

Fatigue Calls/ Extension Non Acceptance- Shared Experiences

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POI Briefing on Flight Duty Period Extension Reporting

Presented to: **ALPA**
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Date: **11/02 – 11/03/16**



**Federal Aviation
Administration**



Purposes of an FDP Extension

- **Provide the certificate holder with minimal flexibility to extend a flightcrew member's maximum applicable FDP limit due to experiencing an unforeseen operational circumstance.**
- **May be applied to unaugmented (Part 117 Table B) or augmented (Part 117 Table C) flightcrew operations.**



Types of Extensions

- **Pre-Takeoff**



- **Post-Takeoff**



Pre-Takeoff Extension

- May only be applied *prior* to a flight segment takeoff
- Maximum length of two hours beyond the maximum applicable FDP limit
- The certificate holder must submit a report if the extension is 31 minutes or greater
- If the extension is 31 minutes or greater, the flightcrew must receive §117.25(b) rest prior to conducting another extension
- If the FAA determines the circumstances surrounding the need for the extension were within the certificate holder's control, the certificate holder must develop and implement the corrective actions within 30 days of the extension



Post-Takeoff Extension

- The PIC and the certificate holder may extend maximum applicable FDP limits to the extent necessary to safely land the aircraft at the next destination airport or alternate airport.
- An extension of 31 minutes or greater may occur only once prior to receiving a rest period described in §117.25(b).
- An extension taken may exceed the cumulative FDP limits specified in §117.23(c).
- Each certificate holder must report to the FAA within 10 days any FDP that either exceeded the cumulative FDP limits in §117.23(c), or exceeded the maximum applicable FDP limits by more than 30 minutes.
- The report must contain a description of the circumstances surrounding the affected FDP extension.



What must first occur before any FDP extension may be applied?

- **The certificate holder must have incurred an unforeseen operational circumstance; and**
- **The certificate holder must receive pilot-in-command (PIC) concurrence to extend the maximum applicable FDP limit.**



PIC Concurrence

- PIC concurrence is required for **all** FDP extensions regardless of the length or type of the extension.
- The responsibility for determining whether an FDP needs to be extended rests jointly with the PIC and the certificate holder.



What is the purpose of the PIC Concurrency?

- Operational and regulatory check to determine the crew can accept an FDP extension (See [Amaya legal interpretation](#)) under the given conditions
- Ensuring that the crew received the required §117.25(b) rest before accepting the extension
- Ensuring that the crew will not exceed the cumulative limits of §117.23 (Pre-Takeoff only)
- Ensuring that one party is not taking excessive action over another party, and that proper considerations are factored into the decision-making
- It is NOT a fitness for duty check. Fitness for duty is addressed under §117.5(d)



Who is responsible for determining that an unforeseen operational circumstances has occurred?

- The certificate holder



Who is responsible for determining whether the unforeseen operational circumstances were within the certificate holder's control?

- The FAA (the POI)



Unforeseen Operational Circumstances

- **Unforeseen operational circumstances means an unplanned event of insufficient duration to allow for adjustments to schedules, including:**
 - unforecast weather,
 - equipment malfunction, or
 - air traffic delay that is not reasonably expected



Unforeseen Operational Circumstances, *continued*

- **Two-part test for unforeseen operational circumstance:**
 - First, there needs to be an unplanned event (of the types mentioned above) that has actually occurred to cause a delay.
 - Second, the unplanned event must be of insufficient duration to allow for adjustments to schedules.
- **The question of whether an unplanned event has occurred and whether it was long enough to allow for an adjustment to schedules is a fact-specific determination.**
- **Thus, the importance of the certificate holder submitting a detailed report outlining the circumstances surrounding the FDP extension cannot be overstated.**



Are FDP extension reports subject to Freedom of Information Act (FOIA) requests?

- Yes

FOIA REQUEST	
ATTACH THIS FORM TO ALL FOIA CASES AND COMPLETE ALL APPROPRIATE PORTIONS AS CASE IS WORKED. WHEN CASE IS COMPLETED, DETACH FOIA FORM AND FOWARD TO BRANCH HEADQUARTERS.	
COMPLETE IN MAILROOM	
SUBJECT'S NAME:	DATE REQUEST ACKNOWLEDGED:
COMPLETE IN REFERENCE SERVICE BRANCH	
COMPLEXITY: SIMPLE COMPLEX	DATE RECEIVED:
SUBJECT OF REQUEST (example: copy of SF-50):	
ASSIGNED TO:	DATE COMPLETED:
DETERMINATION: GRANT DENIAL	
IF DENIED, EXPLAIN WHY:	
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION	
NA FORM 13028 (REV. 03-03)	



Numbers to work with:

