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BUSINESS LAW

## Airlines, railroads file suits over paid sick leave

By Jeff Green  
Bloomberg News

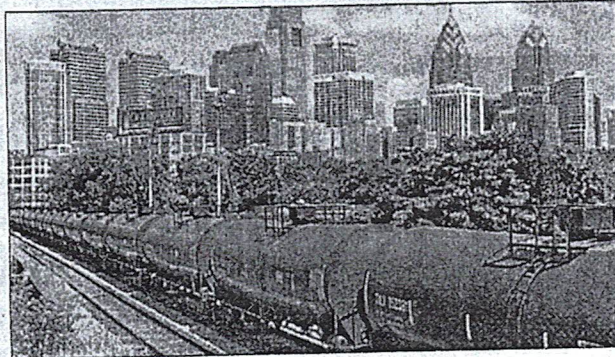
Fed up with state and local laws requiring private employers to offer paid sick days, the airlines and railroads have filed suit, claiming that the interstate nature of their businesses should make them exempt.

Airlines for America, a trade group that includes American Airlines, United Continental, FedEx and United Parcel Service is asking judges in Washington and Massachusetts to exempt the airlines from the state laws, which provide for paid sick leave for all workers. CSX Corp. has also filed in Massachusetts, saying that the state law is overruled by a federal railroad rule that forbids local interference.

This may just be the beginning, said Michael Soltis, a Connecticut employment lawyer and part-time faculty at the law school at Quinnipiac University. "If they get some measure of success here, you've got to believe they would march it around the country to all the jurisdictions."

The airlines say the motley nature of local laws makes it impossible and impractical for them to conform. In the suit, the airlines said a flight crew could be in several different jurisdictions during the course of a single flight. The Massachusetts suit, filed in April, says that one airline has already closed an unidentified flight attendant base in an unnamed jurisdiction because of the added cost of paid sick-leave laws there.

"These state and local laws are designed for employees working in traditional office environments, working 40 hour weeks, five days per week in a single jurisdiction," Vaughn Jennings, a spokesman for Airlines for Amer-



Rail companies including CSX Corp. are fighting state and local laws requiring paid sick leave. They say they are regulated by one federal law providing workers with paid sick time after the fourth day of illness. MATT ROURKE / AP 2015

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The U.S. is the only industrialized country that doesn't require companies to provide paid sick leave for employees.

Many do it anyway, either as a matter of corporate policy or because they're subject to one of the 40 state or local laws that have cropped up in the absence of a federal mandate.

As a result, roughly two out of three private-sector workers are eligible for at least some paid sick time, according to the Bureau of Labor Statistics.

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ica, said in an e-mail. "Airline flight crews routinely operate in multiple states in a single day, rarely spend much time in any one state, and spend the majority of their time in federal airspace."

The flight attendants union, which represents 50,000 flight attendants at 20 carriers, and a half-dozen railroad-employee union groups support the state laws

and say they oppose the airline association's position.

"As long as airlines operate in the state, they are subject to state laws," Sara Nelson, president of the Association of Flight Attendants-CWA, said in a statement. "This is not the first time a local or state law has affected the industry. We will fight this misguided lawsuit to ensure flight attendants receive this benefit under the law."

Like the rest of the business lobby, the airlines say they want uniform, nationwide regulation. Not long ago, the Society for Human Resource Management put forward a proposed national policy that would encourage companies to provide paid sick leave but not require it. The proposed law remains under review in a House committee.

The railroads say they are regulated by one, uniform federal law — one that provides railroad workers with paid sick time after the fourth day of illness. According to the lawsuit, that law also specifically bars states from adding to the requirements. The First Circuit Court of Appeals in Boston has ruled in favor of CSX in at least part of their argument, and a lower court has been asked to review other aspects of the law, Soltis said.