to transitioning between flows.

IN other words coordinate for a large enough gap on both RY27L and 27R that allows the heavy to be airborne and crossed the 27'S before the arrivals are at the FAF.

3. NE FLOW

This was worked on last year and run successfully. The expectation is we will utilize NE flow to alleviate departure delays.

Coordination with NWA ramp to ensure aircraft have the numbers and taking some aircraft out the south side will make this run smoothly.

This was designed to depart RY3L and 9R and land RY4L and 4R. With the occasional long haul off a gap on 4R.

We should not be landing 3L and departing 9R!

NE FLOW was incorporated in the recent SOP update and a refresher briefing was placed in the tower, please ensure everyone has the briefing prior to working position.

Kevin J. Grammes
Operations Manager, DTW ATCT
(Office) 734-955-5025
(Cell) 517-403-9345

- f. Meriden Tower: MSP 184051; 1827 ft.*
- g. Rosemont Tower: MSP 144014; 1753 ft.
- h. River Falls Tower: MSP 080025; 1580 ft.
- i. Mayer Tower: MSP 273030; 1649 ft.*
- j. IDS Building: MSP 338005; 1743 ft.

*Not depicted on video maps.

14-6. Video Map Alignment.

a. Controllers are not required to perform video map alignment checks. The ASR-9 is a Digital Terminal Automation System (DTAS) that performs continuous self-alignment checks.

b. Technical Operations personnel also monitor radar alignment using the following indicators:

(1) For primary radar, MTI reflectors are observed adjacent to the Runway 30R threshold and on the Runway 4 final approach course at .5 NM.

(2) For secondary radar, permanent beacon targets (parrots) are monitored at MSP 078050 (code 1275) and MSP 243031 (code 1273).

14-7. Designated Operational Wind Source.

a. The Automated Surface Observing System (ASOS) shall be the official primary wind source used for operational purposes.

b. The Terminal Doppler Weather Radar (TDWR) shall be the official primary gust front and microburst source for operational purposes.

c. In the event the ASOS is not available, the TDWR shall become the official wind source for operational purposes.

14-8. NOTAM Information System. The following procedures and responsibilities define inter/intrafacility NOTAM distribution and are supplemental to the procedures contained in FAA Order 7930.2, Notices to Airmen (NOTAMs).

a. NOTAMs are generally received via FAX, website(s) access and the "Notice to Airmen" publication, and through the MOCC and Lockheed Martin Flight Services, Central Service Area Fort Worth Hub.

b. The primary method of NOTAM distribution shall be the IDS4. If the IDS4 is unavailable, the Cab and TRACON FLM/CICs shall ensure distribution is accomplished manually to all affected positions and facilities.

CHAPTER 5. AIR TRAFFIC OPERATIONAL ERRORS AND DEVIATIONS, INVESTIGATION AND REPORTING

5-1-1. DEFINITIONS

a. Operational Error: An occurrence attributable to an element of the air traffic system in which:

(1) Less than the applicable separation minima results between two or more aircraft, or between an aircraft and terrain or obstacles (e.g., operations below minimum vectoring altitude (MVA); equipment / personnel on runways), as required by FAA Order 7110.65 or other national directive; or

(2) An aircraft lands or departs on a runway closed to aircraft operations after receiving air traffic authorization.

(3) An aircraft lands or departs on a runway closed to aircraft operations, at an uncontrolled airport and it was determined that a NOTAM regarding the runway closure was not issued to the pilot as required.

b. Operational Deviation: An occurrence attributable to an element of the air traffic system in which applicable separation minima as referenced in paragraph 5-1-1a, Operational Error was maintained, but:

(1) Less than the applicable separation minima existed between an aircraft and adjacent airspace without prior approval; or

(2) An aircraft penetrated airspace that was delegated to another position of operation or another facility without prior coordination and approval; or

(3) An aircraft penetrated airspace that was delegated to another position of operation or another facility at an altitude or route contrary to the altitude or route requested and approved in direct coordination or as specified in a letter of agreement (LOA), pre-coordination, or internal procedure; or

(4) An aircraft is either positioned and/or routed contrary to that which was coordinated individually or; as specified in a LOA/directive between positions of operation in either the same or a different facility; or

NOTE:

This does not apply to inter/intra-facility traffic management initiatives.

