



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

The Inspector General

Office of Inspector General
Washington, D.C. 20590

November 29, 2002

The Honorable Elaine Kaplan
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Dear Ms. Kaplan:

This is in response to your letter of March 12, 2002, that referred allegations brought by Mr. Michael Grathen and Mr. James Langteau, Air Traffic Control Specialists (ATCS), at the Willow Run Air Traffic Control Tower (ATCT), Belleville, Michigan, to the Secretary of Transportation for further investigation. Secretary Mineta delegated your request to our office for investigation and subsequent response to you.

Presented herein are the results of our investigation of the predicate allegations concerning the Willow Run ATCT. Our investigation entailed lengthy interviews of the complainants as well as management and ATCSs at Willow Run.

You referred the following allegation to the Secretary for investigation:

- Mr. Grathen and Mr. Langteau alleged that the practice of shoves has continued at Willow Run Airport subsequent to an FAA and OIG investigation into that practice¹. Mr. Grathen and Mr. Langteau alleged that this practice frequently

¹ Shoves, pushes, or early-outs are terms used within the air traffic control community to identify a practice of splitting shifts (one controller works the first part of the shift and the other controller works the second part of the shift although both are assigned to the entire shift) or leaving early, prior to the end of a scheduled shift.

leaves the Air Traffic Control Tower at Willow Run Airport dangerously understaffed or unattended. In addition, Mr. Grathen and Mr. Langteau alleged that controllers are swapping shifts with one controller assigned to a shift working by themselves one night and the other assigned controller working by themselves the following night. Further, Mr. Grathen and Mr. Langteau alleged that controllers are leaving the facility as soon as they are relieved from controller responsibilities rather than remaining until the end of their scheduled shift as required.

- Mr. Grathen and Mr. Langteau alleged that FAA supervisors at Willow Run changed the tours of duty for ATCSs in December 2001, and scheduled them to work their tours of duty alone.

Results in Brief

In brief, we did not find evidence to substantiate allegations that the practice of “shoves” was continuing at the Willow Run ATCT at the time of our investigation. Further, there was no evidence to support allegations that controllers are swapping shifts or departing the facility prior to the end of their assigned tours of duty. However, these practices have occurred in the past and could easily occur again without proper management oversight. Accordingly, we are recommending to FAA that they periodically audit the scheduling practices at Willow Run and review other management issues identified by our investigation.

Mr. Grathen and Mr. Langteau—who were interviewed separately—told us that there has been a major turn around at the Willow Run ATCT since an incident on March 16, 2002². Mr. Langteau told our office that the staffing guidelines are now being adhered to and that he and Mr. Grathen are no longer being scheduled to work alone. In addition, Mr. Grathen and Mr. Langteau told our office that since their letter to OSC in early 2002, they did not have reason to believe that the practice of shoves was continuing.

We did question the Willow Run manager’s practice of assigning controllers to shifts that overlapped with Mr. Langteau’s shift knowing that these individuals

² Mr. Langteau and Mr. Grathen, as evidence of their prior complaint regarding Willow Run staffing, notified OSC and OIG by correspondence dated March 18, 2002, that on March 16, 2002, Willow Run management scheduled an individual to work with them and subsequently allowed the individual to work on administrative matters, thus leaving the ATCT short staffed.

refused to work with him. Once assigned, these ATCSs were granted leave or were authorized to work elsewhere in the facility until Mr. Langteau's shift ended. This way, the other controllers did not have to be present in the tower with Mr. Langteau.

FAA Headquarters Air Traffic personnel told us that air traffic at Willow Run, a Level 6³, Visual Flight Rules⁴ (VFR) tower facility, can be safely managed by one person over an extended period of time. FAA officials told our office that the staffing goals for ATCSs are guidelines and making adjustments to the target goal for a given facility is not a violation of rule or regulation.⁵ Therefore, while we question management's actions—scheduling ATCSs to work with Mr. Langteau and Mr. Grathen knowing they refused to do so—due to the low level of air traffic and operating conditions at this facility, we could not substantiate that this action created a danger to public safety.

In short, our investigation did not disclose evidence that this action was a violation of law, rule, or regulation, or a substantial and specific danger to public health or safety.

Notwithstanding our conclusions, however, we did find that there remain significant management issues at Willow Run that require the continued attention of FAA management. Specifically, we found an atmosphere of distrust among the ATCSs and with Willow Run ATCT management. Accordingly, we are recommending to FAA's Air Traffic Service that they periodically visit Willow Run ATCT (e.g., in six months) to ensure that these management issues have been properly resolved.

