

107TH CONGRESS
1ST SESSION

S. 1479

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 SENATE OF THE UNITED STATES

OCTOBER 1, 2001

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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”.

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

8 (a) PURPOSE.—The purpose of this section is require
9 procedures that ensure the fair and equitable resolution

1 of labor integration issues, in order to prevent further dis-
 2 ruption to transactions for the combination of air carriers,
 3 which would potentially aggravate the disruption caused
 4 by the attack on the United States on September 11,
 5 2001.

6 (b) DEFINITIONS.—In this Act:

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

10 (2) COVERED AIR CARRIER.—The term “cov-
 11 ered air carrier” means an air carrier that is in-
 12 volved in a covered transaction.

13 (3) COVERED EMPLOYEE.—The term “covered
 14 employee” means an employee who—

15 (A) is not a temporary employee; and

16 (B) is a member of a craft or class that is
 17 subject to the Railway Labor Act (45 U.S.C.
 18 151 et seq.).

19 (4) COVERED TRANSACTION.—The term “cov-
 20 ered transaction” means a transaction that—

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

23 (B) involves the transfer of ownership or
 24 control of—

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

5 (ii) 50 percent or more (by value) of
 6 the assets of the air carrier;

7 (C) was pending or had been completed
 8 during the period beginning on January 1,
 9 2001 and ending on September 11, 2001; and
 10 (D) did not result in the creation of a sin-
 11 gle air carrier by September 11, 2001.

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

24 (d) ENFORCEMENT.—Any aggrieved person (includ-
 25 ing any labor organization that represents the person)

1 may bring an action to enforce this section, or the terms
2 of any award or agreement resulting from arbitration or
3 a settlement relating to the requirements of this section.
4 The person may bring the action in an appropriate Fed-
5 eral district court, determined in accordance with section
6 1391 of title 28, United States Code, without regard to
7 the amount in controversy.