(5) An aircraft, vehicle, equipment, or personnel encroached upon a landing area that was delegated to another position of operation without prior coordination and approval.

c. Technical Violation: Operational errors that are classified as low severity and all operational deviations. Operational errors that cannot be reviewed by radar data

or a playback tool will be initially classified as a low severity, if all indications are that at least 80% separation minima was maintained. See Chapter 6, Severity Index.

d. Operational Duties: Duties that require an employee to issue or relay an ATC clearance or instruction; make a control decision that will affect coordination; perform a strip marking function or update computer generated information that may be used by an AT controller to make a control decision; or supervise these duties.

e. Operational Error/Operational Deviation Steering Committee: As established by Memorandum of Understanding (MOU) to address national quality assurance issues contained within this order and other matters including, but not limited to, trend analysis, program effectiveness, compliance, and ongoing positive efforts. The committee meets as necessary to review and address quality assurance matters. The steering committee is comprised of two representatives from NATCA and two representatives from AAT-20.

f. Controlled Event: An operational error where the AT employee was aware of the impending conflict and takes corrective action to increase the separation.

g. Uncontrolled Event: An operational error where the AT employee was unaware of the conflict, takes no corrective action and/or became aware of the conflict but did not have enough time to effectively mitigate the loss of separation.

h. Severity Index: A method to determine the gravity, or degree that the separation standard was violated, for operational errors that occur in-flight.

i. OE Causal Factors: The Air Traffic Evaluations and Investigations Staff, AAT-20, in coordination with the Office of Aerospace Medicine's Human Resources Research Division, AAM-500, analyzes, FAA Form 7210-3, Final Operational Error/Deviation Reports to compile statistics and determine trends regarding the causal factors for OE/D's.

Based on that analytical information and as a quality assurance initiative to further reduce the potential for OE/D's system-wide, AAT-20 has identified certain checklist items that, when rated as problematic during evaluations, indicate that the facility's potential for experiencing an OE/D is increased.

5-1-2. SUSPECTED EVENT

a. In order to maintain an effective Air Traffic System, it is imperative that we identify all deficiencies within our system and take appropriate corrective actions necessary to fix any associated problems. Operational errors and deviations are reported for just that reason, so those problems (either systemic or individual) can be corrected to enhance system integrity. The identification of operational errors and deviations without fear of reprisal is an absolute requirement and is the responsibility of all of us who work within our system.

b. Accordingly, it remains Air Traffic Policy that any employee who is aware of any occurrence that may be an operational error, deviation, or air traffic incident (as defined in paragraph 4-1-1, Definitions), immediately report the occurrence to any available supervisor, controller-in-charge (CIC) or management official.

c. Employees' shall verbally provide the preliminary information, of which they have knowledge, when requested by the supervisor, controller-in-charge (CIC) or management official to make an initial determination as to whether an investigation is warranted. This phase is meant only to determine the need of an investigation and is not investigatory. Therefore, Union representation is not required at this time.

5-1-3. INITIAL INVESTIGATIONS

The initial investigation is intended to be fact finding in nature. It has been designed to determine what occurred in the system, to ensure corrective action is initiated to maintain system integrity, and to report significant events to higher levels of management.

NOTE:

There are occasions when it is appropriate for higher levels of management to require further review of a suspected incident, and this further review may result in the discovery of an incident not previously identified.

The operations supervisor or the controller-in-charge when a supervisor is not available, with ATM concurrence, shall determine the validity of suspected OE/OD's and, if valid, shall ensure the following is accomplished:

NOTE:

Other facility personnel shall assist the operations supervisor and/or controller-in-charge in gathering data to conduct the initial investigation, whenever feasible.

a. When information indicates that an OE/OD may have occurred in another facility, promptly advise that facility's operational supervisor-in-charge.

b. Provide relief to any employee who appears to be involved in the incident from all operational duties as

promptly as operational and staffing conditions permit. This action is intended to allow employees' an opportunity to review the voice recordings and prepare draft statements while the circumstances are fresh in their minds. The relief of an employee from operational duty also provides the employee the opportunity to participate in the preliminary investigation. Initial written statements should be completed prior to initial AAT-200 notification.

NOTE:

It may be necessary for involved employees' participating in suspected OE/OD investigations to remain in the facility beyond their scheduled shift in order to complete their statement, be interviewed, and participate in the initial investigation.

c. Gather flight progress strips, weather data, and other pertinent information. If another facility is involved, that facility shall provide the reporting facility's supervisor with all the pertinent data necessary for the timely completion of the preliminary report.

d. Review voice recordings; denote the difference in the system times and, as soon as feasible; prepare a cassette re-recording from the original to be used as a working tape.

e. Review available radar data; denote the difference in the system times, e.g., National Track Analysis Program (NTAP), or Continuous Data Recording (CDR) data, etc. See Appendix 1, Radar Data Processing.

f. Review appropriate computer data and denote the difference in the system times;

(1) Data Analysis Reduction Tool (DART).

