



PROCEDURES FOR ADDRESSING QUALIFICATION ISSUES FOR NON-COMPLIANT AUXILIARY AVIATORS

***NOTE:** This document is designed as a job aid for those responsible for Auxiliary aviation units. It neither creates nor removes any current policy or procedure for AUXAIR, but is intended to provide guidance to those existing policies that may otherwise be found in a number of different documents and Commandant Instructions.*

Ref:

- a. USCG Auxiliary Manual, M16790.1 (series)
- b. USCG Auxiliary Operations Policy Manual, M16798.3 (series)
- c. USCG Auxiliary Aviation Policy, M16798.1

INTRODUCTION

Auxiliary Aviation is administered at the District level and is organized into groups (Squadrons) that serve a particular Air Station. This is a unique concept within the Auxiliary, in part because this organization is parallel to and separate from the traditional Auxiliary structure, and in part because aviation operations are inherently different from other types of Auxiliary operations.

As the aviation program has matured, procedures have been developed to help maintain standards that are of benefit to all members and which encourage the highest possible levels of operational performance. There are times when procedural and operational issues arise that need to be addressed by the Auxiliary chain of leadership and management. A number of these have to do with flight crew that are not operating to standard or who are non-compliant with normal operational procedures. Such issues are not unique to aviation in the Auxiliary, but the mechanisms for addressing them are, of necessity, slightly different than those that are typically addressed at a Flotilla or Division level. These mechanisms are already built in to Coast Guard and Auxiliary policy, but are not necessarily immediately apparent to staff and elected officers.

The guidance contained herein therefore has the following goals:

- Detail the formal mechanisms for addressing issues affecting safety of flight or mission performance brought to the Aviation leadership.
- Describe the mechanisms for enforcing the safety, operating standards, and practices of Auxiliary Aviation.
- Provide standardization in handling aviation issues.
- Ensure compliance with the framework for action that maintains the individual Auxiliarist's rights to be heard and to refute allegations made against them.

To ensure that all members are treated in a fair, equitable, and standardized manner, the appropriate Auxiliary policy manuals and COMTDINSTs were reviewed in order to develop the following guidance. This guidance addresses the processes involved in making a determination of the need for a formal investigation, and any subsequent investigation.

BACKGROUND

The National and District aviation staff are required to deal with Flight Crew performance issues including non-compliance with regulations and procedures, or those which compromise safety of flight. Allegations against Auxiliarists on these matters may fall into two separate and distinct categories:

1. Aviation-specific issues, such as those involving flight procedures, standards, knowledge and/or skills,
2. General issues, such as adherence to general Auxiliary policies and standards or Coast Guard core values.

Where an allegation is made involving Auxiliary aviation activities, the District Flight Safety Board provides a key resource for subject matter expertise and investigative ability. The Aviation Program Instruction, M16798.1 (ref. c), incorporated into the Auxiliary Operations Policy Manual as Annex H, directs that the Flight Examining Board has the following duties:

“The Flight Examining Board will be **responsible for ensuring adherence to standard operating procedures**; evaluation of the aircrew training program; providing upgrade, requalification, and refresher training; and enhancing professional knowledge of pilots observers. **The Flight Examining Board will monitor/review changes in pilot/observer status and act as the first level in the review process for aircrew appeals of mandated changes in status.** The senior member of the Flight Examining Board will be a member of the District Aviation Board and will report directly to its senior member (DSO-AV).”

(Emphasis added)

Any member can, at any time, bring a concern regarding any Auxiliarist to the attention of the Auxiliary leadership. In general, the Auxiliarist’s concern is referred to the lowest possible level of elected officer for investigation (usually the FC). However, in the case of an operational program, the concern may be expressed to a staff officer in that program. Staff officers, in accordance with reference (b), have program responsibilities:

“Division and District Staff officers, under the supervision of their unit elected and appointed leaders, have functional oversight and supervisory authority for Auxiliary operations taking place within their respective programs. “

In addition;

“Auxiliary Staff officers and unit elected and appointed leaders have the responsibility and obligation to ensure Auxiliarists participating in the operations program comply with all appropriate directives.”

