

Paid to Say 'No'

There is no **cookie-cutter solution** to saying “no,” but here are a few paths leading to **where you want to go.**

BY **JAMES ALBRIGHT**
james@code7700.com

The pilot breed has in it the primal instinct to attempt every assigned task, no matter the odds of success. Like many of our innate urges, this proclivity must be kept in check because in an airplane, acting on it can be deadly.

Airline pilots certainly feel this pressure, but at higher risk are those corporate pilots flying for a small number of regular passengers. Be they the business owners, senior executives or even a private family, familiarity with one's passengers places a pilot at increased risk. No matter how safety conscious or understanding the passengers may be, the pilot feels pressure to fulfill every expectation of those in back.

There is an old saying among business aviation pilots: “You don't pay me to say ‘Yes,’ you pay me to say ‘No.’” Saying “Yes” is easy; it is what the passengers want to hear. It takes real courage to look at the person who controls your fate and say “No.” Unfortunately, there is no easy process for attaining the necessary skills needed to say the latter and survive. Consider the following case studies; each a true story with a lesson in the art of saying “No.”

Low visibility takeoff

Case Study: Transfer Ownership

It was a quiet winter's day in Vancouver, British Columbia, and even more so at Vancouver International Airport (CYVR), which was shrouded in dense fog. Alan had already given the company CEO a heads up, "You might as well sleep in; the fog has everyone grounded. I don't think we can hope for enough visibility until 9 a.m. at the earliest." The CEO, anxious to get home to Indiana, showed up early anyway and sat with his staff on the airplane, waiting. After the visibility lifted to 600 ft. RVR the sound of aircraft engines could be heard across the ramp. "At last!" the staff cheered.

"I'm sorry," Alan said to his passengers, "the airport will only permit air carriers to take off with this 600-ft. visibility. We need at least 2,600 ft." The staff returned to their seats, dejected, but the CEO stood his ground.

"So, you are telling me that if we were at home in Indianapolis," he asked, "we could go?"

"Yes," Alan agreed.

"Well we are a U.S. airplane," the CEO said. "Let's go."

Alan explained that not only could he lose his license for doing so, but the company would risk a ban from Canadian airports, where many of their best customers were based. The restriction was clearly printed on the Jeppesen airfield diagram and came directly from Transport Canada. The CEO agreed they had no choice. Fortunately, the fog lifted in another hour and they made it home just a few hours late.

TAKE-OFF & DEPARTURE PROCEDURE			
For departure procedure see Vancouver SID			
Rwys 08L/R, 26L/R		Rwys 13, 31	
Authorized Air Carriers		All Other Aircraft	
HIRL & CL & RCLM	HIRL or CL or RCLM		
TDZ RVR 6	HIRL RVR 12 or 1/4	RVR 26 or 1/2	1/2
Rollout or Mid RVR 6			

Vancouver International Airport takeoff minimums, from Jeppesen Airways Manual, page CYVR 10-9A, Aug. 14, 2015

It isn't clear if the CEO really intended his "let's go" directive as an order to his pilot, but many pilots could have interpreted it that way. It may be that the CEO was testing the pilot, to see how firm he was in his convictions. Alan handled the situation well, calmly explaining the restriction was coming from the host country and ignoring it could have implications on the company's business. He effectively transferred ownership of the word "No" to a higher power, the host nation's government.

Pressure on pilots can take many forms and come from many sources — an impatient senior executive or a staff member, an aircraft owner or family member. A management company protecting its monthly fee may push a pilot to go just to keep the owner happy, redefining the flight operations manual as "guidelines" in the doing. If it's a live charter, then thousands, if not tens or hundreds of thousands of dollars are on the line. Pressure can even come from your fellow crewmembers, pilots and cabin attendants with "previous engagements" to attend. Sometimes the push comes in small doses and as each "No" becomes a "Yes," the push gets stronger.

Case Study: Delay and Redirect

As a young student pilot dreaming of flying jets, Ben had always considered command of a Learjet as signaling one's transformation into a true aviator. After years in the trenches he got his dream



MITCHELL HAUGHSEE

Learjet taking off from Addison, Texas (KADS)

job flying for a private owner who used his Lear to fly friends and family members to one vacation spot after another. Within a year Ben found himself on a first-name basis with the owner and many of his passengers. In another year he realized another dream when he was made the chief pilot, running the two-pilot flight department. Right after his promotion, a new friend of the owner started spending more and more time leaning into the cockpit, revealing that he, too, was a pilot.

"What's it like flying a jet?" he asked. "Does she land like my Archer?" And finally, a not-so-wistful, "I sure would like a chance to fly her!"

At first the boss dropped a few subtle hints, but after Ben politely said he couldn't allow an untrained pilot to land the Learjet the request became an order. Ben asked for a little time and hashed it over with his co-captain and they both agreed it would be foolish to put a pilot with nothing larger than a PA-28 in his logbook in a front seat for landing.

