



A bold voice for transportation workers

OPPOSING AIRLINE AND RAILROAD EMPLOYEE CARVEOUTS

For millions of American workers, federal labor rights and federally overseen benefits are supplemented by state-level law and policy. This allows states to provide critical benefits that the federal government is unable or unwilling to provide. As an example, anti-worker factions of Congress have been steadfast in their refusal to join the rest of the industrialized world in providing paid sick leave to employees. In this void, thirteen states and the District of Columbia have stepped in to do so. States have also taken actions to provide lifelines like parental leave, mandatory rest breaks, and a multitude of other policies that seek to help working people and families in areas where the federal government does not. We applaud these efforts.

When presented with having to comply with providing dignified conditions to their employees, some corporations have gone to great lengths to evade these responsibilities. In particular, companies who employ workers who have jobs that take them across state lines, such as airline flight crews and railroad train crews, have attempted to evade these responsibilities with increasingly specious and capricious legal maneuvers. These efforts target employees whose base of employment may be different from where they live, or where they may travel over the course of a workday.

In California, an airline filed suit to extricate themselves from a state law that required transparency on paystubs. In Washington, an organization representing airlines sued to avoid having to provide sick leave to flight crews. Similar lawsuits have been filed in Massachusetts and New York City by employers of airline and railroad workers.

The justification for these lawsuits is varied—employers and their representatives have wrongly argued that the Railway Labor Act is intended to be the sole determinative and preempting arbiter of leave policy for employees. They have argued nonsensical Constitutional claims, seeking to muddy the waters on the ability of states to provide benefits to workers based in that state. Most gallingly, they've contended that providing employees sick leave or clear and understandable paychecks would be too burdensome for their multi-billion dollar enterprises, citing IT costs and claiming that employees will abuse new sick leave protections.

Not only are attempts to deny needed benefits and protections for employees through the court system morally repugnant, but they call into question what other state-provided benefits could be targeted next under similar guises. For flight crews, this could lead to future assaults on benefits as basic and essential as the state-administered worker's compensation. This type of future, where workers in certain sectors of our economy are denied state-provided benefits is unacceptable.

We stand opposed to all attacks seeking to deprive workers of the protections and benefits they are due based on the circumstances of their employment. We call on our employers and their representatives to cease their pursuit of legal relief from these responsibilities, for the judiciary to reject such suits when filed, and for state legislatures to ensure that employees with such work arrangements are not carved out from otherwise well-intentioned efforts to help working people. As the nation continues to grapple with how to provide the protections and benefits required for fair treatment at the workplace and for dignified working conditions, it is essential that transportation employees are not left behind.

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