

JetBlue

Overview:

- JetBlue is the 6th largest airline in the US, flying more than 32 million passengers in 2014.¹

New York/New Jersey Airports

JFK Airport - JetBlue out of operates Terminal 5 at JFK.² The company uses the following three non-union contractors.

- **Ultimate Aircraft** – Ultimate provides cabin cleaning services to JetBlue.³ The company is also contracted by JetBlue to conduct security checks on airplanes.⁴ Ultimate employs 225 workers at JFK.⁵

- **Working Conditions**

While performing their duties to clean the airplanes for Ultimate, workers are often exposed to blood, vomit, and other bodily fluids.⁶ Some workers report that they are rarely given gloves to clean the aircrafts despite their encounters with bodily fluids.⁷ Workers report not receiving adequate training on the proper use of cleaning chemicals. One worker even suffered from burns after using the cleaning chemicals.

Some workers report that when they clean JetBlue aircrafts, they are not given enough rags to clean all the surfaces on over a dozen aircraft, including the bathrooms.⁸ As a result, workers sometimes use the same rag to clean the floors, walls, toilets, and sinks.

Health and Safety Violations

Ultimate has a history of health and safety violations. In November 2015, Ultimate was cited by Occupational Safety and Health Administration for four violations due to health and safety concerns at JFK Terminal 5, including violations related to bloodborne pathogens and infectious diseases.⁹ Ultimate entered into an informal settlement with OSHA for which it agreed to pay \$3,600.

In March 2016, workers filed another OSHA complaint because the company because they alleged it has failed to comply with the OSHA settlement agreement and abate some of the violations.¹⁰ The investigation by OSHA officials is still pending.

- **Unfair Labor Practices**

In November 2015, the Service Employees International Union Local 32BJ (Local 32BJ) filed charges for unfair labor practices against Ultimate with the National Labor Relations Board (NLRB). Local 32BJ alleged that Ultimate reduced the hours of workers because of their support for Local 32BJ, impliedly threatened to discharge workers because of their support for the union, stopped workers from wearing union pins or other union insignia, and told workers that the NLRB could not help them. The company also caused five employees to lose wages and benefits because the employees' hours were reduced.

After investigating the charges, the NLRB decided to move forward with a complaint. Ultimate agreed to settle the complaint without admitting any wrongdoing in March 2016, rather than go to trial. As part of the settlement agreement, the five employees were compensated for lost wages because Ultimate had reduced their assigned hours.¹¹ In addition, Ultimate agreed to post a notice informing all employees of their rights to organize and support labor unions under federal law.¹²

- **Roma Cleaning** – Roma provides terminal cleaning services at JFK Terminal 5. The company employs 164 workers at JFK.¹³ Roma Cleaning is affiliated with Rio Cleaning and Lima Cleaning, which clean JetBlue’s terminals in Fort Lauderdale and Boston respectively.¹⁴ The company entered into an informal settlement agreement with OSHA. Roma agree to pay \$5,500 for the violations.

- **Health and Safety Violations**

In November 2015, Roma was cited by OSHA for four “serious” violations due to health and safety concerns at JFK Terminal 5 that could cause an accident or illness including violations related to bloodborne pathogens and infectious diseases.¹⁵

- **Unfair Labor Practices**

SEIU 32BJ filed charges with NLRB against Roma in July 2014, for unfair labor practices. The union alleged that Roma did the following:

- Fired, threatened to fire, or forced workers to quite because of union support;
- Imposed onerous working conditions on workers because of their union support;
- Closely supervised workers because of their union support;
- Assigned workers work away from other employees in order to stop them from engaging in union activity;
- Questioned workers about union activity;
- Promised benefits to try to dissuade workers from supporting the union;
- Solicited grievances and promised to fix them in order to discourage workers from supporting the union;
- Watched or made it appear that Roma was watching union activities;
- Stopped workers from wearing or threatened to fire them for wearing union buttons; and
- Stopped workers from distributing literature.

