

<http://www.laboremploymentlawblog.com/>

SHEPPARD MULLIN
SHEPPARD MULLIN RICHTER & HAMPTON LLP

Labor & Employment Law BLOG
Up-to-date Information on Labor and Employment

09 | 23 | 2009 Posted By

Second Circuit Holds That Employees Do Not Have Private Cause of Action Under the Railway Labor Act

Earlier this week, the federal Second Circuit Court of Appeal affirmed the Eastern District of New York's dismissal of the Railway Labor Act ("RLA") and state law claims that had been filed by former American Airlines flight attendants against American Airlines and their union.

In Lindsay v. Association of Professional Flight Attendants et al., the plaintiffs alleged that a 2003 restructuring agreement between American Airlines and the union violated sections 1 and 7 of the RLA because the union unlawfully replaced the 2001 collective bargaining agreement previously entered into between American Airlines and the union. The plaintiffs also alleged certain state law claims.

In July 2008, the Eastern District granted American Airlines' and the union's motion for summary judgment, holding that the RLA does not provide a private cause of action and that the plaintiffs' state law claims were preempted by the RLA. The plaintiffs appealed. On September 21, 2009, the Second Circuit affirmed the lower court's decision.

Specifically, the Second Circuit held that while section 1 of the RLA requires carriers to make every reasonable effort to maintain agreements regarding pay rates, rules, and working conditions, to permit individual employees to sue their employer and/or union under such section of the RLA to set aside an agreement that was agreed upon and ratified by the union's membership would risk the disruption in commerce that the RLA is designed to avoid. The Second Circuit further held that the union, not individual employees, is the proper party to invoke section 7 of the RLA. Finally, the Second Circuit agreed with the Eastern District that the plaintiffs' state law claims are preempted by the RLA --- reasoning that holding American Airlines and/or the union liable under state laws for their conduct during collective bargaining negotiations would upset the RLA's "balance of power."

This decision is an important victory for employers seeking reassurance that agreements entered into with a union and ratified by the union's membership will withstand judicial scrutiny if subsequently challenged by disgruntled employees.