



Committee on Transportation and Infrastructure
U.S. House of Representatives

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Chairman

Washington, DC 20515

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Ranking Member

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July 19, 2017

ICYMI: SEIU OPPOSES H.R. 2997
The Nation's Second-Largest Union Calls ATC Privatization Bill a
"Dangerous Precedent"

Dear Democratic Colleague:

Yesterday, the Service Employees International Union (SEIU), which represents 2 million workers, announced it opposes H.R. 2997, the controversial Federal Aviation Administration (FAA) reauthorization bill that privatizes the Nation's air traffic control (ATC) system and up to 32,000 Federal jobs. **SEIU will also score votes on the bill when it is considered on the House Floor, which may occur next week.**

SEIU's legislative director [wrote in a letter to Congress](#) that the bill "undermines workers' ability to organize and contains no guarantee of rights under federal law. **The corporation [created by the bill] would create a dangerous precedent for workers and the federal laws that protect them.**"

For example, it is unclear whether important Federal laws "such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act ("ADA"), and the Family Medical Leave Act (FMLA)" would apply to the private corporation.

SEIU joins [a growing list of groups](#) that strongly oppose H.R. 2997 and its risky science experiment of ATC privatization. Opponents include 20 other labor unions, 117 general aviation stakeholders, more than 100 mayors representing every State, and the CEOs of more than 100 U.S. companies ranging from small businesses to Fortune 500 firms.

We urge you to join us in opposing H.R. 2997 and its ideologically motivated gamble with the future of the Federal workforce and our ATC system. Please contact us or the Democratic staff of the Transportation and Infrastructure Committee's Aviation Subcommittee at extension 5-9161 for more information.

Sincerely,



PETER DeFAZIO
Ranking Member



RICK LARSEN
Ranking Member
Subcommittee on Aviation



July 18, 2017

Dear Representative:

On behalf of the 2 million members of the Service Employees International Union (SEIU), I write to oppose H.R. 2997, the "21st Century Aviation Innovation, Reform, and Reauthorization Act" or the "21st Century AIRR Act." While reauthorizing the FAA is critical, the legislation would create a new air traffic control corporation in which the labor laws and rules governing the corporation would be muddled. The bill undermines workers' ability to organize and contains no guarantee of rights under federal law. The corporation would create a dangerous precedent for workers and the federal laws that protect them.

The new private entity would be bound by a combination of both federal sector and private sector labor laws, creating confusion that will likely need costly litigation to give clarity in cases in which these laws will conflict. This strange classification leaves many open questions as to what laws apply to the entity and under what means would they be enforced. For example, the Federal Labor Relations Authority would adjudicate cases as to whether the parties complied with bargaining obligations under 8(d) of the National Labor Relations Act ("NLRA"). That would make little sense and would break with precedent as to what government body adjudicates these issues.

There is further ambiguity as the bill makes clear that the corporation must adhere to the Fair Labor Standards Act ("FLSA") and the Labor Management Reporting and Disclosure Act ("LRMDA"), laws that would normally apply to a private entity, but doesn't mention other federal labor laws such as Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act ("ADA"), and the Family Medical Leave Act ("FMLA"). Without a clear statement that these laws apply to the corporation, it could require further legal battle to determine if and how these laws are applicable to the corporation. It is also unclear if the Occupational Safety and Health Act ("OSHA"), which protects workers from hazardous situations in the workplace, would apply to the newly formed entity.

There are even more questions surrounding federal laws pertaining to the corporation and the workers. The new corporation will have to set up (and/or bargain) health plans and pension plans for the employees. Yet the law makes no mention as to whether or not these plans would be subject to protections under the Employee Retirement Income and Security Act ("ERISA"). There is also nothing in the law that states whether or not collectively bargained plans would be subject to the Labor Management Relations Act ("Taft-Hartley"), as is the case with most private entities. The bills also provides no means to protect or guarantee the pay, healthcare, or pensions of future employees, and will also no longer have the underpinnings of federal law. These negotiable topics will be under constant assault from the corporation and will be chipped away over time, undermining the negotiating power of other federal workers in different bargaining units.