(2) Airport Movement Area Safety System (AMASS).

(3) Tower Data Link Services (TDLS).

(4) Pre-departure Clearance (PDC).

(5) User Request Evaluation Tool (URET).

(6) Core Capability Limited Deployment (CCLD).

(7) Controller Pilot Data Link Communications (CPDLC) messages.

(8) Operational and Supportability Improvement System (OASIS) or Model 1.

EXAMPLE –

DART printouts will indicate a chronological sequence of textual CPDLC transactions. Individual CPDLC messages are stored in the Data Link Applications Processor (DLAP) temporary file as a binary encoded message and can be printed out in a text format for review.

NOTE:

Most of these new systems retain data on their individual hard drives, which are automatically deleted after 15 days. It is the ATM's responsibility to advise Airways Facilities, in a timely manner, so they may extract this data onto a storable/retainable electronic media. The pertinent data shall then be retained with the required incident file.

g. Conduct preliminary interviews with involved employees'. Efforts should be made to complete these interview(s) prior to the initial AAT-200 notification.

h. Notify the ATM of the OE/OD.

i. Ensure that FAA Form 7210-2, Preliminary Operational Error/Deviation Investigation, is completed.

NOTE:

When writing the summary, be as clear and concise as possible using who, what, when, where, and how, to describe the entire events. Instructions for completing FAA Form 7210-2 are contained in Appendix 2 and shall include pertinent actions of the pilot(s) and air traffic control leading up to the event and any subsequent action.

j. Notify AAT-200 and the ATD through ROC/WOC by telephone within 3 hours from the time the occurrence is first reported or suspected with the following information/data:

NOTE:

The intent of the time limit is not to preclude a continuation of the preliminary investigation. However, it is intended to ensure that AAT-200 is aware of reported or suspected events within 3 hours of occurrence. If you are unable to meet the 3-hour requirement an extension shall be requested from AAT-200.

(1) A completed FAA Form 7210-2.

(2) En-route; a reduced copy of the NTAP with LST 5 text data shall be faxed to AAT-200.

(3) Terminal; a copy of the CDR plot with the associated separation data shall be faxed to AAT-200.

NOTE:

Once AAT-200 receives this official report of the OE, the AAT-200 specialist will issue a preliminary severity classification in accordance with Chapter 6. Severity Index for return to duty purposes.

k. If an employee is believed to be primary or contributory:

(1) For an operational error/deviation initially classified as low severity by AAT-200, the employee shall be returned to operational duty in accordance with paragraph 5-1-9b, Return to Operational Duty.

(a) In cases where AAT-200 cannot complete a preliminary severity classification within one hour of official notification to AAT-200, and initial indications are that at least 80% of the separation minima was maintained, the employee shall be returned to operational duty as stated above,

(b) In the event the classification later indicates a moderate or high severity, a controller may be required to complete skill enhancement training, if such training is appropriate.

(2) For operational errors classified as moderate or high severity and if the employees' overall documented performance history warrants, he/she shall not be assigned to operational duties until the provisions of paragraph 5-1-9, Return to Operational Duty, are met.

l. If the preliminary investigation reveals that certain employees' first believed to be primary/contributory were not, they may be returned to duty without further action. If these employees' have knowledge of the events, obtain their views and recommendations.

m. If an operational supervisor, by virtue of performing supervisory duties, or a controller while performing CIC duties, is believed to be primary/contributory to a suspected OE/OD, that employee shall not be assigned supervisory/CIC duties until the provisions of paragraph 5-1-9, Return to Operational Duty, are met.

n. When the initial investigation results in a determination of a non-occurrence, retain for 45 days, all data used in the investigation process. For example, pilot/controller statements, record of conversations, original NTAP and CDR plot(s) in an approved electronic format, used in a determination of a non-occurrence, as well as any other pertinent data not otherwise required to be retained. Facilities that determine the event was a non-occurrence based on a printed NTAP or CDR Plot (i.e. significant target jump) shall retain both the original paper printout and an electronic copy.

