

A.S.A.P. Aviation Safety Action Partnership

On July 1, 1998, the Transport Workers Union of America, AFL-CIO, American Airlines, and the Federal Aviation Administration implemented the Aviation Safety Action Partnership (ASAP).

The purpose of the program is to ensure that any observation by an American Airlines employee assigned to maintenance duties by American Airlines and to events occurring while acting in that capacity which highlights a potential safety concern or FAR deviation is reported as quickly as possible without fear of legal, regulatory, or disciplinary retaliation.

ASAP offers an alternative to traditional FAA legal enforcement policies and Company disciplinary action. The mechanism for providing this alternative is the Event Review Team (ERT) a three member panel composed of an aircraft maintenance representative from the Transport Workers Union, a representative of American Airlines Maintenance management, and a representative of the FAA.

In cases where an individual meets the criteria for participation and complies with the corrective action recommended by the ERT, event is closed with administrative action or no action in lieu of legal enforcement.

This program represents a significant departure from normal FAA enforcement procedures and present immunity programs. Previous to ASAP, the NASA Reporting program, [the Aviation Safety Review System (ASRS)], offered limited protection for confidential reports of FAR deviations.

However, the program had two major restrictions, (a) the employee had to file the report within ten days of the deviation, despite the fact he or she may not have become aware of the problem until long after this time frame, and, (b) the employee was provided protection against civil penalties and license suspension or revocation, but not from a legally binding finding that he or she was guilty of a violation of the FAR. Under ASAP, a report will be accepted provided it is forwarded within 24 hours of the time the employee became aware of the deviation.

If the employee's report is accepted by the ERT the matter is closed administratively without a finding of guilt in the employee's record. Participation in the program is limited to American Airlines employees assigned to maintenance duties by American Airlines and to events occurring while, acting in that capacity.

How The Program Works

1. Organizations and Oversight

ASAP presently consists of three flight safety programs established within the following departments:

- Flight
- Dispatch
- Maintenance and Engineering

The oversight responsibility for the M&E Department ASAP program lies with the AA Managing Director, M&E Quality Assurance; the FAA Principal Maintenance and Avionics Inspectors; and the TWU International Representative. This information covers only that portion of the program dealing with maintenance and engineering.

2. Event Reports

ASAP covers two sorts of reports: (1) Self-disclosure of a possible violation of the Federal Aviation Regulations or, (2) any general or specific flight safety concern. In the case of a possible violation of the FARs or any safety concern, the American Airlines employee(s) assigned to maintenance duties by American Airlines that were involved, must notify the ERT within 24 hours after the time of the event or the time the employee became aware of the possible deviation from the FARs or safety concern. All such reports are confidential and are sent in a secured manner to all representatives of the ERT. Special forms are used to make ASAP reports.

3. The Event Review Team

All event reports are reviewed by a three member Event Review Team (ERT). The ERT consists of one designated representative (with alternates), each from the FAA, American Airlines and an AMT representative of the TWU. The ERT makes all decisions regarding acceptance criteria for reports submitted by American Airlines employees who are assigned to maintenance duties by American Airlines. The ERT recommends corrective action solutions to all reported FAR deviations or other flight safety concerns. For official meeting purposes, a quorum exists when all three participating ERT members are present.

The ERT designates individuals to be responsible for coordinating ASAP investigations and corrective actions with the assistance of outside parties, if the ERT believes they would be helpful. These outside parties may include, but are not limited to, the FAA, aircraft manufacturers, the NTSB, and other airlines and employee associations.

The success of ASAP is built on the trust and cooperation of the ERT in achieving a unanimous consensus on each event that is reported. Under

ASAP, the term unanimous consensus is defined as the voluntary agreement by all three ERT representatives. A unanimous consensus means that all members support a particular decision or recommendation by the ERT. The unanimous consensus applies to the ERT decision as to whether a report is accepted into the program, as well as the corrective action recommendations arising from the event. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event and for continued program participation.

In the event a unanimous consensus is not reached, the FAA has the right to determine the appropriate enforcement action, if any, to be taken. All parties agree that a failure to reach a unanimous consensus on any event after all options have been explored shall be grounds for termination of the ASAP program.

4. Criteria for Acceptance of Reports

ASAP reports of FAR deviations for which the reporting employee may have been responsible which are accepted by the ERT will be closed administratively and cannot be the basis of FAA legal enforcement or Company discipline against the employee.

