U.S. Senate
Committee on Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

"Reauthorization of the Federal Aviation Administration: Perspectives of Aviation Stakeholders"

May 13, 2009

Testimony of
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Thank you, Mr. Chairman, and members of this subcommittee for the opportunity to speak to you today. My name is Robert Roach, Jr., General Vice President of Transportation for the International Association of Machinists and Aerospace Workers (IAM). I am appearing at the request of International President R. Thomas Buffenbarger. The Machinists Union is the largest airline union in North America. We represent more than 100,000 U.S. airline workers in almost every classification, including Flight Attendants, Ramp Service workers, Mechanics and Public Contact employees. On behalf of the workers who ensure the United States has a safe, secure and reliable air transportation system, I am presenting to you today some of the concerns they hope will be addressed in the FAA reauthorization bill.

The aviation industry is at a crossroads. Thirty years of airline deregulation, reckless management decisions and more than a hundred bankruptcies have left it hobbled. Airline workers have shouldered more than their fair share to help revitalize their employers and their industry. After surviving an agonizing bankruptcy, the valuable pensions and union protection our members have at

Northwest Airlines are in jeopardy once again because of the upcoming integration with Delta Air Lines. America deserves an airline industry that benefits employees, passengers and shareholders, not just executives. This FAA reauthorization bill is a chance to change course, and I urge you to take advantage of this opportunity.

Express Carrier

FedEx and United Parcel Service (UPS) are the nation's two largest package delivery companies. They each have employees that work exclusively in the air transportation sector of their operation (pilots, aircraft mechanics, aircraft cargo loaders), and package delivery personnel (truck drivers, truck mechanics and customer service agents). The employees of each company serve the same functions and deliver the same type of service. Yet, employees of UPS and FedEx fall under different labor laws, and it is time for Congress to provide consistency in the industry.

UPS and FedEx pilots are both unionized under the jurisdiction of the National Mediation Board (NMB) and Railway Labor Act (RLA), which requires all employees in a class and craft to be organized simultaneously nationwide. Similarly, both corporations airport employee are correctly regulated by the RLA. But FedEx asserts that its non-airport operation employees, like truck mechanics and delivery drivers, should also be covered by the RLA. The company believes that language in the RLA that provides the NMB with jurisdiction over "express companies" applies to FedEx. Similar employees at UPS, however, fall under the

National Labor Relations Act (NLRA) and many are unionized. The NLRA allows employees to organize one location, or portion thereof, at a time. By making it more difficult for its employees to join unions, and thereby avoiding paying the higher wages and benefits that come with unionization, FedEx has a competitive advantage over UPS.

Congress had deliberately removed the term "express company" from the RLA in 1995 as part of the Interstate Commerce Commission (ICC) Termination Act. This was done because the last "express company" had gone out of business two decades earlier. "Express companies," as cited in the RLA and ICC, does not include today's parcel delivery companies, such as FedEx and UPS. "Express companies" were regulated by the ICC and accepted small packages and arranged for their shipment on common carrier railroads. FedEx spearheaded reinserting the language into the RLA a year after it was removed to immunize itself from union organizing campaigns. Congress gave FedEx a competitive advantage, and it is only fair to level the playing field.

The FedEx legislation did not pass without controversy. Senator Ted Kennedy said at the time that, "Federal Express is notorious for its anti-union ideology – but there is no justification for Congress to become an accomplice in its union-busting tactic."

FedEx recently announced that if its non-airline-related employees should fall under the jurisdiction of the NLRA and have the same rights as UPS workers, it

would cancel a $6.75 billion order for 30 Boeing 777s. Mr. Chairman, the Machinists Union represents more than 35,000 Boeing workers. FedEx CEO Fred Smith should buy Boeing planes because they are the best-made planes in the world, not because Congress gave him a competitive advantage over UPS.

Removing the outdated language does not mean FedEx employees will unionize. It only means FedEx can no longer deny them the opportunity to organize if they so choose. Congress should not exempt FedEx from the same law that applies to UPS.

I urge the Senate to also put fairness and consistency back in to the law by modifying the misapplied "express carrier" language in the RLA.

Fixed Base Operators

The Railway Labor Act (RLA) vests the National Mediation Board (NMB) with the responsibility to investigate and conduct union representation elections for airline and railroad employees. The National Labor Relations Board (NLRB) has the same responsibility in virtually all other private sector industries.