The AUXMAN encourages members to make all efforts to resolve issues locally and even informally. However, when necessary, all Auxiliary personnel have the unquestioned right to request a formal investigation.

Since Auxiliary aviation crosses both Flotilla and Division lines, the lowest level of elected officer to which issues should be addressed is the District Commodore (DCO). That is the person who meets the AUXMAN definition of the “senior elected leader at the lowest level capable of handling the complaint.” Thus, if any member of the aviation staff is made aware of an issue of non-compliance that is deemed to be credible, that staff member should forward it through the chain of aviation leadership to the attention of the DCO so that the appropriate investigation may be initiated. The issue may be flight-related, such as a perceived incapacity in some flight activities, or non flight-related, such as inattention to proper procedures and protocols.

PROCEDURES

FLIGHT-RELATED

In the case of the first category – those involving flight-related matters, the DCO should refer the matter to his district’s Flight Examining Board (FEB) for investigation. Following this request the Senior Flight Examiner (FE) should appoint one to three members from the FEB to conduct an initial investigation, supervise the process, review the findings, and make recommendations for action for response to the DCO. As with any other situation in which an Auxiliarist’s conduct or actions is investigated, the Auxiliarist in question must be given the opportunity to address those who are investigating and to present whatever information he/she believes is important for the investigators to know in their defense. That information should be considered along with any and all other information in making their findings for reporting to the Senior FE. The Senior FE will then forward the committee’s findings, along with his recommendations, to the DCO. The DCO and the DIRAUX together will then make their decision as to what action, if any, is taken.

A distinction must be made between a situation that is determined to be one of knowledge and/or skills, vice one of attitude or willful non-compliance. In the first instance the Senior FE is encouraged to recommend additional training in areas relevant to the situation. Such recommendation may also include a re-check by an FE after the additional training, in order to ensure that the identified deficiency has been corrected. Additional training and/or re-checks in and of themselves do NOT constitute disciplinary action, but rather are considered

to be simply addressing a need for additional knowledge and/or performance improvement. Nothing should be recorded in the member's record referring in any way to discipline or correction. It is contemplated that the majority of flight-related matters referred to the FEB would be handled in this manner.

NON FLIGHT-RELATED

In the second instance, when the findings indicate a problem with attitude, and/or willful non-compliance with known standards and procedures, the matter should be referred back to the DCO (along with a recommendation) to be handled as a general disciplinary action. The AUXMAN's procedures in Chapter 3 have useful guidance in handling those situations. In this case, the DCO is highly encouraged to use the DSO-AV or the Senior FE as a resource and subject matter expert in his investigative and decision-making process.

It is important to note that DFSO should NOT be involved in a situation that is determined to be disciplinary in nature. This is to preserve the separation between disciplinary and safety-related matters – and to reserve the DFSO's involvement for only safety-related matters. The DFSO may choose to proceed with a concurrent but separate safety investigation, the sole purpose of which would be to generate trend data and to capture relevant lessons learned, thus preserving and capitalizing on meaningful training opportunities for our aviators. However, none of the information gathered in such a safety investigation may be used in any administrative decision-making.

SAFETY OF FLIGHT CONCERNS

In any instance where safety of flight is in question, the DSO-AV may wish to recommend to the Order Issuing Authority (OIA) that they temporarily suspend the flight privileges of a pilot, aircrew, or observer on a non-prejudicial basis until the investigation is complete. In this situation, the DSO-AV is encouraged to consult with his DFSO and with the active duty AuxLO and/or Flight Safety Officer of the relevant Air Station. As the OIA, the Air Station commander (along with his staff members such as the AuxLO and FSO) bears the responsibility for the Auxiliary's operations and thus also retains the final authority to proffer or withhold orders for any particular pilot and/or flight operation. Although the OIA may seek guidance and input from the Auxiliary Aviation leadership, the OIA's authority to issue or withhold orders is unquestionable.