



January 16, 2023

23-05

## ***Negotiators' Notepad 23-05: Section 12 – Hours of Service***

*This Negotiators' Notepad will discuss the details of various changes to Section 12 of the PWA in the Tentative Agreement (TA). This Notepad should be read in conjunction with the entire series of C2019 Notepads which will be made available at the [Contract 2019 website](#), along with the [TA Reference document](#), as you educate yourself in preparation to make an informed decision when the membership ratification window opens.*

**Section 12** of the PWA covers some of the most important protections to pilots' quality of life. It includes protections on the length of duty periods, the length of layovers and breaks in duty, back side of the clock restrictions, as well as other important duty day provisions and pay triggers.

*Note: Many items in this section will require programming changes to the Company's computer systems prior to implementation. Please see the **MOU 23-01: Deferred Implementation** for details on specific dates that the items in this section become effective.*

### ***Redeye Flight Segment Defined***

The new agreement defines a "red-eye flight segment" as an "eastbound un-augmented flight segment that intrudes upon a pilot's WOCL, or touches 0200-0359 as the aircraft flies through the air".

Along with this definition, important new restrictions on red-eye flying have been put into place:

- A pilot will not be scheduled for a deadhead and/or flight segment prior to operating a red-eye flight segment within the same FDP.
- Provision does not apply to:
  - a red-eye flight segment which does not intrude the WOCL, only if the pilot has **not** had a break in duty outside their base/acclimated time.
    - **Example:** *Once a LAX 737 pilot has a layover outside the pacific time zone, they may not be scheduled for a "red-eye" flight with a flight segment or deadhead prior to the red-eye segment.*
  - an FDP that contains a charter.

### ***Improved WOCL Scheduling Restrictions***

- **Section 12 P.** now prohibits a pilot from being scheduled or rerouted into any flight segment after a flight segment that intruded the WOCL.

### **Shortened Duty Period Limits**

Long duty days on un-augmented fleets have been a common complaint. Multiple improvements have been established to further mitigate the long duty day threat.

- Maximum scheduled or rerouted duty period for un-augmented operations will now be the lesser of **12 D. 1.** limits *or 13 hours*. The current scheduled maximum is 13:30. This is a return to a more restrictive industrial duty day that was common pre-FAR 117.
- Deadhead segments that operate after the last non-deadhead flight segment now count towards FDP calculation under **Section 12 D. 1.** These segments were previously excluded, and their inclusion will drive a reduction in the maximum allowable duty period, in some cases by a significant amount.
- The calculation under **Section 12 D. 4. b.** (deadhead-only duty periods) has been aligned with that under **Section 12 D. 4. a.**, and has become considerably more restrictive. The **12 D. 4. b. Exception** for FRMS operations remains unchanged.
- Non-transoceanic duty periods including any Reserve Availability Period (RAP) will be further restricted to not exceed 17 hours. This improvement underscores that RAP periods affect fatigue during any duty period, and FAR117 is far too lenient when a duty period starts with a RAP.

### **FDP Extension Refusal**

*The language from MOU 20-02 has been incorporated into the PWA (Section 24 AA.). To summarize:*

- Any FDP extension is **purely voluntary** on the part of the pilot
- Any FDP extension refusal will be exempt from FRB process
- Pilot does not have to submit an FFDR

### **Rotation Construction**

Rotation construction has been a source of consistent feedback, especially in narrowbody categories. Rotation construction improvements have been negotiated as follows:

- Trip Mix:
  - Each bid period, for non-ocean crossing rotations operated on a narrowbody aircraft or B757/7ER,
    - the total number of one-day and two-day rotations in the bid package in each category, collectively, will be no less than 15% of the total number of non-ocean crossing rotations available to bid.
      - Exception: This provision does not apply to:
        - categories in which the staffing formula requires fewer than 140 pilots in the bid period
        - the A220 & B-717 categories
    - the total number of five-day rotations in the bid package in each category will be no more than 20% of the total number of non-ocean crossing rotations available to bid in such category.
    - These trip mix requirements do not apply to the June, July and August bid periods.

- ***These provisions will come into effect for the September 2023 bid period***
- Domestic rotations (in bid packages) can no longer be scheduled for consecutive layovers that are less than 12 hours.
- Non-trans-oceanic minimum break increased to 10 hours scheduled, 9:15 actual.

Along with the above structural rotation improvements, which place hard limits on certain rotation features, an effort was also made to drive improved rotation construction with the use of additional pay when certain undesirable conditions are met. With this in mind, the following improvement to the Section 12 pay treatments will be implemented:

#### ***Improvement to the “ADG Carveout”***

Under the current PWA, a pilot will not receive ADG for the last day of a trip if released between 0000 and 0159. Under this agreement, a pilot on a rotation that releases between 0000 and 0159, for any reason, will be paid an additional 2:00 pay/no credit above all other pay due on the rotation. If a rotation releases after 0159, the pay treatment will continue to transition to a full ADG, pay & credit as it does today.

***Example:*** A 3-day rotation pays 15:45 pay/credit and releases on the last day at 2200. Due to late operations, the pilot is released at 00:30. A pilot would receive 15:45 pay & credit, along with 2:00 pay, no credit. If the release on the same rotation was delayed to 02:15, the pilot would receive 21:00 pay/credit (15:45 pay/credit plus an additional 5:15 pay/credit).