In recent years the NMB has improperly asserted jurisdiction over companies that are neither airlines nor railroads, and whose employees have worked and negotiated contracts under the jurisdiction of the NLRB for decades. The misapplication of the Railway Labor Act has left many workers without a union or a contract. In one case, the NMB terminated the union representation and

collective bargaining agreement for airport fuelers who were organized under the NLRA and who had union protection for more than thirty years. These workers lost the grievance procedure, right to double time, holidays, sick leave and vacation leave that had been negotiated by the Machinists Union - and they lost those benefits without a vote.

FAA Oversight

As carriers tried to cut costs to in an effort to deal with the effects of deregulation, they increasingly looked toward aircraft maintenance for savings, and this directly impacts the quality of the work performed.

Airlines used the grossly unfair bankruptcy laws to cut employee wages and fracture labor agreements that prohibited or strictly limited outsourcing aircraft maintenance. As a consequence of putting dollars ahead of sense, maintenance of U.S aircraft has been exported across the globe at a faster pace than the FAA could respond.

The FAA needs adequate funding to hire a sufficient number of inspectors to ensure aviation maintenance safety, at home and abroad. An immediate increase in FAA inspectors, along with the resources they need, is necessary to safeguard the U.S. aviation industry.

IAM mechanics have found aircraft that return from overseas flights departed with obvious mechanical problems. When they reported the problems to the FAA,

inspectors expressed frustration. Budget constraints limit their ability to inspect overseas maintenance operations, and when they do perform inspections they must provide overseas repair stations advance notice, making the inspections worthless. Not only is more oversight of overseas repair stations necessary, but the ability to make unannounced inspections is absolutely imperative to ensure compliance with FAA directives.

IAM mechanics working on a US Airways aircraft in Charlotte, NC encounter FAA inspectors on a daily basis. It is unacceptable that maintenance personnel working on the airline's planes in El Salvador do not have the same oversight.

Similarly, personnel who work on U.S. aircraft should meet the same eligibility requirements at home and abroad. A mechanic working on an aircraft at an airline's overhaul base in the United States must pass a criminal background check and is subject to random drug testing. Yet, a mechanic working on the same aircraft overseas is not subject to the same safety precautions. This committee should demand one level of safety and oversight for the industry regardless of where the aircraft is repaired.

Flight Attendant Safety

The recent successful evacuations of Continental flight 1404 in Denver and US Airways flight 1549 in the Hudson River demonstrate flight attendants' skill and heroism. The time is long overdue for the FAA to protect these professionals who are responsible for protecting the public.

Currently, the FAA mandates flight attendants receive only 9 hours rest on layovers, or as little as 8 hours if there are irregular operations. Although well intentioned, this regulation does little to ensure public safety because the rest period includes time when flight attendants are required to perform other job-related duties.

To prevent flight attendant fatigue, the mandatory rest period should be changed to require a period of rest EXCLUSIVE of any other job responsibilities or hotel transfer time. Flight attendants cannot ensure the safety of their passengers if they are fatigued. Rest means rest – period. While most Americans strive for an 8-hour work day and 16 hours free from work, flight attendants work 16-hour days with only 8 hours off.

The IAM's flight attendant collective bargaining agreements exceed the FAA's mandatory rest minimum, but not all flight attendants have the security of a collective bargaining agreement. Flight attendant fatigue is a safety issue that needs to be better addressed by the Federal Air Regulations.

Similarly, the lack of health and safety regulations for flight attendants at work is dangerous. Flight attendants are one of the few work groups in the country not protected by the Occupational Safety and Health Administration (OSHA). In 1975, the FAA claimed jurisdiction over workplace safety and health of flight crew members. The FAA, however, has done nothing to enforce safety and health

standards for flight attendants. After complaints from the Machinists and other unions, the FAA and OSHA in August 2000 signed a Memorandum of Understanding to explore extending OSHA jurisdiction to cover seven flight attendant health and safety issues: whistle blower protections; recordkeeping; blood borne pathogens; noise; sanitation; hazard communication; anti-discrimination and access to employee exposure/medical records. In 2001, however, the new Bush Administration abruptly stopped their progress, leaving flight attendants the only airline workers without workplace safety and health protections. It is time for this Congress and this administration to put flight attendant workplace safety under OSHA jurisdiction.

Since 9-11, airline workers have sacrificed their wages, pensions, work rules and, more than 200,000 jobs in order to rescue the airline industry. Industry conditions have imposed great burdens on workers as carriers compete to reduce costs. Such an extraordinary focus on the bottom line demands greater, not less, government oversight, and proper FAA funding is a must. No group is more interested in airline safety than IAM members. Congress must ensure that an FAA bill is good for workers, passengers and the entire aviation system. The Machinists Union urges the Committee to take appropriate action to protect our skies, and we stand willing to work with the Committee to reach that goal.

Thank you for the opportunity to speak here today. I look forward to your questions.