5-1-4. MULTIPLE LOSSES OF SEPARATION DURING A SINGLE EVENT

a. During a single event where multiple losses of standard separation are reported/discovered, and are determined to be the result of employee actions or inaction, each instance of a loss of separation shall be reported individually by completing a separate FAA Form 7210-2 and FAA Form 7210-3. Each form should describe the individual loss of separation, including a reference, if necessary for clarity, to the other related incidents.

b. When a singular failure of an employee to ensure separation between two aircraft (or an aircraft and terrain) that subsequently creates a chain reaction of additional losses of separation between other pairs of aircraft or terrain, the multiple losses of separation shall be considered as a single event only for return to operational duty purposes, performance skill checks, and training actions/plans. If combined, these actions and/or documentation shall be based on the higher of severity classification assigned.

c. The individual separation losses may be combined as one event for the purposes of entries onto FAA Form 3120-1, Section VI.

5-1-5. INVESTIGATIVE PROCESS

a. Fact Finding. The investigation of an OE/OD must entail an in-depth inquiry into all causal factors. The following should be considered for a comprehensive investigation:

- (1) Facility procedures.
- (2) Facility training.
- (3) Facility supervision.
- (4) Equipment.
- (5) Control environment.
- (6) External factors.
- (7) Controller action vs. inaction.
- (8) Airspace configuration.
- (9) Traffic flow/volume/initiatives.
- (10) Pilot actions, including the consequence of any Traffic Alert and Collision Avoidance System (TCAS) event.
- (11) Route of flight or taxi route, as appropriate.

(12) Weather.

(13) Position configuration.

(14) Coordination procedures.

(15) Airport environment:

(a) Runway markings.

(b) Ramp use.

(c) Areas of poor visibility (blind spots, fog).

(d) Runway configuration.

(e) Airport Congestion.

(f) Surface Conditions (rain, ice, snow)

(16) Human factors.

(17) Compare the system time of any pertinent equipment.

(18) Staffing levels and/or position assignments based on proficiency vs. complexity/volume.

(19) Radar Data (see Appendix 1, Radar Data Processing).

b. Interviews. Certain information, which is necessary to complete FAA Forms 7210-2 and 7210-3, must be obtained from the employees' involved. Since many employees' in the facility, e.g., controllers, air traffic assistants, and supervisors may be knowledgeable of, or a party to the incident, interviews with all possibly involved personnel shall be held. It is imperative that these interviews be conducted in an atmosphere of shared concern as to the events leading to and surrounding the incident. When an interview is conducted, the following shall apply:

(1) As appropriate the Interview Statement shall be read or given to an employee before conducting an interview (see Appendix 9, Interview Statement).

(2) An employee who is a member of a bargaining unit may elect to have a union representative present during the interview, in accordance with the applicable negotiated agreement.

(3) An employee who is interviewed shall be afforded the opportunity to submit written comments and recommendations to the ATM within 5-calendar days of the interview. The comments shall include the employees' name, position function, and location of employment. The employees' signature shall be affixed to the end of the statement and dated. Recommendations should concern corrective actions that can be undertaken to preclude a similar occurrence.

(4) Interviews shall be conducted by supervisory personnel, designated IIC's or the ATM. Investigative team members, other than the involved employees', may participate in the interviews.

(5) Every effort shall be made to conduct interviews during the employees' regularly assigned shift and within the employees' assigned facility.

c. Voice Recordings.

(1) Two certified cassette re-recordings, one marked "Original" and the other marked "Copy", shall be made from the original voice recording that shall include the time track, when available both tapes shall be retained in the OE/OD file. Certification and labeling of these cassettes shall be in accordance with FAA Order 8020.11. Include all communications for a period of 5 minutes before initial contact to 5 minutes after the last contact with each position involved in the OE/OD. When re-recordings are made from digital voice recording system (DVRS) equipment, this period will be from the call file immediately preceding and immediately after the 5 minute before and after requirement.

(2) If the above period exceeds 30 minutes, the ATD manager may approve, for the specific OE/OD, limiting the recording to that period pertinent to the incident.

5-1-6. ATM RESPONSIBILITIES

a. The ATM of the facility whose personnel were responsible for the separation of the aircraft involved, regardless of where the OE/OD occurred, shall:

(1) Ensure that OE/OD investigations are conducted in accordance with any negotiated agreements between the FAA and pertinent labor organizations.

(2) When the Preliminary OE/OD Investigation Report indicates that another facility(s) is involved in the occurrence, as soon as feasible confer with other ATM(s) to determine the scope of the other facility's investigative effort and how long it will take. This includes gathering data and completing Parts I and II of FAA Form 7210-3, Final Operational Error/Deviation Report. If the reporting ATM and the other ATM cannot concur in any phase of their respective investigations, their differences shall be reported to the ATD for a resolution.

