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House Bill 2127
Written Testimony of Airlines for America
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Vice President, State and Local Government Affairs
Before the House State Affairs Committee
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On behalf of Airlines for America (A4A) and its members¹, the leading U.S. passenger and cargo carriers, I write to offer our strong support for the underlying policy goals in HB 2127. HB 2127 will address the patchwork of onerous labor mandates being implemented in municipalities throughout the state of Texas. The unique nature of the airline industry – a nationwide network of routes whose safety and operations are solely regulated by the Federal Aviation Administration – can be impacted significantly by even the most well intentioned, but potentially disruptive, local labor mandate. Among the challenges we have faced as an industry in recent years are:

- Paid sick leave ordinances, which do not exempt airline employees and therefore violate the Airline Deregulation Act. Uniformity in regulation of air carriers from one end of a route to another is an absolute national necessity, and HB 2127 will serve to strengthen that within the state of Texas. Without uniformity, a flight crew flying through three cities in any given day could be subject to three different paid sick leave laws in a single duty period, each with its own accrual, compensation, reporting and leave requirements. By comparison, San Antonio's sick leave ordinance recognized the unique nature of airline operations by including a Railway Labor Act exemption to prevent these problems. Although A4A recognizes that court decisions have found two local sick leave ordinances enacted by Texas municipalities were unlawful, those decisions rested on an interpretation of Texas's minimum wage law and there is still no explicit prohibition in Texas law preventing local governments from regulating sick and other paid leave practices of employers.
- An executive order, which sets an airport-specific minimum wage. Mandating different wage rates for different industries creates a patchwork of conflicting and confusing local standards, and unfairly singles out employers in certain industries as being subject to higher minimum wages.

¹ The members of the association are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

- A local government requiring certain airport employers, including airlines, to provide extremely costly health benefits to employees, such that airlines have been forced to design health insurance plans just for that one location. This ordinance is the subject of ongoing litigation.

Many cities and states have also entertained – and some have enacted – ordinances or laws regulating the work schedules of private employers. Due to the unique nature of the airline business, local government ordinances regulating the scheduling of employees would undoubtedly result in widespread operational disruptions, flight cancellations and significant increased costs, all of which would be detrimental for Texas’ passengers and cargo customers. Thankfully, thus far no jurisdiction in the country has attempted to apply a scheduling ordinance to airlines. We certainly want to ensure that remains true in Texas.

Numerous other instances of local governments seeking to regulate airlines exist, including in the areas of pay transparency, salary history, criminal background checks, paid COVID leave and harassment training. The specific examples discussed here are merely those that have had the most significant impact on airlines to date.

Additionally, I would be remiss if I did not express our appreciation for keeping this issue at the forefront of your priorities. The airline industry in Texas and the business community at large will be better because of the success of your efforts.

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