- 31 minutes (the point in an FDP extension where a report becomes required)
- 2 hours (the maximum pre-takeoff FDP extension)
- 10 days (the deadline for filing a report after an extension)
- 30 days (the deadline for making changes to fix a situation where the unforeseen circumstances were under the certificate holder's control)



Frequently Asked Questions

- **What is the definition of an Unforeseen Operational Circumstance?** See [Garciglia](#) (2014), [Wykoff ALPAI-2](#) (2015), and [Yu - SWAPA](#) (2015) legal interpretations.
- **Are a Fitness-For-Duty affirmation and a PIC Concurrence one in the same?** See the [Schnaubelt](#) (2016) legal interpretation.
- **When reporting for a FDP, does the flightcrew assigned to the FDP state they will be fit for duty for the FDP plus a 2-hour extension?** See the [McFadden](#) (2014) and [Schnaubelt](#) (2016) interps.



Frequently Asked Questions

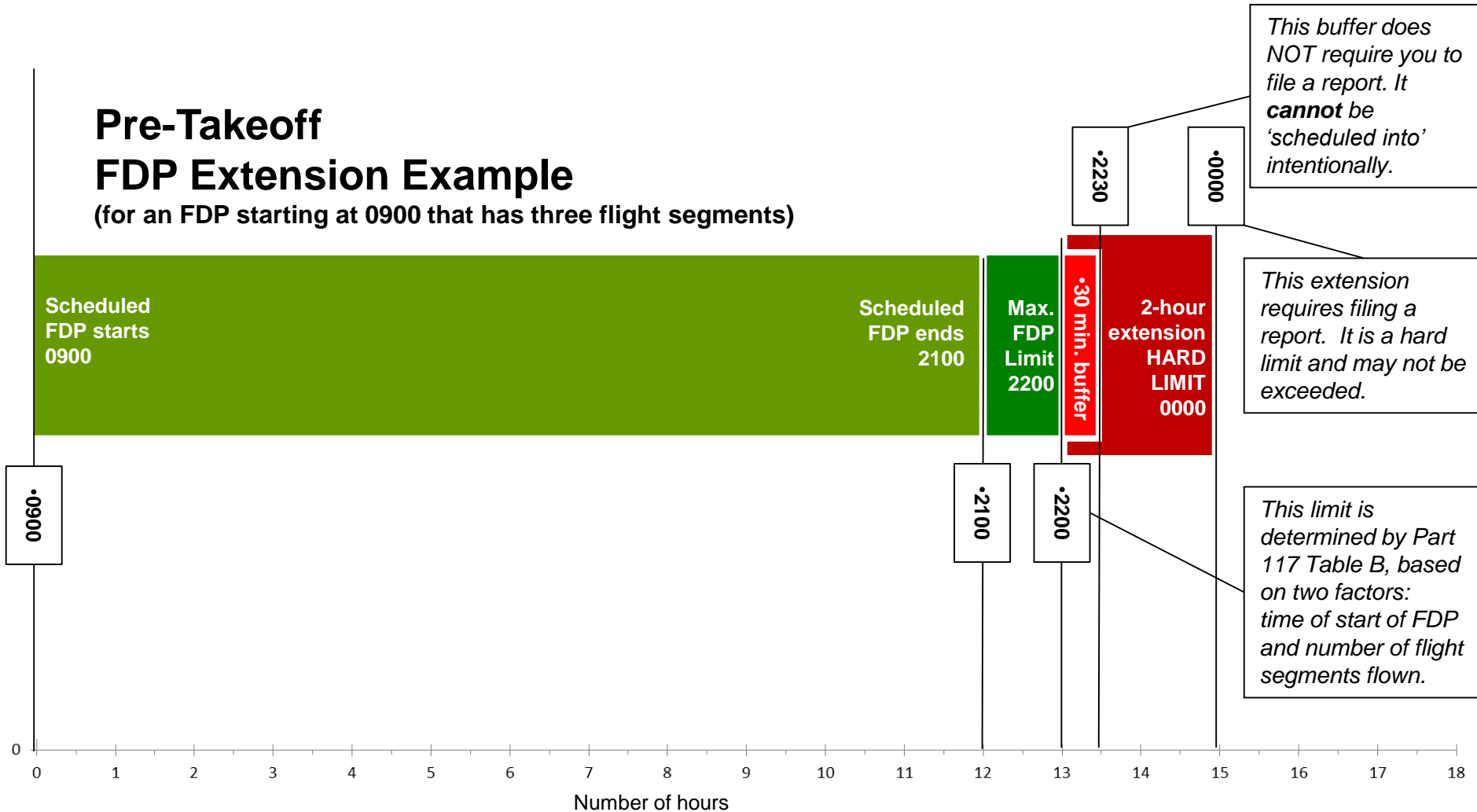
- **If the PIC provides his/her concurrence to extend the FDP but the SIC does not feel he/she will be fit to conduct the extension, what course of action must the SIC take to not extend his/her FDP?**
- **If a carrier schedules three aircraft for daily maintenance and one of the aircraft is delayed out of maintenance is this an unforeseen operational circumstance?**
- **A crew is scheduled for three segments during the FDP and the first segment is delayed by one hour resulting in a need to extend the FDP, at what point during the FDP must the extension be applied?**