(3) Designate the Investigator-In-Charge (IIC). The IIC may be designated on a rotational or permanent basis. Supervisory personnel or facility staff shall perform the IIC function. If the only facility officer is the ATM, and there are no assigned supervisors, the ATM performs the IIC functions.

(4) Designate a team to assist the IIC in the investigation of each OE/OD. The ATM shall determine the size and composition of the team, but shall as a minimum afford:

(a) A Union designated representative reasonable opportunity to participate as a member of the investigative team.

(b) Employees' believed to be primary/contributory to the event reasonable opportunity to participate in the investigative process, except during the interview of other employees'.

(5) Ensure FAA Form 7210-3 is completed. Instructions for completing FAA Form 7210-3 are contained in Appendix 4.

b. The ATM of any other involved facility shall be responsible for providing the reporting facility with information and assistance as required. This may require an investigation on the same scale as the reporting facility, in which case the ATM shall have the same responsibilities as defined under paragraph 5-1-3, Initial Investigations. The ATM of any other involved facility shall also be responsible for retaining all pertinent original data until notified of release by AAT-20.

c. The IIC is responsible for conducting a complete investigation and shall be the final authority for the findings and recommendations to be submitted to the ATM. In addition the IIC shall:

(1) Ensure that all pertinent data has been collected and documented in Part I of FAA Form 7210-3 and distributed to the ATM.

(2) When other facilities are involved, ascertain the scope of their investigation and coordinate the exchange of data and assistance as required.

(3) Assign duties to team members.

(4) Ensure that interviews conducted are done in accordance with paragraph 5-1-5b, Interviews.

d. The IIC Investigative Team shall:

(1) Assist the IIC by performing and completing all assigned tasks.

(2) Remain under the supervision and jurisdiction of the IIC until relieved by the IIC or ATM.

5-1-7. RECLASSIFICATION

a. After preliminary notification procedures are completed, a review of the data may indicate a reclassification of the incident to one of the following:

- (1) Pilot deviation.
- (2) Military facility deviation.
- (3) From an operational deviation to an operational error.
- (4) From an operational error to an operational deviation.
- (5) No occurrence.

b. If a reclassification is determined to be appropriate, the ATM shall:

- (1) Complete FAA Form 7210-5, Operational Error/Deviation Reclassification Report.

NOTE:

If a reclassification is from an operational deviation to an operational error or from an operational error to an operational deviation, then reclassify the original incident to a "No Occurrence" and indicate in the supporting documentation the new OE/OD report number.

(2) Forward FAA Form 7210-5, Operational Error/Deviation Reclassification Report along with the rationale and all necessary supporting documentation, including voice tapes and radar data, to the ATD for review.

c. The ATD shall conduct an initial review of all requests for reclassification. Those they believe have merit shall be reviewed jointly between the ATD and AAT-200. Should the ATD and AAT-200 not agree with the resolution of any request, AAT-20 is the authority to make a final determination. Once AAT-200 verbal approval is obtained, the ATD shall submit FAA Form 7210-5, Operational Error/Deviation Reclassification Report, for all reclassification requests to AAT-20.

d. Facilities shall retain all original forms and supporting investigative data for a period of 2 1/2 years.

5-1-8. PERFORMANCE BASED ACTIONS

a. Performance based action of surface errors, MVA/Obstruction errors, and oceanic/non-radar errors shall be handled in accordance with paragraph 5-1-9c, Return to Operational Duty.

b. When radar data **does not exist** and all indications are that *less* than 80% of the separation minima was maintained, performance based action shall be handled in accordance with paragraph 5-1-9c, Return to Operational Duty.

c. When radar data **does not exist** and all indications are that *at least* 80% of the separation minima was maintained, performance based action shall be handled in accordance with paragraph 5-1-9b, Return to Operational Duty.

d. No controller will be decertified or required to complete remedial training for any operational error(s) classified as a low severity and/or any operational deviation(s). However, skill enhancement training may be administered in accordance with paragraph 5-1-12, Skill Enhancement Training, for errors classified as low severity and are uncontrolled.

e. The number and types of error(s) shall not be the sole determining factor for performance-based actions. Performance based actions shall be based on overall documented performance history.

f. The revocation or suspension of control tower operator certificate and facility ratings shall not be used for addressing performance deficiencies.

g. Decertification shall not be based solely on involvement in the OE but rather the employee's overall performance history. Operational position decertification and remedial training shall only be used in cases where an employees' documented performance history warrants such action. The employees' supervisor, with ATM concurrence, determines whether to decertify. Decertification may be on one, multiple, or all positions as appropriate for the documented performance deficiencies.

