



Transportation Trades Department, AFL-CIO

## **TRANSPORTATION LABOR PRIORITIES FOR A PRO-WORKER FAA REAUTHORIZATION**

The U.S. aviation industry is one of the most heavily unionized industries in the United States, supporting close to 11 million jobs. The Federal Aviation Administration (FAA) reauthorization will expire at the end of this fiscal year and Congress must pass a multi-year bill that advances policies that address workforce issues and make air transportation safer for passengers and employees. According to the Government Accountability Office (GAO), 2023 travel levels in North America are expected to exceed pre-pandemic traffic levels, and the Transportation Security Administration (TSA) anticipates a record number of travelers to pass through U.S. airports this summer. Congress should pass an FAA Reauthorization bill supporting critical needs for aviation workers as the industry rebounds from the pandemic.

### **Restore Public Interest Test for Foreign Air Carrier Permits**

The international aviation market has seen the troubling emergence of airline business models, including flag-of-convenience airlines. To date, the Department of Transportation has ignored the statutory public interest regarding the rights of labor in domestic and foreign air carrier licensing cases as well as international joint venture agreements. Congress must include legislation in the FAA Reauthorization bill that restores and requires the multifactor public interest test for foreign air carrier permits requires the Department of Transportation to uphold and enforce our aviation trade agreements and promotes high-road safety and labor standards.

### **Reaffirm Support for Current Pilot Training Rules**

Some stakeholders in the aviation industry are using the specter of a fictitious pilot shortage to weaken U.S. pilot training standards. To be clear, there is no shortage of pilots, and pilot production remains strong. According to data reported by the airlines to the Security and Exchange Commission, with overall pilot headcount substantially exceeding pre-pandemic levels while Federal Aviation Administration's (FAA) Airline Transport Pilot (ATP) certification data and collegiate aviation student enrollment data continue to increase. Stakeholders who say otherwise want to weaken the lifesaving safety improvements included in the passage of the Airline Safety and Federal Aviation Administration Extension Act of 2010, which has led to a 99.8 percent reduction in airline passenger fatalities since it was enacted in 2013. We oppose efforts to roll back pilot training requirements and First Officer Qualification Rules and oppose moving from experiential or real flying time to simulator-based training. Congress must put the safety standards of aviation workers and passengers first and reject any attempt to weaken current standards that have been in place.

### **Enforce Standards at FAA-Certified Maintenance Facilities Outside of the U.S.**

Aircraft maintenance is a critical component of our aviation network. For this reason, we have long demanded that FAA-certified repair stations maintaining U.S. aircraft are held to the same safety, security, and oversight rules regardless of where they are located around the world. For decades, our unions have called for greater oversight by the FAA of FAA-certified repair stations

outside of the country that perform work on U.S. aircraft. Despite several legislative victories requiring the FAA to promulgate rules governing these foreign repair stations, there has yet to be meaningful progress to ensure that they are held to the same high level of safety standards and oversight that govern repair stations in the United States. The result has been FAA-incentivized offshoring of high-quality airline mechanic jobs. More than half of all workers repairing U.S. aircraft are now working at FAA-certified facilities outside of the country and nearly 10% of workers maintaining U.S. aircraft are based in China. Congress must end the incentives which are driving this work offshore onto lower safety standards. The Global Aircraft Maintenance Safety Improvement Act accomplishes this by simply requiring the FAA to enforce their existing standards and should be included in any FAA reauthorization.

### **Transparent and Accurate Reporting of Air Traffic Controller Staffing**

There have been concerns with Air Traffic Controller staffing and training for many years, and despite recent progress, challenges remain and continue to be exacerbated by numerous factors that have reduced or frozen controller hiring over the past decade. Although the National Airspace System (NAS) continues to gradually emerge from a 30-year low in the number of fully certified professional controllers (CPCs), CPC staffing has fallen by 1,200 over the last decade, which is over 10%, and 6% of the CPC workforce remains eligible to retire. In order to meet the diverse needs of the NAS, as well as to enable the safe and efficient integration of new airspace entrants and modernization programs, the FAA needs to use the updated Collaborative Resource Workgroup's (CRWG) jointly developed CPC operational staffing targets as the basis for its annual Controller Workforce Plan (CWP), as well as to properly set hiring goals, effectively place trainees, and improve the distribution of the operational workforce to address the evolving needs of the NAS.

### **Prevent Any Change to the Airline Deregulation Act (ADA)**

With the passage of the Airline Deregulation Act of 1978, Congress intended to limit the scope and size of the government's ability to occupy the entire aviation field. By expressly tailoring preemption of states related to price, route, and service, Congress balanced the industry's need for uniformity while respecting states' ability to support its citizens. Attempts to expand the intent and statutory framework of the Airline Deregulation Act or otherwise amend safety preemption to envelop and negate significant progress enacted by states and municipalities must be rejected. In challenging state and local laws, the airlines have unsuccessfully litigated a series of labor, paid sick leave, meal and rest, and related laws to no avail, including the denial of petition of certiorari before the Supreme Court. The establishment of labor standards falls within the traditional police power of the State – a settled principle that applies with equal force to airlines – and the connection between the Airline Deregulation Act and labor policy is extremely attenuated, as recognized by the courts. Transportation Labor opposes any language that amends the Airline Deregulation Act and any effort to supersede local and state labor laws.

