[§ 41912. Renumbered § 41908]

CHAPTER 421—LABOR-MANAGEMENT PROVISIONS

SUBCHAPTER I—EMPLOYEE PROTECTION PROGRAM[1]

SUBCHAPTER II—MUTUAL AID AGREEMENTS AND LABOR REQUIREMENTS OF AIR CARRIERS

SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

AMENDMENTS

2000—Pub. L. 106–181, title V, § 519(b), Apr. 5, 2000, 114 Stat. 149, added heading for subchapter III and item 42121.

[SUBCHAPTER I—REPEALED]

[§§ 42101 to 42106. Repealed. Pub. L. 105–220, title I, § 199(a)(6), Aug. 7, 1998, 112 Stat. 1059]

Section 42101, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1157, defined terms in subchapter.

Section 42102, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1158, related to payments to eligible protected employees.

Section 42103, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1159, related to duty to hire protected employees.

Section 42104, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1159; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389, related to congressional review of regulations.

Section 42105, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1160, related to Airline Employees Protective Account.

Section 42106, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1160, provided ending effective date for subchapter.

SUBCHAPTER II—MUTUAL AID AGREEMENTS AND LABOR REQUIREMENTS OF AIR CARRIERS

§ 42111. Mutual aid agreements

An air carrier that will receive payments from another air carrier under an agreement between the air carriers for the time the one air carrier is not providing foreign air transportation, or is providing reduced levels of foreign air transportation, because of a labor strike must file a true copy of the agreement with the Secretary of Transportation and have it approved by the Secretary under section 41309 of this title. Notwithstanding section 41309, the Secretary shall approve the agreement only if it provides that—

(1) the air carrier will receive payments of not more than 60 percent of direct operating expenses, including interest expenses, but not depreciation or amortization expenses;

(2) benefits may be paid for not more than 8 weeks, and may not be for losses incurred during the first 30 days of a strike; and

(3) on request of the striking employees, the dispute will be submitted to binding arbitration under the Railway Labor Act (45 U.S.C. 151 et seq.).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42111	49 App.:1382(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 412(c); added Oct. 24, 1978, Pub. L. 95–504, § 29(a), 92 Stat. 1730; Feb. 15, 1980, Pub. L. 96–192, § 11(2), 94 Stat. 39; Oct. 4, 1984, Pub. L. 98–443, § 9(s), 98 Stat. 1708.
	49 App.:1551(b)(1)(C) (related to 49 App.:1382(c)).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(b)(1)(C) (related to § 412(c)); added Oct. 24, 1978, Pub. L. 95–504, § 40(a), 92 Stat. 1745; Oct. 14, 1982, Pub. L. 97–309, § 4(b), 96 Stat. 1454; Oct. 4, 1984, Pub. L. 98–443, § 3(a), 98 Stat. 1703.

In this section, before clause (1), the text of 49 App.:1382(c)(1) is omitted as executed. The words ''For purposes of this subsection, the term . . . (A) 'mutual aid agreement' means'' are omitted because of the restatement. The words ''contract or'', ''which are parties to such contract or agreement'', and ''during which'' are omitted as surplus. The word ''providing'' is substituted for ''engaging in'' for consistency. The words ''service in'' are omitted as surplus. The words ''No air carrier shall enter into any mutual aid agreement with any other air carrier'' are omitted as surplus. In clause (1), the words ''For purposes of this subsection, the term . . . (B) 'direct operating expenses' includes'' are omitted because of the restatement. The words ''for any period'' and ''during such period'' are omitted as surplus. In clause (2), the words ''under the agreement'' and ''during any labor strike'' are omitted as surplus.

REFERENCES IN TEXT

The Railway Labor Act, referred to in par. (3), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which is classified principally to chapter 8 (§ 151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

§ 42112. Labor requirements of air carriers

(a) DEFINITIONS.—In this section—

(1) ''copilot'' means an employee whose duties include assisting or relieving the pilot in manipulating an aircraft and who is qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a copilot.