The pilots considered their own paths to flying a jet and realized an hour in a full-motion simulator might be enough to satisfy the request; it certainly couldn't hurt. FlightSafety International offered a program tailor-made for executives who want to see what it is like flying a business jet and the passenger-pilot readily agreed to the hour in the box. Ben asked the simulator instructor to "be nice," but also to tie in many of the flight events with discussions about Learjet 35 mishaps just to drive home the fact that not every airplane flies like a PA-28.

The boss's favorite passenger was thrilled, and humbled, by the experience. "I think I'll pass on flying the real thing," he told the owner. "It really takes some skill to fly a Learjet! I really respect your pilots. Ben knows what he's doing."

Our case study pilot did a good job of delaying his answer and coming up with an alternative that diffused the situation. He also took the precaution of letting his co-captain understand the issues. The owner could have easily made the request to the second pilot and Ben could have very quickly found himself demoted or out of a job. Sometimes the art of saying "No" requires that the person receiving the message believes the person sending the message is sincere.

Case Study: Prioritize

Chris spent a few years flying for a regional airline with a poor safety record and learned firsthand what happens when corners are cut. He was on the ramp when another of his company's aircraft started engines before getting the "all clear" signal from the ground crew. A mechanic was vacuumed into one of the Boeing 737's engines



The vacuum cleaner mounted on the right side of a Gulfstream 450

and lost most of his right arm. Luckily, he survived. But Chris vowed to never cut corners.

Years later, Chris was one of three pilots in a small flight department flying Gulfstreams in the northeastern U.S. for a private company with a CEO who was habitually in a rush and usually late to the airplane. One day, the CEO called with the orders, "Have the right engine started by the time I get there., I want to be off the ground ASAP!"

"We don't do that," Chris explained. "That engine is like a big vacuum cleaner out there and we don't run an engine when there are any people anywhere near it." The CEO protested that the engine was unlikely to lift a person off the ground at idle power. "It doesn't have to, all it takes is one loose piece of clothing to cause millions of dollars of damage."

The CEO, while unhappy, let the subject drop. Chris mentioned the incident to each of his fellow pilots and each agreed to give the same answer. A year later another Gulfstream crashed at the same airport, killing all on board. "They rushed through their safety procedures," the CEO explained to her staff. "I can tell you that our guys never do that," she said proudly. "That's why we hire only the best pilots."

Chris was wise to use the phrase "We don't" as opposed to "We can't." While the latter refusal hints there is room to give, the former says the speaker feels so strongly about it that there



Two Challengers

is no room for negotiation. Placing the value of the engine as well as the safety of each passenger above the need to hurry telegraphed the necessary message. But this was a case where saying "No" only cost the passenger a minute or two. What about for a case where "Yes" has already been given and has become the normal operating procedure?

Case Study: Play the Safety Card

Devon was a 20-year U.S. Air Force pilot turned corporate captain flying for a leading technology firm in Houston. While he never thought of himself as a rigid, "by the book" authoritarian, he had always tried to obey the letter and the spirit of the regulations. That's why he was shocked to find out his first civilian flight department was routinely flying 16- to 18-hr. duty days in a Bombardier Challenger 604 from Torino, Italy, back to Houston.

"Well, we used to come home from London in a day," the dispatcher explained, "and that was no problem. Then we got an office in Munich and that put us right at our duty day limits if the winds cooperated. Then we started doing that all the time, no matter the winds. So, Torino is only an extra hour. None of the pilots before you have ever complained."

Devon flew the trip, thinking it best to show his "can do" attitude to his fellow pilots. If the other seven pilots could do it, he reasoned, there was no reason he shouldn't. On the day of the long trip back he felt himself nod off somewhere over the Midwest U.S. His head jerked back and startled him back to consciousness. He looked to his left to see the captain sound asleep.

"I agree with you," the chief pilot said when he brought the matter up at the next safety meeting. "But we've been doing this for a year now. If we tell the company we can no longer do it, they are going to wonder if we've been doing something unsafe all this time."

After some soul searching Devon decided it was worth losing his job rather than risk his license and his passengers' safety over something so easily controlled. He let his boss know he would be looking for another job but was willing to stick around as long as needed for any trips that didn't violate company duty rest policies. The chief pilot was shocked, especially when he heard from two more pilots moved to take the same stand. He had no choice but to start scheduling crew swaps for the long duty days. To his surprise, nobody at the company headquarters objected.

We often paint ourselves into corners not realizing that the door is actually right behind us. In our duty day example, the company was unaware of any problems and the use of a crew swap en route was hardly noticed. Of course things could have gone very differently for Devon. As the previous case studies show, there are other techniques available before throwing down the safety card.

Case Study: The Clean Slate

Eddie was unhappy to see his name on the schedule for a trip to Hilton Head Island Airport (KHXD) in South Carolina. He knew the company's CEO was an avid golfer and that the rest of his flight department quietly agreed to start operations on the 4,300-ft.-long runway. Company rules said their Challenger 604 was restricted from landing with anything less than 5,000 ft., but the chief pilot had waived that. At first the waiver was heavily considered, required optimal weather and a very senior crew. Now, Eddie realized, any crew could be assigned the dreaded trip.

