

119TH CONGRESS
2D SESSION

S. _____

To require employers of airport service workers at small, medium, and large hub airports to ensure that airport service workers are paid the prevailing wage and provided fringe benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require employers of airport service workers at small, medium, and large hub airports to ensure that airport service workers are paid the prevailing wage and provided fringe benefits, and for other purposes.

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 “Good Jobs for Good
5 Airports Act”.

6 **SEC. 2. GOOD JOBS FOR GOOD AIRPORTS.**

7 (a) FINDINGS; PURPOSES.—

8 (1) FINDINGS.—Congress finds the following:

1 (A) Safe and effective airport operations
2 are essential to national commerce and the gen-
3 eral welfare.

4 (B) A well-trained, stable workforce at our
5 Nation's airports is critical to ensuring public
6 safety and security, as well as the health and
7 safety of the public and protection from infec-
8 tious diseases.

9 (C) The Federal Government has invested
10 billions of dollars in creating and maintaining
11 our Nation's aviation infrastructure, reflecting
12 the national interest in maintaining airports
13 across the country.

14 (D) Airport services are most effective
15 when the workforce providing those services is
16 able to earn a living wage and able to secure
17 adequate health benefit coverage. In fact, meet-
18 ing the growing challenges of operating airports
19 securely and efficiently requires the recruitment
20 and retention of excellent staff in all of the
21 classifications of employees who work in airport
22 services and operations.

23 (E) Effective management of airports and
24 effective airport security requires that work-

1 force turnover be reduced and that the work-
2 force be highly trained and highly motivated.

3 (F) In connection with setting wage and
4 benefits standards for those engaged in airport
5 services, there is a need to establish an orderly
6 system that reconciles competing interests with-
7 out undue disruption.

8 (2) PURPOSES.—The purposes of this Act
9 are—

10 (A) to provide a mechanism for ensuring
11 minimum wage and benefits standards for indi-
12 viduals who work in airports; and

13 (B) to serve the best interests of the people
14 of the United States by stabilizing the work-
15 place conditions of the labor pool that supports
16 our Nation’s airport operations.

17 (b) AMENDMENTS TO TITLE 49 OF THE UNITED
18 STATES CODE TO ENSURE MINIMUM WAGE AND BENE-
19 FITS FOR COVERED SERVICE WORKERS.—

20 (1) COVERED SERVICE WORKER DEFINITION.—

21 Section 40102(a) of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(48) ‘covered service worker’—

24 “(A) means an individual who furnishes
25 services for, or on the property or premises of,

- 1 a small hub airport, medium hub airport, or
- 2 large hub airport, performing—

3 “(i) functions that are related to the
4 air transportation of persons, property, or
5 mail, including—

6 “(I) the loading or unloading of
7 property on aircraft or a building or
8 facility on the airport property;

9 “(II) assistance to passengers,
10 including assistance under part 382 of
11 title 14, Code of Federal Regulations;

12 “(III) security;

13 “(IV) airport ticketing or check-
14 in functions;

“(V) ground-handling of aircraft
or related equipment (but not includ-
ing mechanical services, machinery
maintenance, car service maintenance,
services at maintenance-related stores,
fueling, de-icing, or other mechanic-
related functions);

22 “(VI) aircraft cleaning and sani-
23 tization functions or waste removal;

1 “(VII) cleaning within an airport
2 terminal or other building or facility
3 on the airport property;

4 “(VIII) transportation of employ-
5 ees or individuals within the airport
6 property; or

7 “(IX) ramp agent functions;

8 “(ii) concessions services on the prop-
9 erty of an airport, including—

10 “(I) food service, including food
11 and beverage service, wait service,
12 busing, cooks, or cashiers;

13 “(II) retail service, including re-
14 tail related to news or gifts or duty-
15 free retail services;

16 “(III) cleaning for concession
17 services;