(2) ''pilot'' means an employee who is—

(A) responsible for manipulating or who manipulates the flight controls of an aircraft when under way, including the landing and takeoff of an aircraft; and

(B) qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a pilot.

(b) DUTIES OF AIR CARRIERS.—An air carrier shall—

(1) maintain rates of compensation, maximum hours, and other working conditions and relations for its pilots and copilots who are providing interstate air transportation in the 48 contiguous States and the District of Columbia to conform with decision number 83,

[1] Subchapter I repealed by Pub. L. 105–220 without corresponding amendment of chapter analysis.

May 10, 1934, National Labor Board, notwithstanding any limitation in that decision on the period of its effectiveness;

(2) maintain rates of compensation for its pilots and copilots who are providing foreign air transportation or air transportation only in one territory or possession of the United States; and

(3) comply with title II of the Railway Labor Act (45 U.S.C. 181 et seq.) as long as it holds its certificate.

(c) MINIMUM ANNUAL RATE OF COMPENSATION.—A minimum annual rate under subsection (b)(2) of this section may not be less than the annual rate required to be paid for comparable service to a pilot or copilot under subsection (b)(1) of this section.

(d) COLLECTIVE BARGAINING.—This section does not prevent pilots or copilots of an air carrier from obtaining by collective bargaining higher rates of compensation or more favorable working conditions or relations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42112(a)	49 App.:1371(k)(5).	Aug. 23, 1958, Pub. L. 85–726, §401(k), 72 Stat. 756.
42112(b), (c)	49 App.:1371(k)(1), (2), (4).	
42112(d)	49 App.:1371(k)(3).	

In subsection (a), the words ''properly'' and ''currently'' are omitted as surplus.

In subsection (b), the word ''providing'' is substituted for ''engaged in'' for consistency in the revised title. In clause (1), the words ''48 contiguous States and the District of Columbia'' are substituted for ''the continental United States (not including Alaska)'' for clarity and consistency in the revised title. In clause (2), the words ''overseas or'' are omitted as obsolete. The word ''only'' is substituted for ''wholly'' for consistency. In clause (3), the words ''as long as it holds'' are substituted for ''upon the holding'' for clarity.

In subsection (c), the words ''under subsection (b)(1) of this section'' are substituted for ''said decision 83 . . . engaged in interstate air transportation within the continental United States (not including Alaska)'' to eliminate unnecessary words.

In subsection (d), the words ''or other employees'' are omitted as unnecessary because this section only applies to pilots and copilots.

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b)(3), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended. Title II of the Act was added by act Apr. 10, 1936, ch. 166, 49 Stat. 1189, and is classified generally to subchapter II (§181 et seq.) of chapter 8 of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

LABOR INTEGRATION

Pub. L. 110–161, div. K, title I, §117, Dec. 26, 2007, 121 Stat. 2382, provided that:

''(a) LABOR INTEGRATION.—With respect to any covered transaction involving two or more covered air carriers that results in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carriers; except that—

''(1) if the same collective bargaining agent represents the combining crafts or classes at each of the covered air carriers, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supersede the requirements of this section; and

''(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of a covered air carrier shall not be affected by the requirements of this section as to the employees covered by that agreement, so long as those provisions allow for the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

''(b) DEFINITIONS.—In this section, the following definitions apply:

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

''(2) COVERED AIR CARRIER.—The term 'covered air carrier' means an air carrier that is involved in a covered transaction.

''(3) COVERED EMPLOYEE.—The term 'covered employee' means an employee who—

''(A) is not a temporary employee; and

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

''(4) COVERED TRANSACTION.—The term 'covered transaction' means—

''(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

''(B) involves the transfer of ownership or control of—

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

''(ii) 50 percent or more (by value) of the assets of the air carrier.

''(c) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act [Dec. 26, 2007].

''(d) EFFECTIVENESS OF PROVISION.—This section shall become effective on the date of enactment of this Act and shall continue in effect in fiscal years after fiscal year 2008.''

SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

§ 42121. Protection of employees providing air safety information

(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of