EXAMPLE –

The employee has been determined to be primary in two operational errors within the last 2 1/2 years. The employees' first-line supervisor has had three documented performance discussions (including a TTD) within the past year outlining needed performance improvement with a training plan.

(1) Determine the appropriate actions and training necessary to return the employee fully to duty in consideration of performance deficiencies identified in the above review.

(2) If the decision is not to decertify then skill enhancement training may be administered in accordance with paragraph 5-1-12, Skill Enhancement Training.

(3) If the decision is made to decertify the employee the following actions and training, as a minimum, shall be taken:

(a) A corrective action/recertification plan shall be developed in accordance with FAA Order 3120.4.

(b) This plan shall include, as a minimum, remedial training, which addresses all identified performance issues.

(c) Prior to communicating the above determinations and plans to the employee, the supervisor shall brief the ATM on the issues associated with the OE and obtain the ATM's concurrence for the action plans developed.

(d) Accomplish recertification in accordance with FAA Order 3120.4 for the position(s) that the employee has been decertified.

(e) Upon satisfactory completion of the performance skill check, the employee shall be returned to duty; or

(f) If the employee fails to successfully complete the performance skill check, then the employee shall remain decertified and the provisions of FAA Order 3120.4 applied.

h. When either an operations supervisor (OS) or a controller while performing supervisory/CIC duties, is identified as primary/contributory to an OE/OD, operations CIC duties shall be suspended. Approval from the ATD shall be required before an OS/CIC is authorized to resume supervisory/CIC duties.

5-1-9. RETURN TO OPERATIONAL DUTY

a. The ATM shall remain involved in the post error process, in consultation with the ATD, including a review of the supervisors' determinations made under this paragraph to ensure complete and consistent handling of all incidents.

b. For all operational errors initially classified as a low severity and/or all operational deviations:

(1) The employee(s) determined to be primary/contributory to the error/deviation shall be returned to operational duties as soon as the preliminary investigation activities are completed.

(2) No post OE/OD performance skill check will be completed on any operational position associated with this return to duty, nor will a 30-day follow-up performance skill check be conducted relating to this error/deviation.

(3) The employees' supervisor or designee shall complete the following as soon as feasible after the employee has returned to operational duty:

(a) Conduct an in-depth review with the employee of their role. This review shall include as a minimum:

1. The events leading up to and surrounding the incident.

2. The procedure or the separation standard involved.

3. Available computer, radar data and voice recording of the incident via SATORI/RAPTOR playback.

4. The training record, including all applicable technical training discussions (TTD's).

c. For all operational errors initially classified as moderate, or high severity, as well as all surface, MVA/Obstruction, oceanic/non-radar errors or at those facilities where radar data is not available and *less* than 80% of the separation minima was maintained:

(1) Employee(s) determined to be primary/contributory to an operational error and if the employees' performance warrants, shall not be assigned to operational duties until the employees' supervisor or designee shall take the following action:

(a) Conduct an in-depth review of the employees' role in the OE. This review shall include as a minimum:

1. The events leading up to and surrounding the incident.

2. The employees' statement.

3. The procedure or the separation standard involved.

4. Available computer, radar data and voice recording of the incident via SATORI/RAPTOR playback.

5. The training record, including all applicable technical training discussions (TTD's).

6. Verification of currency on the position of operation.

7. Employee involvement in previous OE/ODs during the past 2 1/2 years.

(b) Conduct performance based action in accordance with paragraph 5-1-8g, Performance Based Action.

(c) Conduct performance skill check(s) for those positions on which the employee(s) will be allowed to return to operational duty while training is being provided. This skill check may be accomplished on individual or multiple positions at the discretion of the ATM. If the employee fails to successfully complete the performance skill check, then the employee shall be decertified and the provisions of FAA Order 3120.4 applied.

EXAMPLE-

If an employee was removed from operational duties on the radar departure position, but is to be returned to duty in the tower cab while completing some skill enhancement training for the departure position, a performance skill check(s) would be required in the tower cab function, so as not to unduly delay the return to duty.

