



Labor & Employment Law: Airline Pilots

Pilots are one of the country's most heavily regulated work groups. Seyfarth understands the high-stakes nature of pilot recruiting, employment, negotiations, and litigation.

We have a team of labor and employment counselors and litigators who advise and counsel carriers on all aspects of the employment relationship between a carrier and its pilots, including handling bargaining related matters. We also litigate all types of labor and employment cases, including labor arbitration and employment litigation, and licensing and certificate matters for carriers such as AIR21/OSHA hearings and FAA/NTSB proceedings.

We advise and counsel carriers on:

- Pilot recruiting matters, including drafting of cadet program agreements, designing flow models, and advising on OFCCP/AAP-related issues
- FAA licenses and certifications
- TSA background screening
- Drug and alcohol testing
- Pilot Records Improvement Act of 1996 and the Pilot Records Database
- State, municipal, and airport employment laws and ordinances, including pay stub, meal and rest break, payroll timing, deductions, overtime, sick leave laws and ordinances, and their overlap with CBAs and DOT/FAA regulations
- Military leave, FMLA, and state leave law compliance
- Fitness-for-duty examinations and procedures
- Health and welfare, pension, and 401(k) plan design and ESG investment and fee matters

We defend carriers in pilot-related litigation, including:

- AIR21 charges and complaints, including before OSHA and its Office of Administrative Law Judges (OALJ), as well as appeals to the Arbitration Review Board

- FAA and NTSB third-party subpoenas against carriers
- Employment and tort lawsuits in federal and state courts, including those involving defenses such as RLA, ADA, FAA, TSA, OTETA, and FTEPA preemption, and related appellate briefing
- Major dispute lawsuits
- Grievances before SBAs, including both discipline and discharge arbitrations and contract interpretation arbitrations (including bidding, scheduling, vacancy, training, and pay disputes)
- Interest arbitrations
- Strike or work stoppage-related lawsuits

We handle collective bargaining:

- Chief negotiator, bargaining team member, and/or caucus member for Section 6 and JCBA negotiations
- Extension agreements
- Mid-term agreements, including all types of side letters on numerous topics
- Scope, schedule, pay, and benefits, etc. counseling and advice

Representative Experience

We have represented mainline air carriers in pilot-related matters including:

- Caucused with regional carrier bargaining team throughout pilot Section 6 negotiations with IBT
- Served as team member for mainline carrier bargaining team throughout pilot Section 6 and JCBA negotiations with ALPA
- Reviewed and revised scope, pay, scheduling, sick leave, and benefits proposals in pilot Section 6 negotiations for multiple mainline and regional carriers
- Managed JCBA-related interest arbitration for mainline carrier with ALPA
- Counseled on numerous scope-related issues, including drafting and comparing scope language, for multiple mainline and regional carriers
- Advised two cargo airlines during Section 6 pilot negotiations with NMB Mediator Gerry McGuckin; serving as chief spokesperson for the airlines and helping the client navigate elimination of an aircraft type and the resulting mass furloughs and training bubble
- Advised cargo airline in Section 6 pilot negotiations and assisted the client through expedited negotiations to achieve necessary concessions to successfully restructure through a Chapter 13 bankruptcy proceeding
- Represented airline in numerous arbitration cases.