³ Air Traffic Control facilities are given a level number based on the amount of air traffic the facility handles and the operating conditions of the tower. A level 6 facility has the second lowest rating assigned in terms of volume and complexity; level 5 being the lowest. The Willow Run Airport is a freight terminal operation with a small number of corporate jet flights and private planes.

⁴ A meteorological condition that allows pilots to control aircraft orientation and attitude using visual references (the ground and the natural horizon). Approach control functions for Willow Run are run out of Detroit Metro Airport.

⁵ Willow Run Standard Operating Procedures, Section 11-20, "Guidelines for Shift Coverage" states "On the day of any particular shift the OS/CIC can go below the guidelines for the core shift staffing. This determination shall be based on weather, traffic, service to the pilot community, etc."

Background

As you know, in early 2000, Mr. Langteau and Mr. Grathen initially contacted the Office of Special Counsel regarding allegations of reprisal against them as a result of their cooperation in investigations by the FAA's Civil Aviation Security and the OIG. These allegations stem from a chain of events beginning in September 1999, in which Mr. Paul Lore, then-Manager, Willow Run Air Traffic Control Tower, found that Mr. Langteau and Mr. Grathen were "taking shoves" and issued them a written reprimand.

Subsequent to that, Detroit's FOX 2 News aired an investigative report—prompted by a telephone call to the station from Langteau—into allegations that Air Traffic Control personnel at Willow Run were taking shoves. FOX 2's report identified two other individuals—caught on video tape—arriving for work late, or departing from work early.

Both Mr. Lore and Mr. Timothy Boggle, then-Supervisor, Willow Run ATCT, have since been removed from their positions at Willow Run. Further, it is our understanding that the Office of Special Counsel has completed their investigation concerning Mr. Langteau's allegations of reprisal and are negotiating with the FAA for settlement.

Subsequently, in early 2002, Mr. Langteau and Mr. Grathen wrote to the Office of Special Counsel alleging that: (a) the practice of taking shoves continues unabated at Willow Run, and (b) that Willow Run ATCT management altered the tours of duty in December 2001, causing Mr. Langteau and Mr. Grathen to work their shifts alone. You forwarded these additional allegations to the Secretary of Transportation—further delegated to our office for investigation—on March 12, 2002.

Detailed Results

Our investigation did not find evidence that the practice of "shoves" by Willow Run FAA Employees has continued since being brought to the attention of FAA Civil Aviation Security and OIG during 2000. We conducted extensive interviews of Mr. Grathen and Mr. Langteau who told us that they did not have any specific

knowledge of Willow Run FAA employees abusing time and attendance since the 2001 OIG investigation.

However, we did find that staffing at Willow Run caused a conflict between management and ATCSs. For example, Mr. James Schneider, Air Traffic Manager (ATM), Willow Run ATCT, told us that, on occasion, staffing had been reduced to prevent a hostile work environment. However, Mr. Schneider told our office that FAA guidelines permitted air traffic managers to determine operational commitments and make temporary staffing adjustments. Further, Mr. Schneider maintained that staffing changes similar to the ones described by Mr. Langteau and Mr. Grathen are common in a facility such as Willow Run.

Finally, Mr. Schneider told our office that the facility staffing guidelines are not hard staffing numbers in which any reduction is catastrophic to the safety of the flying public or the mission of the agency. These guideline numbers are a starting point to balance requested leave against facility operations.

In reviewing these allegations our office particularly examined the events of March 16, 2002, held forth by Mr. Langteau and Mr. Grathen—in a separate document sent to the Office of Special Counsel and our office on March 18, 2002—to support their allegations of unsafe scheduling practices of Willow Run managers. Willow Run records show that Mr. Langteau and Mr. Grathen were scheduled duty between the hours of 6:00 AM to 2:00 PM. Mr. Joseph Lewandowski, ATCS, was scheduled duty, on an overlapping shift, between the hours of 9:00 AM to 5:00 PM. And Ms. Barbara Alonzo, ATCS, was scheduled duty from 1:00 PM to 9:00 PM.

According to Mr. Grathen and Mr. Langteau, Mr. Lewandowski requested and was granted administrative duties on that day and was not available to control traffic in the tower thereby allegedly creating an unsafe condition. In addition, Mr. Grathen and Mr. Langteau told us that traffic was heavy and the D-Bright Radar display malfunctioned creating a stressful situation that could not be handled by one controller.

Mr. Schneider admitted that he scheduled Mr. Lewandowski to the tour of duty on March 16, 2002, knowing that Mr. Lewandowski was refusing to work with

Mr. Langteau⁶. Mr. Schneider told us that he then allowed Mr. Lewandowski to work administrative duties in order to prevent a possible hostile working environment in the Willow Run control facility. However, Mr. Schneider maintained that public safety was not jeopardized.

