Federal Aviation Administration

Memorandum

Date: MAR 17 2015

To: John Duncan, Director, Flight Standards Service, AFS-1

From: Mark W. Bury, Assistant Chief Counsel for Regulations, AGC-200

Prepared by: Dean E. Griffith, Attorney, AGC-220

Subject: Aircraft Dispatcher Duty Time

This memorandum is in response to your request for interpretation of section 121.465 of Title 14, Code of Federal Regulations. In your request you asked three questions pertaining to the aircraft dispatcher duty time limitations found in that section.

First, you asked whether section 121.465(b)(1) requires a part 121 certificate holder to consider training events and familiarization flights as dispatcher duty time. You also asked whether time spent conducting other duties (such as ATC manager, training person, or route coordinator) on behalf of a part 121 certificate holder would also be considered duty. The answer to both questions is yes.

The dispatcher duty time limitations are structured to allow a regular duty day of no more than 10 consecutive hours of duty, with provisions for additional duty within a consecutive 24-hour period. The duty time limitations also state when dispatchers must be relieved from all duty with the certificate holder, and contain an option for flag operators. *See* 14 C.F.R. § 121.465. These regulations establish that, in the case of a regular 10 hour duty period, a dispatcher will be off duty for 14 hours between duty periods, or will get at least 8 hours of rest between duty periods if scheduled to work more than 10 hours in a consecutive 24-hour period. 14 C.F.R. §§ 121.465(b)(1)-(2). A purpose behind these regulations is to ensure that dispatchers have adequate time to rest between duty periods. *See,e.g.*, Legal Interpretation to Mr. Paul Supko, from Donald P. Byrne, Assistant Chief Counsel Regulations and Enforcement Division (Mar. 28, 1991) (stating fatigue can impact a dispatcher's ability to safely carry out assigned duties).

The dispatcher duty-time regulations generally provide for duty free periods. The regulations only specifically mention a "rest period" for dispatchers scheduled for more than 10 hours of duty in a consecutive 24-hour period. So the question remains of whether familiarization flights and training assigned to a dispatcher by a certificate holder would be considered duty or would be permissible activities that could be assigned during a time that a dispatcher is not on duty and is not in a rest period.

The Agency has consistently interpreted the word "duty," with respect to part 121 and 135 flight and duty time limitations, to mean "actual work for a certificate holder, or the present responsibility for work should the situation arise." *See* Legal Interpretation to Captain Scott M. Ewing, from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation, and Regulations (Jan. 13, 2014). Moreover, the FAA has stated that academic training for flightcrew members is work assigned by a certificate holder is duty. *Id.* Given that the Agency is similarly concerned with dispatcher fatigue as it is with the fatigue of other people involved with the flight, we see no reason why this concept would not apply to dispatchers. Accordingly, training and familiarization flights assigned by a certificate holder to a dispatcher would be considered duty under section 121.465.

The broad definition of duty also applies to duties assigned to a dispatcher other than training or familiarization flights. Therefore, dispatchers assigned to the activities such as the ones you mention in your question, above, would count time spent performing those activities as duty.

Finally, you ask if a certificate holder authorized to conduct only supplemental operations uses a "dispatch system" for operational control, are dispatchers now required to comply with section 121.465 duty and rest requirements.

The provisions of subpart P of part 121, aircraft dispatcher qualifications and duty time, apply to dispatchers for certificate holders conducting domestic and flag operations. 14 C.F.R. § 121.461(a). Therefore, dispatchers used in supplemental operations only are not required to comply with duty time limitations in section 121.465. The fact that such a certificate holder uses a "dispatch system" and states so in its operations specifications would not, by itself, create an obligation to comply with the aircraft dispatcher duty time limitations of section 121.465.

Please contact Dean Griffith with any questions about this memorandum.