"I can't run a flight department with special rules for certain captains," the chief pilot said. "Either you can fly every trip or you can't fly any." The chief pilot reluctantly took Eddie off the trip and was greeted with a sea of complaints from the other pilots. As it turned



HHGOLFVACATIONS.COM

Hilton Head Island Airport (courtesy of hhgolfvacations.com)

out, every line pilot thought the runway was too short. “What am I supposed to do?” the chief pilot wondered.

Coincidentally, the flight department underwent an independent safety audit and was presented with a very complimentary draft report. “I didn’t write you up for this,” the auditor said behind closed doors to the chief pilot, “but your guys are really unhappy about the Hilton Head situation. I really can’t blame them; that runway is too short for a Challenger. You might consider going to Savannah instead.”

“Could you write us up, please?” the chief pilot said. “You would be doing us a favor.”

The auditor immediately recognized the chief pilot’s plan and agreed. The flight department started flying to Savannah International Airport (KSAV) for the CEO’s golf trips. “We are always looking to improve,” the chief pilot told the CEO. “Our recent safety audit revealed we are operating at the highest levels of safety with one exception and we agreed to tackle that exception head on. The risks associated with landing on such a short runway are too high.” The CEO only shrugged and said, “OK. I just want to be safe.”

Just as individuals can become complacent and vulnerable to the “we’ve always done it that way” syndrome, so too can organizations lose focus on what really matters. There are natural opportunities to look at processes from the bottom up, such as after a change in leadership or a large turnover of pilots. Even without these events, however, opportunities can be invented. Each Safety Management System (SMS) audit presents such an opportunity every few years. Flight departments can also run internal audits. Each of these events presents an opportunity to reverse an earlier regretted “yes” into a wiser “no.”

Strategies for ‘In the Moment’

The process of saying “No” to some superior in what the military calls the “chain of command” can be treacherous, even as a civilian. The result can be an increased respect for your integrity, courage and abilities as an aviator. But you may also find yourself unemployed. There is no cookie-cutter solution, but there are a few paths leading to where you want to go.

Transfer ownership. If you can cite a law, regulation or operations manual entry that forbids the intended action, you can

effectively transfer ownership of the word “No.” Then it is not a matter of your refusal, but submission to a higher power. Be very careful to emphasize your agreement with the law or rule.

In our low visibility example, commercial operators were allowed lower takeoff visibility minimums because the government exercises tighter control on commercial pilot training. Accordingly, you might explain, “We train to the same standards because we believe in them, but we aren’t required to demonstrate them in a check ride every six months.”

For another example, let’s say you consider yourself grounded at a single-runway airport with an unexpectedly strong crosswind. If your Aircraft Flight Manual limits you to 24 kt., you say you are grounded because the crosswind exceeds the airplane’s demonstrated limit. And so you can quite rightly note, “Bombardier says the conditions exceed the airplane’s capability and I can only trust their judgment on this; they built the airplane, after all.”

Delay and redirect. If you are surprised by a request, a polite response that you will “think about it” can help delay your eventual denial. “It might be OK,” you could say, “but many things in aviation can be complicated and I want to make sure I’m not overlooking anything.” Then, too, coming up with a “Yes” response to a different question might be sufficient. In our passenger-pilot situation, a trip to the simulator was all it took to make the unreasonable request go away.

Prioritize. A “No” is often easier to take when the reason behind it is made clear. The very act of taking a hollow aluminum tube into the air seems closer to magic than science for most non-pilots. Sometimes the reasons for some of our decisions can be just as mysterious. Our right-engine start requestor didn’t realize just how powerful the intake vacuum of a large jet engine could be. Yes, a jacket held loosely by a passenger can end up in the opposite intake and yes, even though it is made of pliable leather, that could be enough to destroy the engine.

Play the safety card. If all your refusals to comply with ill-considered demands land on deaf ears, it could very well be time to firmly say “No” as your final answer, accepting the risk that it could cost you your job. Another military truism is “Don’t fall on your sword over every issue, but when you do, make sure it counts.” The pilot objecting to the overlong duty day was fortunate to be in a good job market and may not have made the same decision in tougher times. But when he took his stand he made it clear his concern was a matter of safety, and his fellow pilots took notice. The chief pilot also had to realize that had the pilot been fired he would have made it clear to the company why he was leaving. It would have been a “lose-lose” situation.

The best way to avoid these situations in the first place is to establish a no-nonsense reputation that makes it clear to your passengers that you will not compromise your integrity or their safety. If you are in an unfortunate environment where that hasn’t been done, it is never too late to begin again.

Every case study reported here is a true story. In each instance, saying “yes” was the easy way out. It’s not that pilots consciously overlook rules, regulations, safety and common sense. It’s that these pilots can talk themselves into thinking they are better than the rules, that the rules don’t apply to everyone, or that “it will be all right this one time.” Saying “No” is difficult, can take courage and can put continued employment at risk. But then again, that’s why they pay you the big bucks. **BCA**