FDP extension, illustrated

Pre-Takeoff FDP Extension Example

(for an FDP starting at 0900 that has three flight segments)

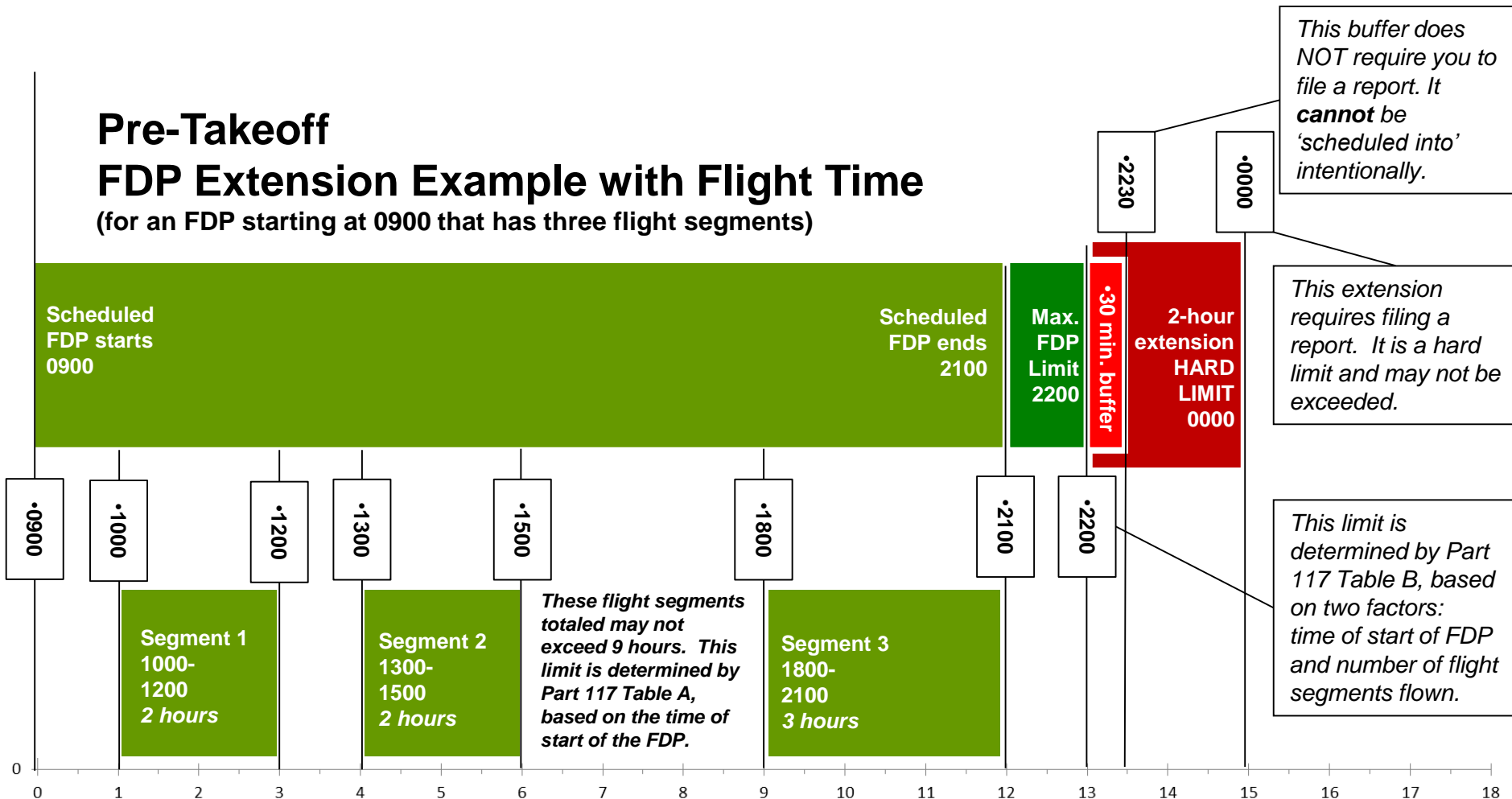


FDP extension with FT, illustrated

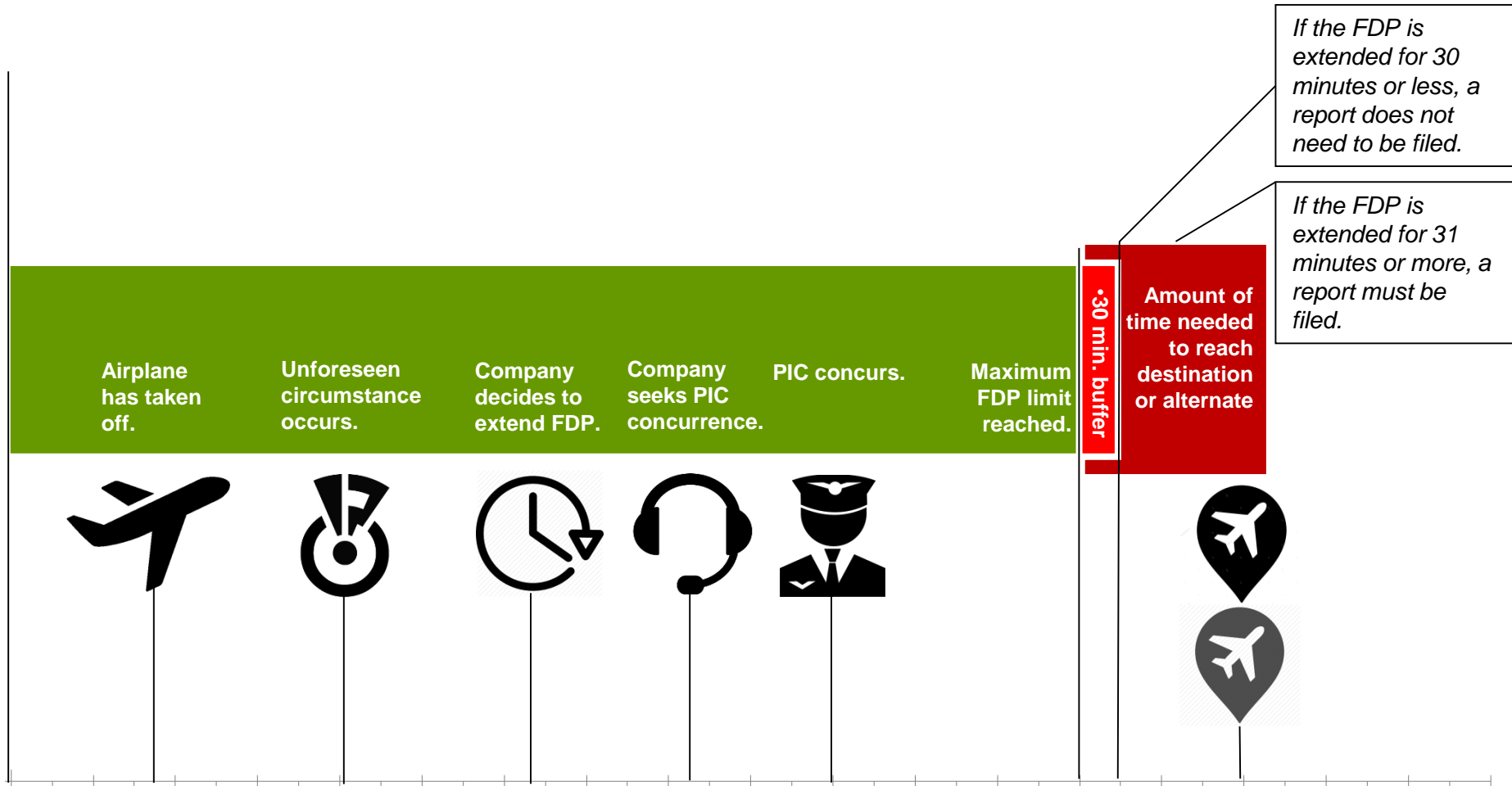
Pre-Takeoff

FDP Extension Example with Flight Time

(for an FDP starting at 0900 that has three flight segments)



Post-Take Off FDP extension, illustrated





FLIGHT TIME/DUTY TIME SEMINAR

Fatigue Management:
The Evolution of Part 117

Fatigue Calls/Extension Non-Acceptance Shared Experiences

► Fatigue Calls

- Is it really fatigue or unfit for Duty?
- Does company distinguish between both?
- What % of fatigue calls are legitimate vs "questionable"?
- Does your company attendance reliability policy discourage legitimate fatigue calls?

Fatigue Calls/Extension Non-Acceptance Shared Experiences

► Extension Required

- Are both parties, Crew Member(s) & Company aware of extension requirement?
- Active communication between crew members required?
- It's OK to agree to an extension that's less than 2 hours.

Fatigue Calls/Extension Non-Acceptance Shared Experiences

► Extension Non-Acceptance

- Advance solicitations of Extension?
- Not Fit for Duty?
- Fatigue?
- Those who accept the 2 hr. extension when they shouldn't vs those who decline the 5 minute extension when they could easily complete the flight?