*Note: In addition to the above example, if any of the above scenarios were as originally scheduled, the pilot would also be entitled to the above pay treatment.*

#### ***“Sit Pay”***

- A “sit” is now defined as the time spent within a duty period between segments from block-in to block out
- At DOS, a pilot will receive 1 minute pay/no credit for every 2 minutes of “sit” in excess of 3 hours.
- Starting on January 1, 2024, a pilot will receive 1 minute pay/no credit for every 2 minutes of “sit” in excess of 2 hours
- “Sit Pay” will be paid in addition to all other forms of pay due.

***Example:*** After January 1, 2024, a duty period has a 3:30 hour “sit.” The time over 2 hours is 1:30, and applying the sit pay formula, provides 0:45 of sit pay. If the rotation paid 15:45 pay/credit, the total pay would be 16:30, 15:45 of pay/credit and :45 of pay/no credit.

#### ***“Extended Duty Period Pay”***

In addition to capping the un-augmented duty day to 13:00 hours, the following pay treatment will apply:

- For un-augmented duty periods that extend beyond 10 hours, a pilot will receive 1:00 pay, no credit (in addition to all other pay) for every 1:00 of duty time.
- Such pay will be calculated on the greater of scheduled or actual duty time, prorated on a minute-by-minute basis, for each duty period.

- This extended duty period pay is in addition to all other forms of pay due.

**Example:**

	A Day	B Day	C Day
Scheduled Block	6:00	4:00	4:00
Duty Period	10:00	11:00	7:00
Duty Period Credit	5:00	5:00	3:30
Extended Duty Period Pay	0:00	1:00	0:00

Assuming no other guarantees (duty period credit, rotation credit, etc.) this rotation would pay/credit 15:45 due to the ADG. Because of the extended duty period on the “B” day, an additional 1:00 of pay/no credit would be paid to the pilots on this rotation, for a total of 16:45.

**“Minimum Calendar Day” (MCD)**

Another common complaint with rotation construction has been unproductive idle days which contain no duty. In an attempt to secure pay and/or drive improved rotation construction, the following will be implemented:

- Rotations not including ocean crossing segments will have a minimum calendar day of 2:30 pay/credit or the pilot’s flight time, whichever greater.
  - *Example: A pilot has a 4-day rotation as follows:*
    - Day 1: 7:00 block time
    - Day 2: 7:00 block time
    - Day 3: 0 (“30-hour” layover)
    - Day 4: 7:00 block time

*Currently this rotation would pay 21:00. With the MCD provision, this trip would now pay 23:30 due to MCD adding 2:30 pay/credit to Day 3.*

**Additional Rotation Construction Examples:**

The above pay principles work in conjunction to disincentivize poor rotation construction. Below are examples as to how they interact with each other to drive rotation pay. The examples below are domestic rotations with no ocean crossing segments.

**Combination Example #1:**

Rotation Report: 1200                      Release: 1630

	A Day	B Day	C Day
Scheduled Block (Min calendar day)	7:00	0:00 (2:30)	7:00
Duty Period	12:00	0:00	11:30
Extended Duty Period Pay	2:00	0:00	1:30
Sit Pay	0:45		

This rotation features two long duty days, along with an extended sit on the first day, and a 30+ layover on “B Day.” Under the current **Section 12**, pay for rotations are based on a number of “greatest of” calculations, which in this case, would be based on the ADG, or 15:45.

Under the new agreement, the minimum calendar day acts as a minimum of block time on a daily basis. Thus, the “block” time would now collectively pay 16:30, which would become the “greatest of” for pay purposes.

The “extended duty period pay” and the “sit pay” are “pay/no credit” (*meaning in addition to all other forms of pay*) thus in addition to the 16:30 due to the block time/MCD, this rotation would pay an additional 2:00 for the extended duty period on “A Day”, 1:30 for the extended duty period on “C Day”, and 0:45 for the extended “sit” on “A Day”. The rotation would now pay 16:30 pay/credit (and for the purpose of line construction), but also an additional 4:15 pay/no credit above all other pay, for a total of 20:45. While the new rules don’t prevent this type of rotation construction, it does place a significant monetary disincentive for constructing rotations in this fashion.

**Combination Example #2**

Rotation Report: 1100

Scheduled Release: 2330 on “B Day”  
Actual Release: 0030 on “C Day”

	A Day	B Day	C Day
Scheduled Block Min Calendar Day	6:00	2:00 (0:30)	0:00 (2:30)
Duty Period	11:00	3:30	
Extended Duty Period Pay	1:00	0:00	
Sit Pay	1:00	0:00	
“ADG Carveout”			2:00

This example is a 2-day rotation, with a long duty period on the first day which includes a 4-hour "sit", and one leg with a late report on the second day.

Under the current **Section 12**, this rotation would pay 10:30 pay/credit due to ADG.

Under the new agreement, **as originally constructed**, the rotation would provide 10:30 pay/credit, along with 1:00 pay/no credit due to the extended duty period pay, and an additional 1:00 pay/no credit due to the "sit" pay, for a total of 12:30.

However, **due to late operations**, the actual release is pushed into the next calendar day ("C Day"). Due to this, 2:00 pay/no credit is added to the rotation pay, along with an additional 2:30 pay and credit which is considered for "C Day" due to the min calendar day. As a result of this, the rotation now pays 11:00 pay/credit, and an additional 4:00 pay/no credit, for a total of 15:00.

### **Conclusion**

*Please take the time to read the entire series of Notepads that will be provided to you, attend one of the road shows. Your local council representatives will be available in lounges to make sure all your questions are answered. In addition, please review the latest information and FAQ's at [dal.alpa.org](http://dal.alpa.org), or submit questions to [DeltaTAQuestions@alpa.org](mailto:DeltaTAQuestions@alpa.org).*

Fly Safe,  
Eric, Brandon, and Rich