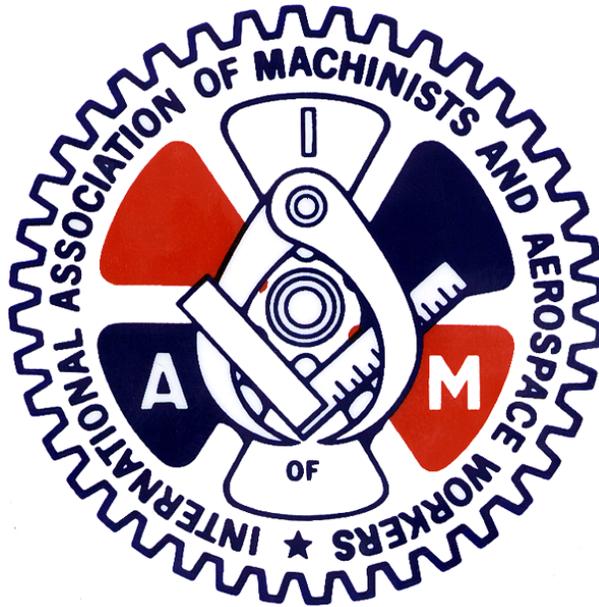


**U.S. House of Representatives
The Committee on Transportation and Infrastructure**

**“FAA Reauthorization Act of 2009”
February 11, 2009**



**Testimony of
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Robert Roach, Jr.
General Vice President
International Association of Machinists & Aerospace Workers
Before the House Transportation & Infrastructure Committee**

“FAA Reauthorization Act of 2009”

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. The FAA reauthorization bill is an opportunity to change course.

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.

Express Carriers

In 1996 legislation was passed directly aimed at thwarting workers' ability to conduct local organizing drives. The term "express carrier" under the Railway Labor Act (RLA) was inserted in the FAA reauthorization bill. This allows an entire package delivery company's workforce to come under the jurisdiction of the RLA regardless of their relation to air transportation. This created a disparity that resulted in the weakening of workers' opportunity to bargain for better wages, benefits and workplace improvements.

Many of these package delivery services may seem similar at first; however, there is growing disparity among the way these workers are treated among the largest delivery companies. Some provide their full and part-time workers with good wages, full benefits (including medical and dental plans), and paid vacation time. Others find ways to take the

low road in the way they treat and classify their employees, including the growing use of so-called independent contractors and staging anti-union campaigns. One reason for the disparity is the way the government classifies employers and thus their employees. When looking at the largest delivery companies each has workers doing virtually identical work, but some companies, like UPS, have workers who are governed under the National Labor Relations Act while workers at another company, like FedEx, are all under the Railway Labor Act. What is the difference? Under the National Labor Relations Act workers can act locally in seeking to organize and collectively bargain, whereas under the Railway Labor Act workers must organize nationally, an enormous challenge in the environment workers find themselves in today.

The “express carrier” language in the Railway Labor Act needs to be modified to provide consistency throughout the industry. Those seeking to deny workers the ability to organize should not be permitted to use the “express carrier” provision of the Railway Labor Act to do so. It would be consistent to allow those workers who are directly involved with the air cargo portion of the company to be treated like their counterparts in the passenger air transport business, and therefore under the jurisdiction of the Railway Labor Act. The remaining portion of the workforce would then fall under the jurisdiction of the National Labor Relations Act with their peers in the rest of the industry. This would level the playing field by putting fairness and consistency into the law. Workers can decide for themselves whether they want to collectively bargain or not. We should at least give them the opportunity to decide.

This congress must stop the collusion between the NMB and NLRB that is denying workers their rights.

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.

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.

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.