Mr. Lewandowski and Ms. Alonzo, ATCT, who were working at Willow Run ATCT on March 16, 2002, periodically relieving Mr. Langteau and Mr. Grathen during the overlap of their assigned shifts, supported Mr. Schneider's contention that public safety was not jeopardized. These controllers told us that, while the D-Bright Radar became inoperative while they were on duty in the tower, they maintained positive control of aircraft in the area and did not permit inbound aircraft into the Willow Run airspace while they were attempting to correct the problem with the radar.

According to Mr. Lewandowski and Ms. Alonzo, the eight private planes that they were working, were placed in holding patterns⁷, awaiting further instructions. This particular Saturday was not perceived by these two controllers as being any different than any other Saturday with good flying weather, except that the D-Bright Radar became inoperative. Ms. Alonzo and Mr. Lewandowski said that they were in control of the airspace around Willow Run ATCT at all times and aircraft were handled in a safe controlled manner. Accordingly they maintained that there was never a compromise to public safety.

A review of Willow Run ATC records showed that the D-Bright Radar did experience a failure of the ARTS display on March 16, 2002. The ARTS display is the image that the controller sees on the D-Bright Radar scope, when the system is operating correctly. The image that appears on the Willow Run ATCT screen is transmitted from the Detroit Metro Airport, via video link to what is referred to as a "slave-unit" at the Willow Run ATCT. The actual radar equipment is located at Detroit Metro Airport. George Petrovich, Regional NATCA union representative as well as Mr. Lewandowski and Ms. Alonzo, told our office that the D-Bright

⁶ On December 14, 2001, Mr. Lewandowski wrote a statement, which was submitted to the FAA Administrator's Hotline and to the Willow Run Air Traffic Manager, in which alleged that he had several confrontations with, and initiated by, Mr. Langteau and was afraid that Mr. Langteau would attempt some form of retribution. Therefore, Mr. Lewandowski refused to work in the tower with Mr. Langteau.

⁷ A holding pattern is a controlled flight pattern centered around a fixed location designed to maintain separation between multiple aircraft waiting clearance to land.

Radar is considered an "aid" for the controllers at Willow Run ATCT and not a necessity in order to safely "work" planes from the Willow Run ATCT.

Mr. Schneider told us that a number of factors must be evaluated in addressing allegations of compromised safety. These include controller training, controller ability, the positive control of aircraft, and customer dialog and comments/complaints must be evaluated. Mr. Schneider explained that Mr. Langteau and Mr. Grathen are trained, experienced ATCSs, each having 10 years of experience with the FAA. According to Mr. Schneider, based on the experience of Mr. Langteau and Mr. Grathen, the weather conditions, and the amount of traffic, a danger to public safety was never created by the changes in schedule or by allowing Mr. Lewandowski to work administrative duties on March 16, 2002. Mr. Schneider asserted that, although additional resources may be limited from a reduction of staffing, safety is not compromised as long as one controller remains in control of the airspace and movement area.

Finally, we asked Tony Ferrante, Manager, Investigations Division, Air Traffic Service (ATS), FAA, Washington, DC, to review the events of March 16, 2002, to determine if there was a compromise to public safety. The ATS Investigation Division is the organization within FAA Headquarters responsible for investigating air traffic control operations and incidents, such as operational errors and runway incursions. According to Mr. Ferrante, there was an average volume of traffic at Willow Run on March 16, 2002, and visibility was clear. Mr. Ferrante said that there were no traffic delays or reduction in service on March 16, 2002, and no evidence that a hazardous situation was created. Further, Mr. Ferrante told our office that it is normal practice for one controller to combine all of the traffic control positions during an average day at Willow Run tower and that this practice does not compromise safety.

Accordingly, we concluded that, while their actions did not compromise public safety, there remain significant management issues at Willow Run ATCT that require continual FAA headquarters management attention. Therefore, we are recommending that personnel from ATS Headquarters visit the Willow Run ATCT periodically (e.g., in six months) to ensure that these management problems have been appropriately resolved, and that appropriate safeguards are in place to ensure the practice of shoves does not recur.

Based on our findings, we do not anticipate further investigative action in this matter. If I can answer any questions or be of further assistance, please feel free to call me at (202) 366-1959, or my Deputy, Todd J. Zinser, at (202) 366-6767.

Sincerely,

A handwritten signature in cursive script that reads "Todd J. Zinser". The signature is written in dark ink and is positioned above the typed name.

Kenneth M. Mead
Inspector General