(d) As soon as possible after the employee has returned to operational duty, the employees' supervisor or designee shall conduct a performance discussion to include:

1. The results and recommendations from the IIC/investigative team and/or the facility OE review board.

2. Any deficiencies in the employees' performance identified during the investigation of the OE.

5-1-10. WHEN THE AIR TRAFFIC MANAGER IS INVOLVED

If the employee involved in the OE/OD is the ATM, the ATD manager may waive the requirements in paragraph 5-1-9, Return to Operational Duty, temporarily. This waiver shall not exceed 2 weeks, pending the arrival of an ATD designee. Upon arrival, the ATD designee shall serve as the employees' certifying official for the purpose of complying with paragraph 5-1-9, Return to Operational Duty, and 5-1-11, Follow-up Performance Skill Check.

5-1-11. FOLLOW-UP PERFORMANCE SKILL CHECK

The employees' first line supervisor or designee of an employee found to be primary/contributory to an OE of moderate or high severity, as well as all surface errors, MVA/Obstruction errors, and oceanic/non-radar errors shall conduct, as a minimum, a follow-up performance skill check of the employee, within 30 days from the date of return to operational duty. The skill check shall be conducted on a position in the control function involved in the OE. The subsequent technical training discussion (TTD) shall review all training that was administered as

a result of the OE and shall be documented in accordance paragraph 3-1-4, Documentation.

NOTE:

There is no performance skill check or 30-day follow-up performance skill check required with any operational error classified as a low severity or operational deviation.

5-1-12. SKILL ENHANCEMENT TRAINING

a. Skill enhancement training is designed to increase the proficiency of a specialist in a skill on a position on which the specialist is certified. Based on the circumstances unique to a specific error, skill enhancement training need not always be accomplished prior to an employee continuing operational duties. Skill enhancement training shall be based upon the factors identified during the investigation of the operational error.

b. For employees' identified as either primary or contributory to an operational error classified as low severity, skill enhancement training may be appropriate only if the operational error has been classified as uncontrolled.

c. Based on the employee(s) performance skill enhancement training may be required for employees' identified as either primary or contributory to an operational error classified as moderate or high severity.

5-1-13. FINAL REPORTS

The ATM shall:

a. Analyze the data submitted by the IIC in Part 1 of the FAA Form 7210-3 to determine:

(1) The classification of the occurrence; i.e., operational error, operational deviation, pilot deviation, or no occurrence. If it is determined that an OE/OD can be reclassified, the ATM shall request that the incident be reclassified in accordance with paragraph 5-1-7, Reclassification.

(2) The categorization of the OE/OD; i.e., ATCS, manager/supervisor/other personnel, procedural, equipment, or any combination thereof.

(3) The causal factors of the OE/OD.

(4) The recommendations and corrective actions to be taken to prevent a recurrence of the OE/OD.

b. Provide copies of Part I and Part II to each employee involved and the Principal Union Representative, before completing Part II, Item 69, Facility Manager's Recommendations and Corrective Actions. Employees' may submit comments or recommendations in writing to the ATM within 5-calendar days of receipt. The comments shall include the employees' name, position function, and location of employment, signature and date. Recommendations should concern corrective actions that can be undertaken to preclude a similar occurrence. The ATM shall consider these comments in his/her deliberations before completing Facility Manager's Recommendations and Corrective Actions and shall append the employees' comments to Part II.

c. Complete Part II of the FAA Form 7210-3 and submit two copies of Parts I and II and all attachments (including employee and union statements) to the ATD, and one copy each to other ATMs and ATDs as required, within 30 administrative workdays of the date the occurrence was reported.

d. When an employee(s) of another facility is involved in an OE/OD, ensure that the employees' supervisor, through that facility ATM, is provided sufficient documentation to determine the appropriate corrective action.

e. Provide involved employee(s) with a copy of the complete report after receipt of Part III from the ATD.

f. Retain the original report in the facility files.

g. Establish a method of follow-up to evaluate the effectiveness of the local recommendations/actions that result from the investigation.

5-1-14. ENTRIES IN TRAINING AND PROFICIENCY RECORD (FAA FORM 3120-1)

When an employees' performance has been determined to contribute to an OE/OD, the following shall be entered into the employees' FAA Form 3120-1:

a. The causal factors as determined by the ATM shall be fully transcribed and endorsed by the employees' first-line supervisor on a separate page in Section VI. This page shall be used for any further reference to the OE/OD and shall indicate the facility's name, the OE/OD report number, and the removal date for the page.

b. Any associated training, remedial and/or skill enhancement shall be logged, in accordance with FAA Order 3120.4, without reference to the OE/OD.

c. Any associated position performance skill checks, including all follow-up performance skill checks (e.g., 30-day) shall be logged in accordance with FAA Order 3120.4, without reference to the OE.

d. Any associated recertification shall be logged, in accordance with FAA Order 3120.4, without reference to the OE.