After investigating the allegations, the NLRB Regional Office decided to move forward with the complaint. Rather than go to trial, Roma agreed to settle the complaint without admitting any wrongdoing in February 2015. As part of the settlement agreement, Roma agreed to pay two workers \$19,055 in backpay and frontpay plus interest and compensation for excess tax liability.¹⁶ Roma was ordered to restore the work assignments of two other workers. Roma agreed to revise the employee handbook to provide language of lawful rules regarding employee’s rights to wear buttons, distribute literature, and participate in group activities.¹⁷ Finally, the company was required to post a notice that they would not interfere with employees’ rights under federal law to organize and support labor unions.¹⁸ Roma was required to post the notice in the employee locker rooms at JetBlue Terminal 5 of John F. Kennedy airport.¹⁹

- **PrimeFlight** – PrimeFlight provides wheelchair assistance and other passenger services at JFK.²⁰ JetBlue also contracts PrimeFlight at LaGuardia Airport.²¹

Based in Nashville, PrimeFlight is a privately-held, subsidiary of SMS Holdings. PrimeFlight provides ground handling, aircraft cleaning, terminal/passenger services, janitorial, security, and other services.²² We estimate that PrimeFlight employs 300 workers at T5.²³

- **Health and Safety Violations**

In March 2016, the Occupational Safety and Health Administration (OSHA) issued proposed citations for a total of 14 “serious” violations due to health and safety concerns at PrimeFlight’s operations in LaGuardia and Newark Liberty International Airports that “could cause an accident or illness that would most likely result in death or serious physical harm.”²⁴ OSHA observed that PrimeFlight:

- failed to provide lift trucks with protections to keep workers from falling 20ft to the concrete below;
- failed to instruct employees how to use fire extinguishers;
- failed to develop a plan or training program to protect workers from exposure to blood and other potentially infectious materials;
- forced workers to use extension cords with exposed wires;
- failed to provide eye protection to workers cleaning with hazardous chemicals;
- failed to provide retraining and instruction to workers on the usage and location of gloves when exposed to blood or other bodily fluids; and
- the company failed to make wheelchair agents aware of the specific hazardous conditions associated with some of the company’s defective wheelchairs.

In addition, OSHA issued a hazard letter to PrimeFlight stating that workers are exposed to the risk of injury while operating the company’s passenger vans due to: doors that jam shut or open while driving; missing or defective seatbelts; and power steering and alignment issues.²⁵

PrimeFlight is currently contesting the citations.

In October 2011, a Newark Liberty International Airport PrimeFlight employee sued the company, claiming that she suffered serious injuries after the company vehicle she was riding in crashed into a pole.²⁶ The employee alleges that the van was driven by a worker who was not licensed to operate such a vehicle and/or had no experience in driving such a vehicle upon the road or tarmac of the airport. PrimeFlight denied the allegations. The case was settled in December 2015.²⁷

- **Wage and Hour Claims**

PrimeFlight has a troubling history of wage and hour claims and paying large settlements regarding its employees at airports across the country. Since 2005, total settlements, back wages, and penalties for these violations exceed \$1.5 million.²⁸ The company has also been found to be a repeat and willful violator of federal wage and hour law on multiple occasions.

- **Passenger Safety**

In 2013, US Airways agreed to pay \$1.2 million civil penalty under a consent order with the Department of Transportation after the DOT found that the carrier failed to provide adequate wheelchair assistance to disabled passengers in Philadelphia and Charlotte, North Carolina.²⁹ During the time of the consent order was issued, US Airway was using Primeflight Aviation Services to provide their passengers with wheelchair assistance at Philadelphia International Airport.

The issues raised by JetBlue’s subcontracted workers in New York City, are also present among JetBlue’s subcontracted workers at other airports.

