



McBreen & Kopko

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Aviation Group Client Update

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PREEMPTION OF WORKER-RETENTION AND LABOR-PEACE AGREEMENTS AT AIRPORTS

A recent Airport Cooperative Research Program (ACRP) Digest on [Preemption of Worker-Retention and Labor-Peace Agreements at Airports](#) has been published and is available for download. This digest is intended to serve as an overview of issues related to labor-harmony or labor-peace agreements for airport management personnel and other interested personnel, including airport authority board members or elected officials.

This Digest comes about as a result of an increase in airport sponsors imposing provisions generally referred to as “labor-harmony” or “labor-peace” requirements as well as “worker-retention” provisions in contracts that involve concessions programs. These provisions imposed by airport sponsors are preempted by federal law. According to the Transportation Research Board (TRB), airport concessionaires, airlines, and Airlines for America (A4A) have filed suits that involve these types of provisions centered around federal labor laws, including the National Labor Relations Act (NLRA) and Railway Labor Act (RLA). Other federal statutes that are related to airline operations, such as the Airline Deregulation Act (ADA), are also the subject of the preemption arguments.

The digest is aimed to help bring an understanding of the legal limits of locally based labor initiatives, the “standard” model for union organizing, and how labor-harmony requirements may modify those standard protocols, all of which are essential for airport management personnel who may be asked to initiate a labor-harmony requirement at a given airport.

[ACRP projects](#) are supported by the non-profit Transportation Research Board with funding from the Federal Aviation Administration.

If you have any questions or would like further information, please contact Shelley Ewalt.

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McBreen & Kopko’s Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors’ rights.