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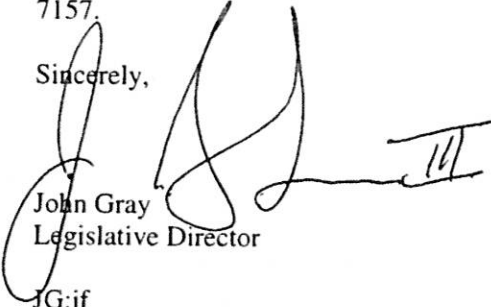
The rules under which employees of the corporation would join a union are unprecedented. The law would require a majority of employees in a bargaining unit to vote in favor of representation rather than a majority of those who participate in the vote. This would mean that every non-voter is counted as a "no" vote. This change to union elections makes no sense, as union elections are modeled after the U.S. election system where the majority of the participating vote wins the election. There is no reason to create an entirely new and unprecedented procedure of voting, especially one that would only target workers and the union they wish to join.

While H.R. 2997 contains language that ostensibly maintains representational lines for bargaining units, it also contains disconcerting language that the corporation could use to "rescind, amend or alter" the status of bargaining units. The intention and power this provision is unclear, and is cause for concern given that this type of language is not found in other labor laws. Since this authority seems to be open-ended, it is unclear what this provision would mean.

Furthermore, provisions protecting workers' wages and pay are weak or non-existent compared to current federal law. Under the legislation as it is currently written, FLSA covered employees will no longer be able to substitute compensatory time for overtime hours worked, many alternative work schedules will not be available, and overtime will be based only on exceeding 40 hours a week. Removing overtime protections for workers serves no purpose. Combined with the lack of other protections in the way this corporation is established, workers will be more susceptible to wage theft with no guarantee of a grievance process as currently required under federal law. These relaxed or non-existent protections undermine workers throughout the federal workforce and establish dangerous precedents compared to current law.

For the reasons outlined in this letter, we urge you to reject H.R. 2997 due to its undermining of workers' right to organize and failure to protect workers. We will add votes on this legislation to our legislative scorecard. If you have any questions, please reach out to John Foti at john.foti@seiu.org or (202)-730-7157.

Sincerely,



John Gray
Legislative Director

JG:jf

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afl-cio, clc

OPPONENTS OF AIR TRAFFIC CONTROL PRIVATIZATION

Prepared by Committee on Transportation and Infrastructure Democratic Staff

Business Aviation

National Business Aviation Association (NBAA)

General Aviation

ABS Air Safety Foundation
Academy of Model Aeronautics
Addison (TX) Business Aviation Association
Air Care Alliance
Aircraft Electronics Association
Aircraft Owners and Pilots Association
Alabama Business Aviation Association
Alaska Airmen Association
Antique Airplane Association
Arizona Business Aviation Association
Arizona Pilots Association
Association of Air Medical Services
Association of California Airports
Aviation Council of Pennsylvania
Balloon Federation of America
California Pilots Association
Cardinal Flyers Online
Carolina Aviation Professionals Association
Centennial Airport (CO) Business Pilot's Alliance
Cessna Flyer Association
Cessna Pilots Association
Cessna Pilots Society
Chicago Area (IL) Business Aviation Association
Citation Jet Pilot Association
Clark County Aviation Association
Classic Jet Aircraft Association
Colorado Aviation Business Association
Colorado Pilots Association
Commemorative Air Force
Connecticut Business Aviation Group
Eastern Region Helicopter Council
Emergency Volunteer Air Corps
Experimental Aircraft Association
Flight School Association of North America

Florida Aviation Business Association
Flying Dentists Association
Friends of Meacham International Airport (TX) Association
General Aviation Council of Hawaii
General Aviation Manufacturers Association
Georgia Business Aviation Association
Glasair Aircraft Owners Association
Greater Houston (TX) Business Aviation Alliance
Greater St Louis (MO) Business Aviation Association
Greater Waco (TX) Aviation Alliance
Greater Washington Business Aviation Association (DC/VA/MD)
Helicopter Association International
Houston (TX) Regional Aviation Professionals
Idaho Aviation Association
Idaho Business Aviation Association
Illinois Pilots Association
International Aerobatic Club
International Council of Air Shows
Kansas City (MO) Business Aviation Association
Kansas Pilots
Kentucky Aviation Association
Lancair Owners and Builders Organization
Light Aircraft Manufacturers Association
Long Beach (CA) Airport Association
Long Island (NY) Business Aviation Association
Love Field (TX) Pilots Association
Maine Aeronautics Association
Massachusetts Airport Management Association
Massachusetts Business Aviation Association
Minnesota Business Aviation Association
Minnesota Pilots Association
Minnesota Seaplane Association
Montana Pilots Association

