

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL  
95<sup>TH</sup> REGULAR EXECUTIVE COUNCIL MEETING  
April 24-26, 2007

SUBJECT

Age 60

AGENDA ITEM #

AI #52

FINAL RESOLUTION

WHEREAS on January 30, 2007, FAA Administrator Marion Blakey announced that “the FAA will propose a new rule to allow pilots to fly until they are 65”, and that “(t)he rule we intend to propose will parallel the ICAO standard – either pilot or copilot may fly up to age 65 as long as the other crewmember is under 60”, and

WHEREAS, in response to the FAA Administrator’s announcement, President Prater established the ALPA Blue Ribbon Panel on Pilot Retirement (Blue Ribbon Panel) with a mission “to study the long-range effects of potential changes to the FAA Age 60 Rule and to identify issues connected to possible changes to pilot mandatory retirement age”, and

WHEREAS the Blue Ribbon Panel’s work included an evaluation of the implications associated with a possible rule change in different areas, including aviation safety; collective bargaining; the cost and structure of health care, disability, and retirement benefits; pilot training; medical standards; and scheduling rules, and

WHEREAS the Blue Ribbon Panel’s work included utilizing ALPA’s professional and pilot committee resources in the areas of air safety, government affairs, retirement and insurance, representation and collective bargaining, legal and human performance; and meeting with FAA Administrator Blakey and representatives of ALPA’s Aeromedical Office, and

WHEREAS the Blue Ribbon Panel was also asked to identify any legislative issues that would have to be addressed with a rule change, and

WHEREAS the Blue Ribbon Panel has communicated with the ALPA membership about its mission and activities, including a newsletter and web stream, and

WHEREAS the Blue Ribbon Panel coordinated with the Wilson Center to poll the ALPA membership of U.S. carriers on issues related to age 60, pilot retirement and the current efforts by the FAA and Congress to change the Age 60 Rule, and

WHEREAS the membership input initiatives also include an initial telephone survey, which was completed April 2, a web survey that is open from April 11 to May 10, and a follow-up telephone survey, and

WHEREAS the Blue Ribbon Panel presented its Preliminary Report to the Executive Council on April 24, and

WHEREAS the Preliminary Report included the following:

1. An overview of the activities of the Panel
2. Reports by the Aeromedical and Safety Working Group and the Collective Bargaining Working Group of the Blue Ribbon Panel
3. A briefing on the results of the membership poll and initial telephone survey
4. An update on the activities within the FAA to change the Age 60 Rule
5. A briefing on the legislative and Congressional history and activities regarding age 60
6. Issues identified by the Blue Ribbon Panel that should be addressed in legislation to change the Age 60 Rule, and

WHEREAS legislative efforts in the 110<sup>th</sup> Congress to change the pilot mandatory retirement age have accelerated, including the introduction of S.65 and H.R.1125 – “The Freedom to Fly Act”, and

WHEREAS the Blue Ribbon Panel concluded that the provisions in both bills do not sufficiently address ALPA’s issues with respect to a change in the mandatory retirement age, and

WHEREAS issues to be addressed in a change to the Age 60 Rule were identified by the Blue Ribbon Panel and include the following:

1. Appropriate legislative language to prevent retroactive application of a change to the Age 60 Rule, to the effect that:

“No person over 60 on the effective date may serve as a pilot (captain or first officer) for a Part 121 airline unless such person is newly hired as a pilot on or after such effective date without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier”

2. Appropriate legislative language to ensure stronger liability protection for airlines and pilot unions in implementing a change to the rule, to the effect that:

“Any action in conformance with the new regulation may not serve as a basis for liability or relief before any court or agency of the United States, or of any state or locality”

3. Ensuring that “FAA normal retirement age” language in certain DB plans would not cause a cutback in accrued benefits
4. Including the Akaka bill
5. Opposing any additional age-related diagnostic medical testing
6. Opposing any attempt by the FAA to obtain greater access to pilot medical records
7. Supporting FAA Air Surgeon Tilton’s recommendation to require a 1st Class Medical certification every six months for pilots over age 60, and

WHEREAS, based on briefings from the Blue Ribbon Panel, the Government Affairs Department and President Prater, and based on current activities at FAA and in Congress, the Executive Council believes that there is a high degree of likelihood that there will be Congressional action on the Age 60 Rule as early as this summer, and

WHEREAS while the initial polling results show that ALPA members oppose a change in the rule by a narrow majority, the poll also shows that 66% of

ALPA members want ALPA to modify its policy on Age 60 if it is evident that the FAA rule will change, and

WHEREAS ALPA's policy since 1980 has been to support the FAA's Age 60 Rule and to oppose any efforts to change the Age 60 Rule, and

WHEREAS the high degree of likelihood of a change to the Rule either via legislative or regulatory action puts ALPA in the position of taking into account the desires of 66% of our membership to influence the provisions of the legislation or regulation, and

WHEREAS ALPA should not take the risk of being unable to influence legislation, and

WHEREAS this includes influencing the terms of the legislation regarding retroactive application and liability protections to airlines and unions, and

WHEREAS ALPA should not take the risk of ceding the field to other interested parties who may advance proposals detrimental to ALPA and its members, and

WHEREAS ALPA should not compromise our ability to achieve other legislative priorities,

THEREFORE BE IT RESOLVED that the Executive Council recommends to the Executive Board that ALPA modify its policy with regard to the Age 60 Rule to enable ALPA to better influence current legislation and regulatory efforts, and

BE IT FURTHER RESOLVED that the Executive Council recommends to the Executive Board that ALPA support regulatory or legislative efforts that would modify the Age 60 Rule if such efforts incorporate ALPA's priorities in the areas of medical standards, benefit issues, no retroactive application of a change in the rule, liability protection and appropriate implementation of the Rule, and

BE IT FURTHER RESOLVED that if the Executive Board acts to modify the Age 60 policy, the President should be directed to undertake extensive communications and lobbying efforts to maximize ALPA's priorities. The communications plan should include informing the members that the decision

to modify ALPA's policy on Age 60 is to influence regulatory and legislative efforts, consistent with our members' priorities.