

Appendix 10: NPS Pilot Evaluation Board

Scope

An NPS Pilot Evaluation Board (PEB) is a fact-finding proceeding convened after concerns have been raised directly related to a pilot or a pilot trainee's aviation-assigned duties. The outcome of a PEB may result in one of three recommendations:

1. No Corrective Action Required
2. Corrective Action Required
 - a. These recommendations must be directly related to the pilot's assigned aviation duties based on the preponderance of the evidence presented. The final report and recommendation should consider the pilot's credentials, experience, basic flying skills, and the potential for a pilot to benefit from additional training.
3. Revocation of the pilot's NPS Flight Authority Letter and request DOI OAS to revoke the DOI Pilot Qualification Card.
 - a. Revocation of a pilot's credentials is a serious matter and should be reserved for only the most egregious infractions.

The purpose of these proceedings is to ensure that National Park Service pilots are appropriately evaluated when there are questions regarding their fitness for duty and to protect the safety of all park employees. The PEB is not in and of itself an administrative investigation that will result in action being taken under [370 DM 752](#). However, the outcome of a PEB may be used as supporting information to justify further administrative actions.

The determination to convene a PEB will be made by the National Aviation Manager (NAM) or their designee serving in their capacity after being presented with facts that may result in the potential suspension or revocation of the pilot's NPS Flight Authority Letter and/or DOI Pilot Qualification card.

Procedures for Determining the Need for a Pilot Evaluation Board

Concerns related to a pilot's performance or conduct directly related to their aviation-assigned duties shall be routed through the Regional Aviation Manager (RAM) to the NAM to make a determination whether a PEB is warranted. If the NAM is unavailable, a designee will serve in their capacity. In the event the RAM is the subject of the proceeding or may have a lack of impartiality the NAM may appoint an alternate individual to gather the initial facts. The pilot and their supervisor of record shall be notified when a fact-finding procedure has been initiated.

Gathering the Facts – Regional Aviation Manager (RAM) Duties. See Chapter 1.6.15.

When concerns arise regarding a pilot's performance or conduct directly related to a pilot's aviation-assigned duties, the RAM shall, to the extent possible, gather the following information:

- Description of incident(s) or event(s)
- Involved parties
- Dates and times
- Supporting documentation or any other relevant information

Upon gathering the initial facts, the RAM shall send the NAM all the gathered information organized in a chronological manner. If the NAM determines there is a need for additional information, the RAM will gather the additional information as soon as practicable.

Making the Determination to Convene a Pilot Evaluation Board – National Aviation Manager (NAM) Duties. See Chapter 1.6.9.

Within 30 calendar days of receiving the record of facts, it is the NAM's responsibility to determine which course of action should be taken.

- If the NAM determines the record of facts does not rise to a level necessitating a PEB, the results of the fact-finding will be returned to the RAM to be disseminated to the pilot and the supervisor of record.
 - In cases where the NAM determines that the pilot's actions do not warrant convening a PEB but do suggest that a pilot needs performance improvement the RAM in consultation with the pilot's supervisor will develop a corrective action plan to improve the pilot's proficiency in their aviation duties.
 - In cases where the NAM determines that the pilot's actions do not warrant convening a PEB but do suggest that a pilot's behavior needs corrective action related conduct (unrelated to their aviation-assigned duties), the results of the initial fact-finding will be turned over to the pilot's supervisor for further administrative action.
- If the NAM determines that the initial fact-finding warrants convening a PEB, the NAM shall in the most expeditious manner:
 - Notify the pilot and their supervisor of record that a PEB will be initiated as soon as practical. This notification shall include the reason(s) for convening the PEB, including a brief outline of the allegation(s).
 - Suspend the pilot's NPS Flight Authority Letter, per RM-60.
 - Suspend an NPS Instructor Pilot authorization per RM-60 if the pilot is so authorized.
 - Notify the appropriate OAS Regional Director and request a suspension of the pilot's DOI Pilot Qualification Card.
 - Designate a Chair of the PEB and its members.

