

STATEMENT

On

FLIGHT ATTENDANT DUTY AND REST LIMITS

H.R. 14

Captain Bob Miller, President

INDEPENDENT PILOTS ASSOCIATION

March 30, 1993

Mr. Chairman, the Independent Pilots Association is pleased to lend its active support to the swift passage of legislation that will set reasonable limits on flight attendant duty time. Our support is based on two fundamental factors: The critical safety role that flight attendants play in aviation, and the long-term reluctance of the Federal Aviation Administration to exercise its responsibility to adopt rules for duty time.

By way of background, IPA members fly for the United Parcel Service. We, of course, have no flight attendants to assist in the event of an in-flight emergency. There is no flight attendant aboard any one of our flights to put out a fire; no flight attendant to assist in the event of the sudden illness or incapacitation of a crew member; and no flight attendant to deploy the evacuation slide in the event of an emergency landing. In fact, Mr. Chairman, many of our aircraft do not even have evacuation slides!

Nevertheless, we are here today because it is vital for both Congress and the FAA to recognize the aviation safety depends primarily on the capabilities of human beings to do their jobs – especially under trying circumstances. Most IPA members have flown for commercial passenger carriers in the past. We know that flight attendants are often viewed by the public as flying waitresses and waiters. But their job is first and foremost one related to safety.

Opponents of H.R. 14 and other efforts to achieve reasonable limits on flight and duty time deny that safety is the issue. In the alternative, they say that there is no evidence that flight attendant fatigue has been a safety impediment. Upon this shaky foundation, they conclude that proposals such as H.R. 14 would impose unreasonable costs on a financially-

ailing U.S. airline industry. In addition, they cite the claim that H.R. 14 would prohibit a flight attendant from compressing his or her work schedule so that more time can be spent with children and other family members. And they claim that H.R. 14 prevents flight attendants from having the ability to make additional money by working more days.

Unfortunately, Mr. Chairman, the FAA has historically paid far too little attention to issues such as fatigue, circadian rhythms, sleep deprivation and other related factors in its research and development efforts. Whether you are at the wheel of a car, bus, train, ship or plane, alertness is crucial to the proper performance of one's responsibilities. Neither a pilot nor a flight attendant can carry out those responsibilities if they are impaired. It is for this reason, we suppose, that both pilots and flight attendants are subject to drug testing. We understand that public's desire to be assured that no member of a flight crew is impaired by drugs, but there is far less statistical evidence to demonstrate a need for airlines to pay for DOT's 50 percent random drug testing program than there is that fatigue impairs the ability of critical airline employees to perform their safety-related functions.

There are federal laws and regulations governing duty time for locomotive engineers, mechanics, dispatchers and others – but none for flight attendants. There is no need to repeat the testimony of other witnesses appearing before you today about FAA's total abrogation of its responsibilities to issue duty time regulations, going back to at least 1978 when it made an empty promise to act. A decade later, the FAA denied as not being in the public interest two petitions by flight attendant unions to establish reasonable work limits for their members. Does the FAA place so little value on the role of the flight attendant – and the implications of the impairment of that role on passengers – that it denies there

is a clear public interest that there be a reasonable limit on the length of a flight attendant's work day?

Such callousness is implausible. Rather, the FAA is responding to those in the airline industry whose focus is on a mistaken understanding of cost/benefit ratios. Unfortunately, we who serve in the cockpit have been victims of these same miscalculations. As pilots, we of course do operate under flight and duty time regulations. But these serve only as the outer limits of the demands an employer can make. Even more important, they are woefully inadequate. The IPA's contract with UPS imposes limitations that are more restrictive than these regulations. That does not mean that pilots are not on occasion required to work hours in excess of contract. But at least our members have the IPA to turn to when they have a grievance.

In today's deregulated airline industry, there are pilots and flight attendants who have no union contract protection. And with the attitude of some employers in the airline industry, even those with contracts find themselves subject to being overscheduled in the name of airline "flexibility." For pilots, many of the current regulations are based on an industry that existed decades ago. It is the nature of all carriers to make most of their flights, often spanning long distances with many take-offs and landings and crossing time zones. Just as flight attendants, we know what strain this can put on our bodies and on our alertness. Like flight attendants, once we complete our flight duty, we have to file reports and then make our way to a hotel, by which time we may only have six hours to report again for duty. That is simply too little time for restful sleep.

Mr. Chairman, if we as pilots can come before you and say that FAA flight and duty

regulations are inadequate, it should be obvious that flight attendants – who do not even have the vestige of flight and duty time regulations – clearly need Congress to intervene so that they and the public they serve can have the protections which they so clearly deserve. After all, the public should not have to depend solely on a trade union being in place with a contract to provide the level of safety that it expects. Instead, the public should rely on safety regulations that are reasonable and uniform.