

110TH CONGRESS  
1ST SESSION

# H. R. 2673

To amend title 49, United States Code, to facilitate the resolution of disputes between the Administrator of the Federal Aviation Administration and employees of the Administration in the course of collective negotiations.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2007

Mr. MICA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to facilitate the resolution of disputes between the Administrator of the Federal Aviation Administration and employees of the Administration in the course of collective negotiations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Ad-  
5 ministration Fair Labor Management Act of 2007”.

6 **SEC. 2. IMPASSE PROCEDURES.**

7 (a) **MEDIATION.**—Section 40122(a)(2) of title 49,  
8 United States Code, is amended by striking the second

1 sentence and all that follows and inserting the following:  
2 “If the services of the Federal Mediation and Conciliation  
3 Service do not lead to an agreement, the provisions of sub-  
4 section (j) shall apply.”.

5 (b) IMPASSE PROCEDURES.—Section 40122 of title  
6 49, United States Code, is amended—

7 (1) by redesignating subsection (j) as sub-  
8 section (k); and

9 (2) by inserting after subsection (i) the fol-  
10 lowing:

11 “(j) IMPASSE PROCEDURES.—

12 “(1) CERTIFICATION OF NEGOTIATION IM-  
13 PASSE.—If the Administration and the exclusive bar-  
14 gaining representatives of employees of the Adminis-  
15 tration participate in a mediation process of the  
16 Federal Mediation and Conciliation Service with re-  
17 spect to a negotiation under subsection (a) and the  
18 Service is unable to resolve a negotiation impasse be-  
19 tween the parties—

20 “(A) the Service shall issue a written cer-  
21 tification of the negotiation impasse; and

22 “(B) not later than 60 days following the  
23 date of issuance of the written certification, the  
24 parties of the negotiation shall request the Fed-

1           eral Service Impasses Panel described in section  
2           7119 of title 5 to consider the matter.

3           “(2) AUTHORITY OF FEDERAL SERVICE IM-  
4           PASSES PANEL.—If a negotiation impasse is pre-  
5           sented to the Panel under this subsection, the Panel  
6           shall investigate and consider the matter, and take  
7           actions with respect to the matter, using the au-  
8           thorities of the Panel under section 7119 of title 5  
9           and regulations issued to carry out such section.

10           “(3) FACTORS.—In providing assistance to re-  
11           solve a negotiation impasse presented to the Panel  
12           under this subsection, the Panel, or any private arbi-  
13           trator selected pursuant to section 7119(b)(2) of  
14           title 5, shall take into consideration, to the extent  
15           relevant to the matter and in addition to any other  
16           relevant factors, the following:

17           “(A) The wages, hours, and conditions of  
18           employment of the employees involved in the  
19           impasse proceeding as compared to the wages,  
20           hours, and conditions of employment of—

21           “(i) employees performing similar  
22           services;

23           “(ii) employees in positions requiring  
24           similar skills and working under similar  
25           conditions; and

1           “(iii) other employees generally in  
2           public and private employment in com-  
3           parable communities.

4           “(B) The overall compensation paid to the  
5           employees involved in the impasse proceeding,  
6           including—

7                   “(i) direct wage compensation;

8                   “(ii) overtime and premium pay;

9                   “(iii) vacations, holidays, and other  
10           excused time;

11                   “(iv) insurance, pensions, medical,  
12           and hospitalization benefits; and

13                   “(v) all other benefits received.

14           “(C) The financial ability of the Adminis-  
15           tration to pay, as determined after review of the  
16           Administration’s current and preceding fiscal  
17           year budgets for salaries, operations, and main-  
18           tenance.

19           “(D) Changes in the average consumer  
20           prices for goods and services, commonly known  
21           as the cost of living.

22           “(E) The peculiarities of the employment  
23           of the employees involved in the impasse pro-  
24           ceeding as compared to employees in other  
25           trades and professions, including hazards of

1 employment, physical qualifications, educational  
2 qualifications, mental qualifications, and job  
3 training and skills.

4 “(F) The terms of collective agreements  
5 negotiated between the parties involved in the  
6 impasse in the past providing for compensation  
7 and benefits, including the provisions for—

8 “(i) salary, insurance, and retirement  
9 benefits;

10 “(ii) medical and hospitalization bene-  
11 fits; and

12 “(iii) paid time off.

13 “(G) The impact of each proposal for re-  
14 solving the impasse on—

15 “(i) the interests and welfare of the  
16 public;

17 “(ii) the continued provision of serv-  
18 ices to the public;

19 “(iii) the compensation and benefits of  
20 other employee groups and bargaining  
21 units of the Administration; and

22 “(iv) the air traffic control moderniza-  
23 tion efforts of the Administration.

24 “(H) Such other factors as are normally  
25 and customarily considered in determining com-

1           pensation, benefits, and other conditions of em-  
2           ployment in proceedings conducted by the  
3           Panel.”.

4 **SEC. 3. EFFECTIVE DATE.**

5           The amendment made by this Act shall apply to  
6 changes described in section 40122(a)(1) of title 49,  
7 United States Code, being negotiated or in impasse on or  
8 after May 31, 2007.

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