18 “(IV) security for concession
19 services; or

20 “(V) airport lounge services, in-
21 cluding food, retail, cleaning, or secu-
22 rity services for or at an airport
23 lounge;

24 “(iii) airline catering services (such as
25 the preparation or assembly of food, bev-

1 erages, provisions, or related supplies on
2 the airport property or premises or offsite
3 for delivery, and the delivery of such items,
4 directly to aircraft or to a location on or
5 near airport property for subsequent deliv-
6 ery to aircraft at the airport); or

7 “(iv) food or beverage service, house-
8 keeping, or hotel service at a hotel located
9 on airport property;

10 “(B) includes an individual without regard
11 to any contractual relationship alleged to exist
12 between the individual and a contractor or sub-
13 contractor;

14 “(C) shall not include an employee to
15 whom the exemption under section 13(a)(1) of
16 the Fair Labor Standards Act of 1938 (29
17 U.S.C. 213(a)(1)) applies; and

18 “(D) shall not include an employee of—

19 “(i) a State, municipality, or other po-
20 litical subdivision of a State or an author-
21 ity created by an agreement between 2 or
22 more States; or

23 “(ii) the Transportation Security Ad-
24 ministration or a qualified private screen-
25 ing company performing security screening

1 of passengers pursuant to a contract en-
2 tered into with the Transportation Security
3 Administration.

4 “(49) ‘covered employer’ means any person en-
5 gaged in commerce, or in any industry or activity af-
6 fecting commerce, who employs 1 or more covered
7 service workers.”.

8 (2) AIR COMMERCE AND SAFETY.—

9 (A) IN GENERAL.—Chapter 401 of title
10 49, United States Code, is amended by adding
11 at the end the following new section:

12 **“§ 40133. Labor standards for certain airport service**
13 **jobs.**

14 “(a) REQUIREMENT.—Any covered employer pro-
15 viding services at or for a small, medium, or large hub
16 airport shall ensure that all covered service workers, in-
17 cluding those subject to a collective bargaining agreement,
18 employed by the covered employer are paid a wage and
19 fringe benefits that are—

20 “(1) with respect to such wage, not less than
21 the higher of—

22 “(A) the minimum hourly wage for the ap-
23 propriate locality and classification as deter-
24 mined in accordance with chapter 67 of title 41,
25 United States Code (commonly known as the

1 ‘Service Contract Act’), by the Secretary of
2 Labor under subsection (c)(1)(A), adjusted an-
3 nually to reflect any changes made by such Sec-
4 retary in such determinations; or

5 “(B) the minimum hourly wage required
6 under an applicable State or local minimum
7 wage law (including a regulation) or policy, in-
8 cluding the policy of a political subdivision of a
9 State or an authority created by a compact be-
10 tween 2 or more States or 1 or more States and
11 the District of Columbia, that applies to cov-
12 ered service workers; and

13 “(2) with respect to such fringe benefits, not
14 less than the greater of—

15 “(A) the minimum fringe benefits for the
16 appropriate locality and classification as deter-
17 mined in accordance with chapter 67 of title 41,
18 United States Code (commonly known as the
19 ‘Service Contract Act’), by the Secretary of
20 Labor under subsection (c)(1)(A), adjusted an-
21 nually to reflect any changes made by such Sec-
22 retary in such determinations; or

23 “(B) the minimum fringe benefits required
24 under an applicable State or local law (includ-
25 ing a regulation) or policy, including the policy

1 of a political subdivision of a State or an au-
2 thority created by a compact between 2 or more
3 States or 1 or more States and the District of
4 Columbia, that applies to covered service work-
5 ers.

6 “(b) CERTIFICATION REQUIREMENT FOR COVERED
7 EMPLOYERS.—

8 “(1) IN GENERAL.—A covered employer shall
9 certify, under penalty of perjury, in a manner deter-
10 mined by the Secretary of Transportation, on a
11 monthly basis that all covered service workers, in-
12 cluding those subject to a collective bargaining
13 agreement, employed by the covered employer are
14 provided wage and fringe benefits that comply with
15 the requirements described in paragraphs (1) and
16 (2) of subsection (a).