Pilot Evaluation Board – Board Members

The PEB shall be composed of an odd number of voting members, a minimum of three, charged with evaluating the facts and writing a final report including a final recommendation. The membership shall be comprised of the following:

- At least two currently qualified Department of the Interior pilots, one of whom will be an NPS employee.
- One NPS line officer at the GS-14 level or above. The line officer should have experience managing a complex aviation program or have extensive experience conducting administrative investigations.

The PEB membership shall not have any first-hand knowledge of facts prior to the PEB being convened. The members must be able to provide a fair and impartial evaluation.

Pilot Evaluation Board – Participants

The PEB shall be staffed by a stenographer who will be tasked with creating a transcript of the proceedings (Proceedings will be audio recorded so the stenographer can create an accurate transcription).

The PEB may be staffed by an NPS Employee Labor Relations Specialist. The Employee Labor Relations Specialist will serve as an advisor to the Chair.

At the request of the Chair, the PEB may seek the advice and counsel of subject matter or technical experts and consultants. These participants may not discuss the PEB's proceedings or deliberations with anyone other than the PEB members, the pilot, and their representative if applicable.

A pilot's testimony in the PEB is voluntary. However, refusal to testify in connection with these proceedings will not prevent the PEB from issuing a report.

Pilots may be represented by an individual of their choosing or by legal representation at their own expense. A pilot, upon notification that a PEB will be convened, must designate their representative in writing to the Chair at least 7 calendar days prior to the initial PEB meeting. The NPS through the Chair of the PEB may disallow the participation of a pilot's representative if the selected individual is a Department or Bureau employee whose participation may create or be seen as a conflict of interest.

Pilot Evaluation Board – Duties of the National Aviation Manager

The NAM shall:

- Work with the Chair to establish a location for the proceeding
- Ensure all costs associated with the PEB are covered by the pilot's home unit
- Transmit all documentation to the Chair used to convene PEB
- Provide written direction to the Chair outlining the scope of the proceeding
- Review the PEB Checklist outlined at the end of this appendix with the Chair and board
- Discuss the timeline with the Chair and board for completing the fact-finding and evaluation outlined in [Appendix 2 Annual Aviation Program Report and Assurance Statement](#)
- Upon receipt of the final report from the PEB share the final report and all supporting documentation with the pilot as soon as practicable

- Allow the pilot 10 calendar days to submit a written rebuttal before making a final decision
- Make final written decision either:
 - Sustaining the PEB's recommendation
 - Not – Sustaining the PEB's recommendation
- If a decision is made to retain the pilot, determine what corrective actions are necessary to remediate the pilot

This written decision will be completed within 30 calendar days after receipt of the PEB's final report; or 30 calendar days after receiving the pilot's written rebuttal.

Once the NAM has finalized their decision and corrective action plan, in consultation with the NPS Regional Director, all reports and supporting documentation will be provided to the pilot and the pilot's supervisor of record. A record of the proceeding and the final report will be retained at the National Aviation Office. A copy of reports and supporting documentation will also be provided to the Director, OAS, to be included in the official DOI pilot file.

Pilot Evaluation Board – Duties of Chair

The Chair shall:

- Within 30 calendar days of being appointed, sets the initial meeting date and location for the Pilot Evaluation Board
- Provide the record of facts to the board members and pilot
- Accommodate reasonable requests from the pilot for information relative to the case, and evaluate requests for working group delays.
- Conduct the evaluation in an orderly manner
- Ensure that the pilot is allowed to represent their case.
- Ensure that findings of the Pilot Evaluation Board are factual and supported by evidence
- Consult with and bring in subject matter experts, technical experts and consultants
- Upon completion of the PEB proceedings, shall submit within 30 calendar days a written report and a final recommendation to the NAM

Pilot Evaluation Board – Duties of the Board

The board members shall:

- Review all documents presented to them by the Chair
- Maintain their impartiality by not conducting their own investigation or fact finding
- Keep an open mind regarding the facts as they are presented during the PEB proceedings
- Assist the Chair with drafting the final written report including the final recommendation
- Maintain the confidentiality of the proceedings before, during and after the PEB.

Pilot Evaluation Board – Responsibilities of the Pilot

The pilot shall:

- Cooperate fully and honestly from initial fact finding through the final recommendation
- Provide all requests for records and documentation
- Notify the Chair at least 7 calendar days before proceedings if a representative will be present.