Mooney Summit
Morristown (NJ) Aviation Association
MU2 Aircraft Owners & Pilots Association
National Agricultural Aviation Association
National Air Transportation Association
National Association of State Aviation Officials
Nebraska Business Aviation Association
Nevada Business Aviation Association
New England Helicopter Council
New Mexico Pilots Association
North Dakota Aviation Council
North Dakota Business Aviation Association
North Texas Business Aviation Association
Ohio Regional Business Aviation Association
Oklahoma Business Aviation Association
Pacific Northwest Business Aviation Association
Partnership for Corporate Aviation Training (TX)
Piper Flyer Association
Recreational Aviation Foundation
San Antonio (TX) Area Business Aviation Alliance
Seaplane Pilots Association
Soaring Society of America
Sonix Builders & Pilots Foundation
South Dakota Pilots Association
Southern California Aviation Association
Southern Colorado Business Aviation Group
South Florida Business Aviation Association
Tampa Bay (FL) Aviation Association
Taylorcraft Owners Club
Tennessee Aviation Association
Tennessee Business Aviation Association

Teterboro (NJ) Users Group
Texans for General Aviation
Texas Corporate Aviation
Schedulers and Dispatchers Group
The Twin Cessna Flyer
United States Hang Gliding &
Paragliding Association
United States Parachute Association
United States Paragliding
Association
Utah Business Aviation Association
Van Nuys (CA) Airport Association
Velocity Owners and Builders
Association
Veterans Airlift Command
Vintage Aircraft Association
Virginia Business Aviation
Association
Warbirds of America
Washington Pilots Association
Westchester (NY) Aviation
Association
Wichita (KS) Aero Club
Wisconsin Business Aviation
Association

Agricultural/Rural

Agriculture Retailers Association
Alliance for Aviation Across
America
Crop Life America
League of Rural Voters
National Agricultural Aviation
Association
National Council of
Agricultural Employers
National Farmers Union
National Grange of the Patrons of
Husbandry
National Women in Agriculture
Association
USA Rice Federation

Labor

Amalgamated Transit Union (ATU)
American Federation of
Government Employees (AFGE)
American Federation of Musicians
American Federation of State,
County & Municipal Employees
(AFSCME)

American Federation of Teachers
Department for Professional
Employees, AFL-CIO
Marine Engineers' Beneficial
Association
National Association of
Government Employees (NAGE)
National Employment Law Project
National Federation of Federal
Employees (NFFE)
National Hispanic Coalition of FAA
Employees
National Weather Service
Employees Organization
Office and Professional Employees
International Union
Professional Air Traffic Controllers
Organization, Inc. (PATCO)
Professional Association of
Aeronautical Center Employees
(PAACE)
Professional Aviation Safety
Specialists, AFL-CIO (PASS)
Retail, Wholesale and Department
Store Union
Service Employees International
Union (SEIU)
United Steelworkers (USW)
Utility Workers Union of America,
AFL-CIO
Writers Guild of America, East

Management

FAA Managers Association

Action/Consumer

American Family Voices
Americans Against Air Traffic
Privatization
Courage Campaign
Consumer Action
Daily Kos
Flyer's Rights
In the Public Interest
Jobs With Justice
N.O.I.S.E.
National Consumers League
People Demanding Action
Public Citizen
RootsAction.org

U.S. Businesses

More than 100 CEOs of various-
sized businesses from across the
United States, including:

Hewlett-Packard
Continental Resources, Inc.
Life Time Fitness
BISSELL Homecare, Inc.
Bass Pro Shops
Clif Bar & Company
WeatherTech
Preco Electronics
Sanderson Farms, Inc.
Go Wireless, Inc.

NASCAR

Hendrick Motorsports
Penske Racing South
Richard Childress Racing
Chip Ganassi Racing
Joe Gibbs Racing
Richard Petty Motorsports
JR Motorsports
Germain Racing
Leavine Family Racing
Circle Sport
BK Racing
National Association for Stock Car
Auto Racing

State and Local Governments

National Association of State
Aviation Officials
More than 115 mayors
representing all 50 States

Voters

In a 2017 Global Strategy Group
poll, 60% of voters opposed
privatizing the ATC system