Each individual participating in ASAP must report separately and satisfy all applicable acceptance criteria as established by this Letter of Agreement and determined by the unanimous consensus of them ERT. The following criteria apply for an individual employee who reports a possible violation of FARs:

- Participation is limited to the American Airlines employee assigned to maintenance duties by American Airlines and to events occurring while acting in that capacity.
- The employee must voluntarily make initial notification of the possible FAR violation by fax as soon as possible after the event, but not more than 24 hours after the time that the employee became aware that the deviation occurred.
- The alleged FAR violation as inadvertent and not deliberate does not involve intentional disregard for safety or security.
- Applicable law does not require legal enforcement action (e.g., criminal conduct, illegal drug or alcohol use or carriage of weapons.)
- The reporting employee must comply with the corrective recommendations of the ERT, thereby demonstrating a constructive attitude toward complying with the regulations.

The ERT will determine acceptance into ASAP in accordance with the above criteria.

Reports which do not meet the ASAP acceptance criteria as described above and determined by the ERT or are excluded from ASAP by the ERT because an employee withdraws from ASAP or is unable to successfully comply with the ERT recommendations are considered to be “non-qualifying events.” The FAA may pursue an investigation of a non-qualifying event independently of ASAP. If “sufficient evidence” exists (i.e., the ASAP report is not the “sole source” of the evidence) the FAA may initiate legal enforcement. However except for instances involving criminal activity or substance abuse, no ASAP disclosure or information from an ERT investigation will be used in any future FAA proceeding against an employee.

5. Disclosure and Investigation Of Criminal Activity Or Substance Abuse

In instances of criminal activity or substance abuse, the terms of confidentiality and restrictions to legal investigation otherwise contained in this agreement do not apply.

6. None-Reporting Employees

Contingent upon the successful completion of all applicable ERT corrective action recommendations, data and information from reports and the related ERT investigation will not be used to initiate or support FAA legal enforcement investigations or Company discipline against non-reporting employees. If deemed appropriate by ERT, it may recommend actions to safety of flight concerns.

During the course of an ASAP, investigation involving a non-reporting employee within the department, the ERT may contact the non-reporting, individual to gather data and information related to the event. At that time, the non reporting employee may still participate in ASAP if it can be determined by the ERT that the individual did not know that a deviation occurred and all offer acceptance criteria are met, including the submission of an ASAP report by the non-reporting employee.

7. Relation to NASA Reporting

The National Aeronautics and Space Administration (NASA) maintains an Aviation Safety Reporting System (ASRS). This program provides immunity against fines and license revocation or suspension (but not protection from a finding that the employee was guilty of violating the FARs) provided the employee files a report to ASRS within ten days of the alleged deviation. All ASAP reports will be forwarded automatically ASRS to provide the reporting employee with whatever additional protection is available under the NASA program.

Note: The employee will receive a separate receipt from NASA along with a blank NASA report for future use.

8. Duration and Termination

The Maintenance and Engineering Department must complete an eighteen-month demonstration phase as a baseline to prove the effectiveness of the program.

In addition to the annual reports presented to the FAA (Section 2.26), an eighteen-month report will be presented to AA and the TWU. At that time, the parties will determine whether or not the demonstration program has met the desired objectives and proven successful.

Upon successful completion of the demonstration program, that department's ASAP may be established as an ongoing commitment to accident prevention.

American Airlines, the FAA or the TWU may voluntarily end the program at any time upon written notification to all parties.

The termination of the M&E's ASAP program shall not affect in any way or terminate any other department's ASAP program.

Upon termination of the M&E program, all means of reporting to ASAP for the department will be immediately disabled and all employees of the department advised.

Any ASAP report that meets the acceptance criteria and is received prior to program termination will qualify for inclusion in the program and will be subject to the terms and conditions of the Letter of Agreement.

Any ASAP report that is received after the termination of a department's program will be immediately returned without review to the reporting employees and no record shall be kept of the report.

Summary

The purpose of the ASAP program is to encourage the quick and honest flow of information from employees to the Company, the TWU and the FAA concerning potential violations of the FARs or any maintenance condition with potential safety implications. The program encourages this flow of information by freeing the employee from fear of FAA legal action or Company disciplinary action in exchange for timely and accurate reporting. The end result will be the quickest possible dissemination of all relevant safety information, a result which enhances the protection of the flying public.

This program flatly depends on the integrity of all parties to the process. If relevant information is withheld or not reported in timely fashion by employees, or an employee meeting the reporting criteria is subject to punitive action, the above process will quickly unravel. All parties understand that such a failure

will be a major step backwards for the FAA, all AA maintenance and engineering personnel, and, most significantly, the flying public.