### **Protect Aviation Workers from Unruly Passenger Assaults**

To combat the rapid rise in violent assaults on aviation workers in the aircraft and the airport terminal, Congress must adopt The Protection from Abusive Passengers Act. If enacted, passengers' unruly or violent actions would result in a civil or criminal penalty that the Federal

Aviation Administration could refer to the Department of Justice and be placed on a banned passenger list maintained by the TSA. Too often, customers who verbally and physically assault employees in the aircraft or the terminal do not face repercussions for their sanctions, and aviation workers are not given the resources to defend themselves properly.

The 2018 FAA Reauthorization bill included Employee Assault Prevention and Response Plans requiring airlines to develop response plans to address violence against frontline aviation workers. Necessary technical corrections must be made to the existing statute to provide the FAA with the tools it needs to implement the 2018 law and to hold accountable the airlines that do not submit these plans.

### **Improve Aircraft Cabin Air Quality**

Current U.S. aircraft do not have sensors in place to detect or measure the level of contamination when cabin air has been compromised. Furthermore, regulators lack the data necessary to make informed operational and aircraft design decisions that would mitigate the problem. This is partly due to the lack of standardized reporting processes for fume events. Adopting The Cabin Air Safety Act would create a framework for data collection and dissemination of information on fume incidents. It would also require the FAA to develop training requirements for pilots, flight attendants, first responders, and aircraft maintenance technicians on responding to incidents involving smoke or fumes on board aircraft. Further, it would standardize reporting procedures when incidents occur, with guidelines developed in consultation with aviation stakeholders, including airline unions. Finally, the bill would require carbon monoxide detectors on board aircraft and direct the FAA to continue researching technologies to detect bleed air contaminants. This research is vital to providing better, more detailed detectors as the health risks of fume events for passengers and flight crewmembers cannot be ignored.

### **Champion Provisions that Support Public Sector Aviation Jobs**

Technical Operations staff and Transportation Security Officers keep our National Airspace System (NAS) safe and operational every day.

*Technical Operations & Safety Staff:* The FAA should develop a multiyear workforce plan for all Technical Operations positions to establish current and future workforce needs to preserve the performance standard of FAA facilities and equipment. The “staffing model” currently being used by the agency for the safety workforces are insufficient to determine the number of airways transportation systems specialists and aviation safety inspectors needed and should be calculated down to the facility. Among the reasons cited in a recent DOT Inspector General report for understaffing include increased workload, hiring challenges, extended hiring and training periods, and increasing oversight responsibility.

*Transportation Security Officers (TSOs):* The Senate should include legislation in their FAA Bill that provides the entire TSA workforce with statutory Title 5 collective bargaining rights, including the GS pay scale. Currently, Transportation Security Officers (TSOs) who protect the flying public do not benefit from the Fair Labor Standards Act or the General Schedule pay scale and do not have representational rights accorded by Congress to most of the federal workforce

under the Civil Service Reform Act of 1978. Therefore, TSOs cannot appeal adverse personnel decisions to a neutral third party, rights held by most law enforcement officers who serve elsewhere within the Department of Homeland Security. Even as TSOs have conducted their essential national security duties without fail throughout a lengthy government shutdown and the Coronavirus Pandemic, they are doing so at the risk of their health and lives and those of their families.

### **Establish Federal Minimum Standards for Airport Service Workers**

There is no federal minimum standard for pay, benefits, and working conditions for airport service workers. These essential workers include concessionaires in the terminal, men and women who clean the aircraft and the airport terminal, wheelchair agents, and security personnel. They serve on the frontlines of our nation's aviation system and have kept our airports safe and functioning through a global pandemic, climate disasters, and busy travel seasons. Studies have shown that paying airport service workers a living wage and benefits improve airport services and security by lowering turnover and ensuring that airports have an experienced workforce to serve passengers and respond to emergencies. We can build a safer, more resilient air travel system by providing airport service workers a living wage. Setting federal minimum wage and benefit standards stabilizes air travel and ensures enough trained staff for a robust, safe, and secure aviation system. We urge you to include the minimum wage and benefit standards included in the Good Jobs for Good Airports (GJGA) Act, as part of this year's Federal Aviation Administration (FAA) Reauthorization.

Meanwhile, agents working on the tarmac are exposed to life-threatening injuries as a result of understaffing, lenient safety rules, and poor training. It is vital that the workers who help get passengers to and from the gate safely are themselves afforded adequate safety protections.

Transportation Labor is committed to working with Congress and the Administration on a long-term FAA Reauthorization bill that supports provisions that keep aviation workers and passengers safe, improve working conditions and protect workers and the industry from policies that outsource existing jobs. We will fight to ensure workers across the industry are represented in the upcoming reauthorization and remain steadfast in our commitment to safeguarding and promoting these pro-worker provisions, both now and in the future.

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