5-1-15. DOCUMENTATION RETENTION

a. The OE/OD investigation file shall:

(1) Be retained by the reporting facility for 2 1/2 years from the date of the occurrence.

(2) Be identified by a label (maximum size 3"x5") clearly marked "OPERATIONAL ERROR" or "OPERATIONAL DEVIATION," the report number, the incident local date and time, and the local date to be destroyed.

(3) Contain, as a minimum, the original FAA Forms 7210-2 and 7210-3, signed employee personnel statements and/or any similar supporting documents, the two certified re-recordings marked "Original," and "Copy" in accordance with paragraph 5-1-5c, all supporting documentation such as the original NTAP or CDR plot in both printed format and an approved electronic media, as well as all documentation from the supervisor's training plan, performance skill-checks, and the severity index chart from AAT-20.

NOTE:

A facility may elect to store the supporting data, i.e., two certified voice re-recordings, and NTAP on a floppy disk in a separate secured place in lieu of the OE/OD investigation file.

b. Preliminary and final OE reports that are classified as low severity and/or OD reports, while retained for 2 1/2 years, shall be sanitized after 12 months so that any information, which could lead to the identification of an employee, either primary or contributory to the OE/OD, has been removed.

c. All references to a specific OE/OD shall be removed from the employees' FAA Form 3120-1 and returned to the employee 2 1/2 years after the incident. All references to a specific OE classified as a low severity and/or OD shall be removed from the employees' FAA Form 3120-1 and returned to the employee 12 months after the incident.

5-1-16. HEADQUARTERS AND AIR TRAFFIC DIVISION ROLES AND RESPONSIBILITIES

a. AAT-1 shall be responsible for establishing and maintaining an analytical and investigative element within the headquarters office of Air Traffic Evaluations and Investigations Staff, AAT-20, which shall:

- (1) Maintain a central source of OE/OD data.
- (2) Review all FAA Forms 7210-3, Final Operational Error/Deviation Report, for the purpose of identifying system wide deficiencies (e.g., human, equipment, and procedural) and based upon these reviews, initiate recommendations for corrective actions to reduce the occurrence of OE/ODs.
- (3) Distribute, on a semi-annual basis, an OE/OD Analysis Report. This report shall, as a minimum, identify trends concerning deficiencies specified in paragraph 5-1-14a and be sent to all regions and AT facilities.
- (4) Conduct periodic program evaluations to determine the effectiveness and efficiency of this program.
- (5) Maintain liaison with the regions, facilities, and other headquarters AT offices and services to provide continuity and follow-up on corrective action recommendations.
- (6) Provide policy interpretations concerning the administration of this order.

b. The ATD shall be responsible for establishing an analysis element within the ATD, which shall within 10 administrative workdays after receipt of Parts I and II of FAA Form 7210-3:

- (1) Review Parts I and II and complete Part III. Completion of Part III ends the investigation process.
- (2) Send copies of the completed FAA Form 7210-3, Parts I, II, and III and all attachments, including employee and union statements, to AAT-20 and the Planning, Information and Analysis Division, ATX-400.
- (3) Send a copy of Part III to the appropriate ATM's and other ATD's, when required, and retain the original in either paper or automated form in the regional files.
- (4) If the above cannot be completed within the 10-day time period, notify AAT-20 via telephone.
- (5) Review all requests to reclassify OE/OD's for completeness of data and to ensure their validity before coordination with AAT-20. Send the approvals in

accordance with paragraph 5-1-7, Reclassification, to AAT-20.

(6) Establish a follow-up mechanism to determine if corrective actions contained in FAA Forms 7210-3 are effective and are accomplished in a timely manner. All corrective actions shall specify a completion deadline.

(7) Provide regional assistance to facilities as required.

(8) Work closely with other ATDs when an OE/OD may involve facilities in different regions and the respective ATMs cannot concur in any phase of their investigations. If 30 administrative workdays have passed since the incident and a decision cannot be reached with the other ATDs, forward all investigative data to AAT-20 for resolution. Until a decision is reached, ensure that all recordings, data and documentation pertaining to the incident are retained.