

110th CONGRESS
1st Session

S. 1992

To preserve the recall rights of airline employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 3, 2007

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To preserve the recall rights of airline employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVING RECALL RIGHTS OF AIRLINE EMPLOYEES.

(a) Definitions- In this Act:

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

(2) 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 provisions of the Railway Labor Act (45 U.S.C. 151 et seq.).

(3) FURLOUGH- The term `furlough' has the meaning given the term in section 7511 of title 5, United States Code.

(4) RECALL LIST- The term `recall list' means a list of employees placed on furlough by an air carrier and is organized--

(A) by type of employment; and

(B) in descending order of seniority.

(b) Retention of Furloughed Employees- An air carrier that places a covered employee on furlough shall retain such employee on a recall list for not less than 10 years after the date on which the air carrier placed such employee on furlough, if the air carrier--

(1) receives more than \$100,000,000 in financial assistance from the Federal Government; and

(2) places such employee on furlough not later than 2 years after receiving such financial assistance.

(c) Preference- An air carrier described in subsection (b) shall, before employing a person who is not on the recall list, recall a covered employee from the recall list required by subsection (b) if the employee was employed in a position comparable to the position the air carrier seeks to fill.

(d) Enforcement-

(1) IN GENERAL- A covered employee (including any labor organization that represents such employee) may bring an action to enforce this Act, or the terms of an award or agreement resulting from arbitration or a settlement relating to the requirements of this Act, in an appropriate district court of the United States.

(2) APPROPRIATE DISTRICT COURT- The appropriate district court of the United States referred to in paragraph (1) shall be determined in accordance with section 1391 of title 28, United States Code.

(e) Effective Date-

(1) IN GENERAL- The provisions of this Act shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION- This Act shall apply to a covered employee of an air carrier, or successor air carrier, that received financial assistance before September 22, 2002, pursuant to section 101(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note).