Mr. John E. Plowman
President, Transport Workers Union of America
1201 Airport Freeway, Suite 386
Euless, Texas 76040-4171

Dear Mr. Plowman:
I am writing in response to your letter dated September 9, 2002, requesting a clarification of who may perform competency checks for dispatchers at a Title 14, Code of Federal Regulation (14 CFR) part 121 air carrier. You specifically asked whether individuals who administer dispatcher competence checks have to receive competency checks themselves. You allege at some carriers, the managers, who administer competency checks, neither work as dispatchers nor have they received competence checks themselves for over ten years. You further ask whether the alleged practices are legal under Federal Aviation Administration (FAA) regulations or whether there is guidance provided in FAA Order 8400.10.

The [relevant] regulation on point is 14 CFR § 121.422(b), which states in pertinent part:

> Initial and transition ground training for aircraft dispatchers must include a competence check given by an appropriate supervisor or ground instructor that demonstrates knowledge and ability with the subjects set forth in paragraph (a) of this section.

The requirements for "ground instructor" are defined at 14 CFR Part 61, subpart I. Neither "appropriate supervisor" nor "appropriate ground instructor" are defined in the regulations. The FAA construes both terms to mean individuals who are competent and current in aircraft dispatch operations. For instance, a flight attendant supervisor or maintenance ground instructor would not be considered "appropriate" individuals to conduct competence checks of aircraft dispatchers in the view of the FAA. FAA Order 8400.10 provides guidance for aviation safety inspectors (ASI) on how the FAA construes its rules. Order 8400.10 contains relevant guidance:

> Domestic and flag operators shall also establish and maintain a program to train and qualify aircraft dispatcher supervisors....When these ground instructors

> are chosen by their employers to conduct competency checks for aircraft dispatchers and flight attendants, they are termed air transportation supervisors, as defined in this handbook. To qualify, these supervisors must (themselves) complete the appropriate training curriculum and the required competency check. To maintain qualification, supervisors must complete the required recurrent training curriculum.

The above-quoted material is instructive on how the FAA construes the phrase "...appropriate supervisor or ground instructor..." in section 121.422(b). An air carrier that actually uses a person to administer a dispatcher competency check when that person has not completed initial and recurrent training [i.e. recently- not 10 years ago] would not be an "appropriate" supervisor or ground instructor.

This response was prepared by Naveen Rao, Attorney; it was reviewed by Joseph A. Conte, Manager, Operations and Air Traffic Law Branch. This response has been coordinated with the Air Transportation Division of the Flight Standards Service, AFS-200.
Sincerely,

Donald P. Byrne
Assistant Chief Counsel for Regulations