

Human Resource Policy Manual (HRPM)

Policy Bulletin #104

Employment under the Retired Military Air Traffic Controller Program

This policy bulletin applies to: (1) non-bargaining unit employees/positions, and (2) bargaining unit employees/positions, except where the applicable collective bargaining agreement contains conflicting provisions or the subject has not been negotiated.

Policy bulletin effective date: 10/26/2018. This policy bulletin will remain in effect until cancelled by the Office of Human Resource Management.

Background information: The President signed into law the Consolidated Appropriations Act (Public Law No. 115-141) on March 23, 2018. Title 1 of the Act is the Airport and Airway Extension Act of 2018. The Airport and Airway Extension Act of 2018, Section 108-Controller Hiring, directs the amendment of title 49 United States Code § 44506(f) to include a provision that allows the Federal Aviation Administration Administrator to establish a program to provide original appointments to air traffic controller positions for certain retired military controllers.

This policy bulletin (PB) **Cancels PB #92, Grandfathering Provisions** after Cancellation of EMP-1.20a (ATS #1), Employment of Retired Military Air Traffic Controllers Program.

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1. Purpose. This policy bulletin (PB) implements the Retired Military Controller (RMC) provision of title 49 United States Code (U.S.C.) § 44506(f), as contained in the Airport and Airway Extension Act of 2018. The Federal Aviation Administration (FAA) establishes the Retired Military Air Traffic Controller Program to provide special opportunities for time-limited appointments to certain military air traffic controllers who are on terminal leave pending retirement or have retired from the military.

Use of this authority is solely at the FAA's discretion. The agency's needs determine facilities available and subsequent placements. There are no entitlements to appointments under this authority.

2. Scope. This PB applies to civilian air traffic controller (ATC) positions in FAA whose primary duties require that the employees be actively engaged in the separation and control of live air traffic, to include

the positions of immediate supervisors/managers of any employees actively engaged in the separation and control of live air traffic.

In addition, this PB covers FAA employees on current RMC appointments under PB #92, Grandfathering Provisions after Cancellation of EMP-1.20a (ATS #1), Employment of Retired Military Air Traffic Controllers Program.

3. Definitions.

a. Covered Positions: ATC positions occupied by civilian employees at an air traffic control facility or flight service station facility that:

- (1) Are actively engaged in the separation and control of live air traffic; or
- (2) Provide preflight, in-flight, or airport advisory service to aircraft operations; or
- (3) Are immediate supervisors/managers of any employees described in 3a(1) or 3a(2).

Note: In addition, Public Law 108-176 expanded the definition to include the immediate supervisors/managers of employees listed in 3a(3). This definition refers to second-level supervisors/managers. These employees, although “covered,” do **not** have a mandatory separation age.

b. Non-covered Positions: Positions **not** described in paragraph 3a.

c. Temporary Assignment: A time-limited assignment of a current FAA employee to a different position (same, lower, or higher grade level or pay band), with or without competition. This assignment type includes Promotion Not-to-Exceed (NTE), Reassignment NTE, or ATC Transfer NTE.

Note: RMCs on temporary assignments to covered positions that are **not** subject to mandatory separation (i.e., age 56 limitations), or non-covered positions, are still subject to the RMC appointment NTE date. These employees may return to their former RMC appointment, only if that RMC Appointment NTE date is later than the temporary assignment NTE date. Once returned, they are subject to separation on the RMC Appointment NTE date. See paragraph 8c regarding moves to first-time Manager, Supervisor, and Staff (MSS)-2 Operations Supervisor (OS) positions.

4. Program Eligibility Requirements. This program provides original appointments to ATC positions for individuals who:

- a.** Are on terminal leave pending retirement from active duty military service or have retired from active duty military service **within five years** of applying for the appointment; and
- b.** Have held either an air traffic certification or air traffic control facility rating according to FAA standards **within five years** of applying for the appointment.

5. Recruitment. Generally, the FAA will use external competitive vacancy announcements open to all United States (U.S.) citizens to recruit, assess, and select candidates; however, the RMC program allows for non-competitive appointment authority.

6. Maximum Entry Age. As outlined in title 49 U.S.C. § 44506(f)(3), there is no maximum entry age requirement for those individuals appointed under this program.

7. Age 56 Limitations. The NTE date for appointments and extensions must **not** exceed the last day of the month in which the RMC reaches age 56. When processing appointments and extensions for RMCs who are approaching age 56, the assigned [Human Resource Services Division \(HRSD\)](#) will ensure adherence to age 56 limitations.

- a.** Under no circumstances will RMCs receive extensions or appointments in covered positions that allow them to remain in, or be appointed to, the positions past the last day of the month that they become 56 years of age.

b. Requests for age 56 waivers are **not** applicable for RMCs since they are on time-limited appointments.

8. Type of Appointment and Extensions. Individuals who meet the eligibility requirements in paragraph 4 and receive appointments under this program will serve on time-limited appointments. RMCs already employed by FAA prior to establishment of this PB (i.e., those formerly covered by PB #92) are also on time-limited appointments.

a. Newly Hired Retired Military Controllers: Individuals receive an initial five-year time-limited appointment. The Air Traffic Organization (ATO) may request two extensions of two years each, followed by a one-year extension. Each extension request **must** include written documentation to support that it meets established criteria. ATO must submit the request and documentation to the assigned [HRSD](#). The total time served on the time-limited appointment must **not exceed 10 years**, and is still subject to Age 56 limitations as described in paragraph 7.

b. Retired Military Controllers Formerly Employed under Policy Bulletin #92: ATO may request extensions of up to one year each. Each extension request **must** include written documentation to support that it meets established criteria. ATO must submit the request and documentation to the assigned [HRSD](#). The total time served on the time-limited appointment is still subject to Age 56 limitations as described in paragraph 7.

