

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 operating under Part 121 or Part 135 shall conform to the following specifications:

- a. Maximum length between amendable dates shall be 36 months.
- b. Both parties are released to self-help at the amendable date of the contract unless under a Presidential Emergency Board.
 - i. No Presidential Emergency Board may convene less than 96 hours prior to an amendable date of a pilot contract under the RLA.
 - ii. No Presidential Emergency Board may exercise authority to defer self-help pursuant to a Part 121 or Part 135 pilot contract more than 60 days.

2. Modification of Length of Existing Pilot Contracts

- a. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date prior to January 1, 2010 shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 90th day after this act becomes law.
- b. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2009 and prior to July 1, 2010 shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 135th day after this act becomes law.
- c. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to June 30, 2010 and prior to January 1, 2011 shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following

the 180th day after this act becomes law.

- d. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2010 and prior to July 1, 2011 shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 225th day after this act becomes law.
- e. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to June 30, 2011 and prior to January 1, 2012 shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 270th day after this act becomes law.
- f. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2011 with greater than 36 months from the previous amendable date shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 315th day after this act becomes law.
- g. Any Part 121 or Part 135 pilot contract under the Railway Labor Act with the most recent amendable date subsequent to December 31, 2011 with less than 36 months from the previous amendable date shall become amendable per Section 1.A.1.b no later than 0901UTC (Z) on the first day of the calendar month following the 360th day after this act becomes law or thirty-six months subsequent to the implementation of the current contract, whichever is later.
- h. Any Part 121 or Part 135 pilot contract under the Railway Labor Act implemented subsequent to this act becoming law shall become amendable no later than 36 months subsequent to its implementation.
- i. No Part 121 or Part 135 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. 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 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.

C. BANKRUPTCY PROCEEDINGS

1. The various bankruptcy codes shall not be used to unilaterally amend pilot collective bargaining agreements subject to the Railway Labor Act and Part 121 or Part 135. Bankruptcy courts may compel both sides to binding arbitration for hourly rates of pay, but no other aspect of the pilot collective bargaining agreement shall be subject to unilateral amendment by bankruptcy proceedings or assignment to binding arbitration. Binding arbitration of rates of pay shall be subject to the following:
 - a. Binding arbitration for rates of pay shall only endure until the first amendable date subsequent to the certificate holder exiting bankruptcy protection.
 - b. Binding arbitration for rates of pay shall not be below rates of pay specified in Section 4.F.2.
 - c. Binding arbitration for rates of pay shall attempt to align rates of pay with prevailing rates of pay for similar aircraft utilized by competitors within the industry to the extent reasonable, given the financial viability of the certificate holder in bankruptcy protection.

- d. Executive compensation, of all forms, shall be subject to reduction for the duration of bankruptcy proceedings and, to the extent practical, attempt to align such compensation with the financial viability of the certificate holder.
2. Any other unilateral imposition of terms to the pilot collective bargaining agreement by bankruptcy proceedings, including the rejection of the collective bargaining agreement, shall release the pilot collective bargaining agent to self-help at its discretion.
3. Subsequent to the passage of this act, any Part 121 or Part 135 pilot contract negotiated during bankruptcy proceedings shall become amendable per Section 1.A.1.b no later than 365 days after the certificate holder exits bankruptcy protection.
4. Any Part 121 or Part 135 pilot contract negotiated during bankruptcy proceedings prior to the passage of this act shall become amendable per Section 1.A.1.b 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.