17 “(2) FAILURE TO SUBMIT CERTIFICATION.—
18 The failure to submit a certification under para-
19 graph (1) shall constitute a violation of this section.

20 “(3) FALSE CERTIFICATION.—The submission
21 of a false certification under paragraph (1) shall
22 constitute a violation of this section.

23 “(c) CLASSIFICATIONS AND WAGE DETERMINA-
24 TIONS.—

1 “(1) IN GENERAL.—The Secretary of Labor
2 shall—

3 “(A) not later than 120 days after the date
4 of enactment of this section and in accordance
5 with paragraph (2), issue a wage determination
6 with minimum hourly wage and fringe benefits
7 in accordance with the methodology used by the
8 Secretary of Labor under chapter 67 of title 41,
9 United States Code (commonly known as the
10 ‘Service Contract Act’), appropriate for each
11 class of covered service worker for purposes of
12 paragraphs (1)(A) and (2)(A) of subsection (a);
13 and

14 “(B) not later than 120 days after the
15 date of enactment of this section and annually
16 thereafter, provide to the Secretary of Trans-
17 portation the applicable minimum hourly wage
18 and fringe benefits required for purposes of
19 subsection (a) with respect to each such class of
20 covered service worker.

21 “(2) NEW OCCUPATIONAL CATEGORIES.—In
22 issuing the wage determinations under paragraph
23 (1)(A), the Secretary of Labor—

24 “(A) shall ensure that each class of cov-
25 ered service worker is classified appropriately in

1 a category of occupation of a type covered
2 under chapter 67 of title 41, United States
3 Code; and

4 “(B) to the extent needed to carry out sub-
5 paragraph (A), may establish 1 or more new
6 categories of occupation of a type covered under
7 chapter 67 of title 41, United States Code, to
8 ensure that all classes of covered service work-
9 ers have an appropriate determination of min-
10 imum hourly wage and fringe benefits.

11 “(d) RULEMAKING AUTHORITY.—The Secretary of
12 Labor and the Secretary of Transportation may prescribe
13 regulations to implement this section, provided that such
14 regulations prescribed by the Secretary of Transportation
15 shall be consistent with such regulations prescribed by the
16 Secretary of Labor.

17 “(e) ENFORCEMENT.—

18 “(1) WAGE AND BENEFIT ENFORCEMENT.—
19 The Secretary of Labor shall have the authority to
20 enforce the wage and fringe benefit requirements for
21 covered service workers described in paragraphs (1)
22 and (2) of subsection (a), including the authority to
23 issue orders, conduct investigations, examine the
24 records of covered employers, hold hearings, make
25 decisions based on findings of fact, and take other

1 appropriate action pursuant to the authority of the
2 Secretary of Labor under the Fair Labor Standards
3 Act of 1938 (29 U.S.C. 201 et seq.).

4 “(2) CERTIFICATION ENFORCEMENT.—

5 “(A) IN GENERAL.—The Secretary of
6 Transportation shall have the authority to en-
7 force the certification requirement described in
8 subsection (b), including the authority to issue
9 orders, conduct investigations, examine the
10 records of covered employers, hold hearings,
11 make decisions based on findings of fact, and
12 take other appropriate action pursuant to the
13 Secretary of Transportation’s authority.

14 “(B) CONSIDERATIONS.—In determining
15 whether a covered employer submitted a false
16 certification under subsection (b), the Secretary
17 of Transportation shall consider as evidence any
18 findings of fact made by the Secretary of Labor
19 regarding a covered employer’s failure to com-
20 ply with the wage and fringe benefit require-
21 ments described in paragraphs (1) and (2) of
22 subsection (a).