c. Exception for Moves to First-time Manager, Supervisor, and Staff (MSS)-2 Operations Supervisor (OS) Positions:

- RMCs currently in, or who move temporarily to, first-time permanent OS positions, **after initial implementation of this policy bulletin**, may receive new NTE assignments/appointments of up to five years, with extensions of up to one year each upon request, and if established criteria is met. NTE dates **must** still adhere to Age 56 limitations.
 - This exception also applies to those RMCs selected for first-time OS positions bid with NTE dates, but containing language stating that the position may later become permanent without further competition.
- This exception does not apply to other first-time OS positions (i.e., those positions that are not permanent or not bid as “may become permanent”). These are temporary assignments, and once the assignment terminates, employees may return to former RMC appointments as follows:
 - Employees covered by paragraph 8a prior to the OS position may return to their former NTE dates, if not expired. If expired, they may return to time-limited RMC appointments of up to two years and receive extensions of up to one year each upon request and if established criteria is met. NTE dates **must** still adhere to Age 56 limitations. Total time served, excluding the OS position, is still subject to the 10-year maximum.
 - Employees covered by paragraph 8b prior to the OS position may return to their former NTE dates, if not expired. If expired, they may return to time-limited RMC appointments of up to one year and receive one-year extensions upon request and if established criteria is met. There is no total time served limit for these employees; however, NTE dates **must** still adhere to Age 56 limitations.

Note: RMC appointments, including those RMC appointments of employees on temporary assignments, end on the NTE date of the current appointment, except in the case of an approved extension. Newly hired RMCs and those formerly employed under PB #92 may be subject to release during a furlough or reduction-in-force in accordance with collective bargaining agreements or FAA policy.

9. Application or Consideration for Other Positions. If an RMC employee is converted to a permanent appointment in a non-covered position (e.g., an MSS-1 Staff Support Specialist or FV position), or a covered position not subject to mandatory separation (e.g., most MSS-3 and MSS-4 positions), or the employee separates, they are no longer an RMC. The following provisions of employment apply:

a. RMCs may apply for consideration either under vacancy announcements that include them in the area of consideration or by using a special appointing authority. Internal vacancy announcements do not specifically have to identify "RMC" in the area of consideration.

RMCs may apply and be considered for any internal vacancy announcement, unless the organizational limitations or other conditions in the area of consideration specifically exclude them. For example, RMCs can apply for any FAA-Wide, ATO-Wide, or status candidate type vacancy announcement. However, RMCs cannot be considered for a vacancy announcement restricted to a particular Line of Business or Staff Office (e.g., AHR-Wide or AVS-Wide) because they are ATO employees, and thus outside the area of consideration. This stipulation does **not** preclude RMCs from applying for other types of appointments for which they may be eligible (e.g., temporary, On-the-Spot, or All U.S. Citizens).

b. RMCs may apply for "covered" positions, to include promotions, transfers to other positions, and movement into supervisory positions. However, these employees cannot convert to permanent appointments while in covered positions that are subject to mandatory separation (e.g., an MSS-2OS). If the covered position is permanent and not subject to mandatory separation, such as an Operations Manager, the RMC may convert to a permanent appointment if selected. Once converted to a permanent appointment, the original RMC time-limited appointment terminates, and the employee is no longer considered a RMC.

c. Promotion or transfer of RMCs may take place to positions not covered by paragraph 9b, in accordance with FAA policies and procedures. When RMCs leave their covered positions to enter permanent, non-covered positions, or other covered positions that are not subject to mandatory separation, their time-limited appointments will terminate.

If they subsequently return to covered positions that are subject to mandatory separation provisions, they will receive new time-limited appointments under the RMC program, but these appointments and subsequent extensions must be in accordance with Age 56 limitations. This may prevent some employees from returning. New RMC appointments are as follows:

- Employees whose original appointments were under paragraph 8a may return to time-limited appointments of up to one year and receive extensions of up to one year each upon request and if established criteria is met. However, total time served on all RMC appointments, excluding any time served on OS positions, is still subject to the 10-year maximum, which may limit NTE dates.
- Employees formerly covered by paragraph 8b may return to time-limited appointments of up to one year and receive extensions of up to one year each upon request and if established criteria is met. There is no total time served limit for these employees; however, NTE dates may be limited due to Age 56 limitations.
- Employees whose original appointments were not under paragraph 8a or who were not formerly covered by paragraph 8b, may return to time-limited appointments of up to one year and receive extensions of up to one year each upon request and if established criteria is met. There is no total time served limit for these employees; however, NTE dates may be

limited due to Age 56 limitations. This applies to former RMCs who were originally appointed under EMP-1.20a (ATS#1), Employment of Retired Military Air Traffic Controllers Program.

10. Qualifications and Other Requirements. Candidates **must** meet all application, qualification, and position requirements, to include, but may not be limited to, successful completion and results of any required security/background investigation, medical, and drug and/or alcohol testing, prior to receiving a firm job offer and an appointment effective date. He/she **must** also be a U.S. citizen at the time of application.

11. Position Level and Setting Salary. The pay plan and occupational code/series for new appointments will be AT-2152. Pay will be set in accordance with the applicable provisions of the collective bargaining agreement based on the individual's experience and duty station; however, the position (career) level will be commensurate with the Academy Graduate (AG) level for the purposes of developmental stage training progression.

12. Training. Individuals hired under this program enter directly into the appropriate phase of field training as determined by the receiving facility. Training is in accordance with [Air Traffic Technical Training, Order JO 3120.4P](#), or current version.

13. Point of Contact. Please direct questions about this PB to your assigned [Human Resource Services Division](#).