

Age 65: How it Works

On Thursday night President Bush signed into law the Fair Treatment of Experienced Pilots Act (H.R. 4343), which immediately raised the mandatory retirement age for pilots engaged in FAR 121 operations from 60 to 65 and incorporated the ALPA Executive Board's recommendations to protect pilots' interests affected by the change.

Now that the new retirement age is law, many questions about its implementation remain. The following list of facts will answer some of them, but only in the following weeks and months will most of the act's implications for pilots be clarified.

- Effective December 13, 2007, the date the president signed the bill, FAR 121 pilots can fly to age 65.
- The law became effective immediately upon signing by the president and supersedes the FAA Age 60 regulation (121.383c), and in fact does away with the regulation.
- Pilots over 60 flying as "required flight deck crewmembers" in FAR 121 operations (e.g., flight engineers or second officers) on the date of enactment may continue to fly. Pilots who reached age 60 before December 13 may be rehired, or hired by another carrier, but at the bottom of the seniority list.
- The law provides for an "over/under" split for international operations, as ICAO does, meaning that one pilot can be over 60 (up to 65) provided that the other pilot is under 60. That split does not apply to domestic operations.
- The law will require all 121 pilots over the age of 60 to have a first-class medical certificate renewed every six months and may require additional line and/or simulator evaluations every six months.
- Carriers must bargain over changes to collective bargaining agreements. Specifically, the law requires that any amendments to any labor agreements or benefit plans that are necessary to conform with the new law, or any regulation issued to carry out this law, must be made by agreement between the carrier and the union. In other words, the carrier may not make unilateral changes to collective bargaining agreements to implement the new pilot retirement age.
- The Act bars lawsuits or other legal proceedings for actions taken in compliance with the Age 60 Rule or the new Age 65 retirement law.