The pilot may:

- Present written and/or oral testimony
- Submit additional documentary evidence and witness affidavits
- Submit a written rebuttal in response to the PEB's final report and recommendation. This written rebuttal shall be submitted within 10 calendar days of receiving the final report from the PEB. The pilot's written rebuttal shall be submitted to the NAM and will be included as part of the official record.

The pilot may not:

- Cross examine or question any witness of the proceedings

Pilot Evaluation Board – Responsibilities of the Pilot's Representative (if applicable)

The pilot's representative may:

- Participate as an observer and an advisor to the pilot
- Present a written and/or oral reply on behalf of the pilot
- Submit documentary evidence witness affidavits

The pilot's representative may not:

- Cross examine or question any witness of the proceedings

Pilot Evaluation Board – Final Report and Recommendation

Any deliberations regarding the final report and recommendation shall be made in a closed session.

After considering all the evidence and testimony the PEB shall make one of the following three recommendations:

1. No Corrective Action Required
2. Corrective Action Required
3. Revocation of the pilot’s NPS Flight Authority Letter and request DOI OAS to revoke the DOI Pilot Qualification Card

Appeals Process:

If the pilot disagrees with the decision by the NAM and Regional Director, the pilot shall have 10 calendar days to submit a written appeal to the Associate Director for Visitor and Resource Protection.

The Associate Director for Visitor and Resource Protection shall make a final decision within 30 calendar days after receipt of the appeal.

NPS Pilot Evaluation Board Checklist

Responsible Party	Action	Date Completed	Notes
NAM	Notifies pilot and supervisor of Pilot Evaluation Board (PEB)		
RAM	Assembles documentation for working group		
NAM	Selects board members		
NAM	Appoints & briefs Chair		
NAM	Provides Chair checklist and timeline for completion		
NAM	Issues Letter of Delegation to Chair		
CHAIR	Sends letter-notifying pilot of PEB		
NAM	Transmits record of facts and all documentation to Chair		
CHAIR	Identifies date/location to convene board		
CHAIR/RAM	Reserves secure conference room with appropriate IT support		
CHAIR	Confirms availability of pilot with supervisor		
CHAIR	Arranges for an NPS Employee Labor Relations Specialist		
CHAIR	Arranges for stenographer and audio recording of proceedings. Internal deliberations are not recorded		
CHAIR/NAM/ RAM	Identifies aviation technical experts		
CHAIR/NAM/ RAM	Identifies additional technical experts		
CHAIR/NAM	Conducts pre- PEB briefing with pilot supervisor and pilot representative		
CHAIR	Approves pilot's representative		
CHAIR	Evaluates requests from pilot		
CHAIR	Schedules interviews and conducts proceedings		
CHAIR	Finalizes recommendation report, and minority report (if applicable) within 30 days of completion of PEB proceedings		

NPS Pilot Evaluation Board Timeline

1. Issue awareness, Fact Gathering, -Notification to Pilot and Supervisor Immediately
 2. Record of Facts presented to NAM – 30 calendar days to determine course of action.
 3. NAM determines PEB Warranted – Regional Director, Supt, Pilot Supervisor and pilot notified immediately.
 4. NAM suspends NPS Pilot LOA, IP LOA and notifies OAS immediately.
 5. NAM initiates PEB as soon as practical.
 6. Board members selected, Chair is designated, - Chair has 30 calendar days to set initial meeting date and location.
 7. Chair establishes meeting date – Pilot has seven calendar days prior to inform who their representative will be.
 8. Review Board completes proceedings – Chair has 30 calendar days to complete and submit a written report.
 9. NAM shares written report with pilot- ASAP.
 10. Pilot rebuttal if so chooses -10 calendar days from receipt of board report.
 11. NAM/NPS RD final decision and corrective action plan- within 30 calendar days after receipt of board report or 30 calendar days after receipt of pilot rebuttal.
 12. Pilot Appeal to Chief, DFAM- Within 10 calendar days of receipt of final decision.
 13. Chief, DFAM Appeal Decision- within 30 calendar days of receipt of appeal.
- Transmittal to OAS Director. No time frame.