

SECTION 1

RAILWAY LABOR ACT ADDENDUM

A. SELF-HELP AND LENGTH OF PILOT CONTRACTS UNDER THE RAILWAY LABOR ACT

1. All collective bargaining agreements between pilot collective bargaining agents and certificate holders under the authority of the Railway Labor Act shall conform to the following specifications:
 - a. Maximum length of pilot contracts subject to the Railway Labor Act with an effective date¹ prior to the January 1 following the tenth anniversary of this act becoming law shall be 24 months.
 - i. 24 months subsequent to the effective date of the contract in dispute, should either or both parties request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act.
 - ii. No party, regardless of which party requests release from mediation, shall be compelled to accept such a proffer.
 - b. Maximum length of pilot contracts subject to the Railway Labor Act with an effective date on or subsequent to the January 1 following the tenth anniversary of this act becoming law shall be 36 months.
 - i. 36 months subsequent to the effective date of the contract in dispute, should either or both parties request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act.
 - ii. No party, regardless of which party requests release from mediation, shall be compelled to accept such a proffer.
2. Modification of Length of Existing Pilot Contracts
 - a. Should either party to a pilot contract under the Railway Labor Act with the most recent amendable date prior to January 1, 2011 request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act no later than the first day of the calendar month following the 90th day after this act becomes law.

¹ This effective date is commonly known as the most recent amendable date.

- i. No party, regardless of which party requests release from mediation, shall be compelled to accept such a proffer.
- b. Should either party to a pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2010 and prior to July 1, 2011 request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act no later than the first day of the calendar month following the 180th day after this act becomes law.
 - i. No party, regardless of which party requests release from mediation, shall be compelled to accept such a proffer.
- c. Should either party to a pilot contract under the Railway Labor Act with the most recent amendable date subsequent to June 30, 2011 and prior to January 1, 2012 request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act no later than the first day of the calendar month following the 270th day after this act becomes law.
 - i. No party, regardless of which party requests release from mediation, shall be compelled to accept such a proffer.
- d. Should either party to a pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2011 and prior to this act becoming law request release from mediation, The National Mediation Board shall at once endeavor as its final required action to induce the parties to submit their controversy to arbitration, in accordance with §155 of the Railway Labor Act no later than the third anniversary of the effective date of the contract.
- e. Any pilot contract under the Railway Labor Act with an effective date subsequent to this act becoming law shall conform with §1.A.1.
- f. No pilot contract, regardless of when implemented, shall be construed to be exempted from the pay and scheduling provisions (Section 4) of this act upon implementation per section 7.D.

B. BANKRUPTCY PROCEEDINGS

1. The various bankruptcy codes shall not be used to unilaterally amend pilot collective bargaining agreements subject to the Railway Labor Act.
 - a. Pilot contracts subject to the Railway Labor Act shall not be subject to 11 USC §1113 of the United States Bankruptcy Code, but shall be subject to the

protections of 11 USC §1167 of the United States Bankruptcy Code.²

2. Any changes to the pilot collective bargaining agreement shall only be accomplished in accordance with §156 of the Railway Labor Act.
3. Any pilot contract subject to the Railway Labor Act and abrogated per 11 USC §1113 during the period the certificate holder was in bankruptcy protection shall be subject to arbitration in accordance with §1.A.1 no later than 365 days after the certificate holder exits bankruptcy protection.
4. Any pilot contract negotiated during the period the certificate holder was in bankruptcy protection or any pilot contract with an effective date occurring within the period the certificate holder was in bankruptcy protection, or 60 days shall be subject to arbitration in accordance with §1.A.1.a.i no later than 365 days after the date this act becomes law, or 365 days after the applicable certificate holder exits bankruptcy protection, whichever occurs later.

C. JUDICIAL INTERPRETATION

1. Pilots exercising their rights and executing their responsibilities under appropriate federal, state and local laws or regulations, under an applicable collective bargaining

² See *STATEMENT OF CAPTAIN ARNOLD D. GENTILE, GOVERNMENT AFFAIRS CHAIRMAN US AIRLINE PILOTS ASSOCIATION BEFORE THE SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW COMMITTEE ON THE JUDICIARY UNITED STATES HOUSE OF REPRESENTATIVES, Protecting Employees In Airline Bankruptcies*, December 16, 2009. This statement is available at www.operationorange.org/gentile.pdf

Amending §1113, and §365 of the US Bankruptcy Code is an acceptable alternative, provided pilot class/craft of labor is protected by such amendment. Amended text is in [blue font](#).

11 U.S.C. § 1113(a) is amended as follows:

(a) The debtor in possession, or the trustee if one has been appointed under the provisions of this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may assume or reject a collective bargaining agreement only in accordance with the provisions of this section. [Notwithstanding any provision in this section or any other section of U.S. Code Title 11, a debtor in possession or trustee of a debtor covered by title II of the Railway Labor Act may not assume or reject a collective agreement between pilots and a certificate holder for scheduled air transportation by common carrier covered by such Act, and the wages or working conditions of employees covered by such collective agreement may only be changed or modified in accordance with §156 of such Act.](#)

11 U.S.C. § 365(a) is amended as follows:

Except as provided in Sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor. [Notwithstanding any provision in this section, with respect to a debtor covered by title I or title II of the Railway Labor Act, neither the court nor the trustee may change the wages, or working conditions of pilots of the debtor established by a collective agreement that is subject to such Act except in accordance with §156 of such Act.](#)

agreement, or written policies of the certificate holder shall not be construed to be violating any “status quo” or conducting an illegal job action under the Railway Labor Act. This shall also extend to pilots refusing voluntary flying per the applicable collective bargaining agreement.

2. No collective bargaining agent, officer, director, employee, or volunteer thereof may be subject to criminal, civil, tort, or administrative liability for advocating compliance with applicable federal, state, and local laws or regulations, or the applicable collective bargaining agreement, or applicable written policies of the certificate holder. Such advocacy of established laws, regulations, agreements, and policies shall not be construed to be violation of the “status quo” or conducting an illegal job action under the Railway Labor Act.