23 “(f) NON-PREEMPTION OF STATE OR LOCAL
24 LAWS.—Nothing in this section shall preempt any State
25 or local law (including a regulation) or policy that requires

1 a higher minimum wage or otherwise requires greater ben-
2 efits or protections for covered service workers than the
3 requirements of this section.

4 “(g) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of enactment of the Good Jobs for Good
6 Airports Act, and annually thereafter, the Secretary of
7 Transportation shall submit to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives a report on their efforts to im-
11 plement such Act, as well as an assessment of the efforts
12 of covered employers to come into compliance with the re-
13 quirements of such Act.

14 “(h) PUBLICATION OF DATA.—The Secretary of
15 Transportation shall publish complaint data relating to
16 covered service workers in a manner comparable to other
17 aviation consumer complaint data.”.

18 (B) CLERICAL AMENDMENT.—The analysis
19 for chapter 401 of title 49, United States Code,
20 is amended by inserting after the item relating
21 to section 40132 the following:

“40133. Labor standards for certain airport service jobs.”.

22 (3) PENALTIES.—Section 46301 of title 49,
23 United States Code, is amended—

24 (A) in subsection (a), by adding at the end
25 the following new paragraph:

1 “(9) PENALTIES RELATING TO LABOR STAND-
2 ARDS FOR CERTAIN AIRPORT SERVICE JOBS.—Not-
3 withstanding paragraph (1), the maximum civil pen-
4 alty for a violation of section 40133 shall be an
5 amount not to exceed 3 times the amount of a civil
6 penalty as described in paragraph (1).”; and

7 (B) in subsection (c)(1)(A), by striking “or
8 section 44909 of this title” and inserting “sec-
9 tion 44909, or section 40133 of this title.”.

10 (4) INVESTIGATIONS AND PROCEEDINGS.—

11 (A) IN GENERAL.—Chapter 461 of title
12 49, United States Code, is amended by adding
13 at the end the following new section:

14 **“§ 46112. Enforcement of labor standards for certain**
15 **airport service jobs by interested persons**

16 “An interested person may bring a civil action in a
17 district court of the United States against a person to en-
18 force section 40133. The action may be brought in the
19 judicial district in which the defendant does business or
20 the violation occurred.”.

21 (B) CLERICAL AMENDMENT.—The analysis
22 for chapter 461 of title 49, United States Code,
23 is amended by inserting after the item relating
24 to section 46111 the following:

“46112. Enforcement of labor standards for certain airport service jobs by inter-
ested persons.”.

1 (c) MINIMUM WAGE AND FRINGE BENEFITS FOR
2 COVERED SERVICE WORKERS UNDER THE FAIR LABOR
3 STANDARDS ACT OF 1938.—Section 6 of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 206) is amended by
5 adding at the end the following:

6 “(h) COVERED SERVICE WORKERS PERFORMING
7 SERVICES FOR SMALL, MEDIUM, AND LARGE HUB AIR-
8 PORTS.—

9 “(1) IN GENERAL.—In lieu of the rate pre-
10 scribed by subsection (a)(1), an employer shall pay
11 each employee employed as a covered service worker
12 (as defined in section 40102(a) of title 49, United
13 States Code), providing services at or for a small
14 hub airport, medium hub airport, or large hub air-
15 port (as those terms are defined in such section),
16 who in any workweek is engaged in commerce or in
17 the production of goods for commerce, or is em-
18 ployed in an enterprise engaged in commerce or in
19 the production of goods for commerce, a minimum
20 wage and fringe benefits as provided under section
21 40133(a) of title 49, United States Code.

22 “(2) ADMINISTRATION AND ENFORCEMENT OF
23 FRINGE BENEFITS.—For purposes of administration
24 and enforcement of any unpaid fringe benefits re-
25 quired under paragraph (1), the fair market value

- 1 amount of any such fringe benefits shall be deemed
- 2 unpaid minimum wages under this Act.”.