

107TH CONGRESS
1ST SESSION

H. R. 2989

To require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mrs. EMERSON (for herself, Mr. GRAVES, Mr. GIBBONS, Mr. CLAY, Mr. HULSHOF, Mr. SKELTON, Mr. SIMMONS, Ms. MCCARTHY of Missouri, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Workers Fair-
5 ness Act”.

1 **SEC. 2. FAIR AND EQUITABLE RESOLUTION OF LABOR IN-**
2 **TEGRATION ISSUES.**

3 (a) **PURPOSE.**—The purpose of this section is to re-
4 quire procedures that ensure the fair and equitable resolu-
5 tion of labor integration issues, in order to prevent further
6 disruption to transactions for the combination of air car-
7 riers, which would potentially aggravate the disruption
8 caused by the attack on the United States on September
9 11, 2001.

10 (b) **DEFINITIONS.**—In this section:

11 (1) **AIR CARRIER.**—The term “air carrier”
12 means an air carrier that holds a certificate issued
13 under chapter 411 of title 49, United States Code.

14 (2) **COVERED AIR CARRIER.**—The term “cov-
15 ered air carrier” means an air carrier that is in-
16 volved in a covered transaction.

17 (3) **COVERED EMPLOYEE.**—The term “covered
18 employee” means an employee who—

19 (A) is not a temporary employee; and

20 (B) is a member of a craft or class that is
21 subject to the Railway Labor Act (45 U.S.C.
22 151 et seq.).

23 (4) **COVERED TRANSACTION.**—The term “cov-
24 ered transaction” means a transaction that—

25 (A) is a transaction for the combination of
26 multiple air carriers into a single air carrier;

1 (B) involves the transfer of ownership or
2 control of—

3 (i) 50 percent or more of the equity
4 securities (as defined in section 101 of title
5 11, United States Code) of an air carrier;
6 or

7 (ii) 50 percent or more (by value) of
8 the assets of the air carrier;

9 (C) was pending or had been completed
10 during the period beginning on January 1,
11 2001, and ending on September 11, 2001; and

12 (D) did not result in the creation of a sin-
13 gle air carrier by September 11, 2001.

14 (c) SENIORITY INTEGRATION.—In any covered trans-
15 action involving a covered air carrier that leads to the
16 combination of crafts or classes that are subject to the
17 Railway Labor Act, sections 3 and 13 of the labor protec-
18 tive provisions imposed by the Civil Aeronautics Board in
19 the Allegheny-Mohawk merger (as published at 59 CAB
20 45) shall apply to the covered employees of the covered
21 air carrier, except that where a collective bargaining agree-
22 ment provides for application of such sections 3 and 13
23 in the process of seniority integration, the terms of collec-
24 tive bargaining agreement shall govern the process and
25 shall not be abrogated.

1 (d) ENFORCEMENT.—Any aggrieved person (includ-
2 ing any labor organization that represents the person)
3 may bring an action to enforce this section, or the terms
4 of any award or agreement resulting from arbitration or
5 a settlement relating to the requirements of this section.
6 The person may bring the action in an appropriate Fed-
7 eral district court, determined in accordance with section
8 1391 of title 28, United States Code, without regard to
9 the amount in controversy.

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