U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUL -8 2014

Michael Phelan
PPA Global Energy Inc.
1812 Sunny Slope Lane
St. Paul, Minnesota 55116

Dear Mr. Phelan:

This letter responds to your April 28, 2014 e-mail concerning the application of the rest requirement in 14 CFR §117.25(a). Specifically, you asked whether a company policy that directs pilots "to sign in to a company workspace…to review their company calendar for flying assignments during their personal or 'day off time'" would be considered an assignment to "duty" for purposes of part 117.

Section 117.25(a) prohibits a certificate holder from assigning, and a flightcrew member from accepting, an "assignment to any reserve or duty with the certificate holder during any required rest period." The term "duty" is defined for purposes of part 117 as meaning "*any task* that a flightcrew member performs as required by the certificate holder, including but not limited to flight duty period, flight duty, pre- and post-flight duties, *administrative work*, training, deadhead transportation, aircraft positioning on the ground, aircraft loading, and aircraft servicing." 14 CFR §117.3 (emphasis added). In addition, the term "rest period" is defined as "a continuous period determined prospectively during which the flightcrew member is free from all restraint by the certificate holder, including freedom from present responsibility for work should the occasion arise." *Id.*

In a legal interpretation issued on May 13, 2014, we addressed a similar issue regarding whether a pilot may be "contractually obligated [by an air carrier] to check [his/her] schedule and acknowledge a reserve assignment" during a rest period. *See* Legal Interpretation from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation, and Regulations, to Captain John McFadden (May 13, 2014). As we indicated therein, when the obligation arises for a pilot to check a schedule and acknowledge a reserve assignment, "that pilot ceases to be free from all restraint by the certificate holder at that time." *Id.* We noted further that "a requirement to check a schedule or acknowledge a trip assignment is duty and not rest even when the requirement is imposed by a collective bargaining agreement." *Id.*; *see also* Clarification of Flight, Duty, and Rest Requirements, 78 Fed. Reg. 14166, 14168 (Mar. 5, 2013).

We therefore reiterate these previous findings in response to your inquiry. Requiring a pilot to check a company calendar for flying assignments is a task that is assigned by the certificate holder and thus constitutes duty for purposes of part 117. *See* §117.3.

Accordingly, under §117.25(a), a certificate holder must not require a pilot to check his/her schedule during a required rest period.

This response was prepared by Bonnie C. Dragotto, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation and Regulations, AGC-200