Boston Airport

JetBlue is the largest carrier in terms of flights and passengers at Logan International Airport.³⁰

- **ReadyJet** – ReadyJet provides cabin cleaning services for JetBlue. The company employs 110 workers at the airport.³¹
 - In 2014 and 2015, the Massachusetts Attorney General issued citations against ReadyJet for wage theft. The company was ordered to pay over \$40,000 in restitution and civil penalties.³²
 - In 2014 and 2015, OSHA issued six violations for inadequate protective equipment, lack of training, hazard communication.³³
- **Lima Cleaning** (affiliated with Roma Cleaning and Rio Cleaning) – Lima provides terminal cleaning for JetBlue. The company employs 19 workers at the airport.³⁴
 - In 2015, OSHA issued four violations for inadequate protective equipment, hazard assessment, hazard communication.³⁵

Fort Lauderdale-Hollywood

JetBlue is the second largest airline at Fort Lauderdale-Hollywood International Airport.³⁶

- **FLL Eulen** - At Fort Lauderdale, the company employs about 231 workers.³⁷ Eulen provides check point services for JetBlue at FLL.³⁸

- **Health and Safety**

In an inspection by OSHA at Tampa International Airport, Eulen was found to have violated standards related to bloodborne pathogens while it was a service contractor for Delta Airlines.³⁹ OSHA found that even though Eulen’s cabin cleaners were exposed to bloodborne

pathogens, Eulen had failed to develop and implement a written exposure control plan. Eulen Corporate Safety Director agreed that they would develop and implement a blood borne pathogen exposure control plan and offer the Hepatitis B vaccine to exposed employees.

- **Wage and Hour Claims**

As recently as June 2015, thirteen employees brought a collective action lawsuit against Eulen in the Southern District of Florida (Miami) claiming unpaid overtime pay.⁴⁰ Eulen denied these allegations, and also defended itself against the claims by asserting that plaintiffs, “failed to mitigate their damages by acts including their failure to complain or report any alleged illegality of work requested of them.”⁴¹ Though Eulen continued to deny the allegations, they did agree to settle the case on March 9, 2006. As part of the settlement, Eulen agreed to pay an estimated \$60,000 consisting of \$2,730.76 to each of the 13 plaintiffs⁴² and \$24,500 in attorney fees and costs for the representation of the plaintiffs.

- **Unfair Labor Practices**

In August 2013, Eulen fired an employee at FLL after he appeared on television and at a rally protesting low wages. Following issuance of an unfair labor practice complaint by the NLRB, on June 25, 2015, Eulen agreed to settle the case without admitting any wrongdoing and pay the worker \$21,000 in back pay and interest. Additionally, as part of the settlement Eulen had to modify its employee handbook to repeal rules that interfered with employee rights to engage in concerted activity and union activity, as well as post a notice that Eulen will comply with all federal labor laws and respect the employees’ right to organize and support labor unions.⁴³

For more information on Eulen American, visit www.eulenexposed.org.

¹ “Virgin America Sold to Alaska Airlines,” SFist.com, April 3, 2016. Available at: http://sfist.com/2016/04/03/virgin_america_likely_being_sold_to.php. Accessed: April 12, 2016. 2014 10K p. 6

² JetBlue 2015 Annual Report, p. 52.

³ <http://www.ultimateaircraft.com/ultimate-to-provide-cleaning-and-security-checks-to-aer-lingus/>. Accessed May 13, 2016.

⁴ Ibid.

⁵ PANYNK April 2016 Badging Data.

⁶ Workers’ statements.

⁷ Workers’ statements.

⁸ Workers’ statements.

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- ⁹ Occupational Safety & Health Administration Case Inspection No. 107322.015 re: Ultimate Aircraft Services, New York Bayside Office, Region 2, Case Opened June 24.
- ¹⁰ Complaint submitted to Occupational Safety & Health Administration on March 10, 2016.
- ¹¹ N.L.R.B. Case No. 29-CA-164678, Settlement Agreement received from N.L.R.B. Region 29, March 14, 2016.
- ¹² Ibid.
- ¹³ April 2016 Badging Data
- ¹⁴ New York State Department of State Corporate Division and State Records, Certificate of Incorporation of Roma Cleaning. Florida Secretary of State, Rio Cleaning Company 2016 Florida Limited Liability Company Annual Report. Massachusetts Secretary of the Commonwealth, Lima Cleaning LLC, Certificate of Organization.
- ¹⁵ Occupational Safety & Health Administration Case Inspection No. 1003498.015 re: Roma Cleaning Inc., New York Bayside Office, Region 2, Case Opened October 24, 2014.
- ¹⁶ N.L.R.B Case No. 29-CA-132255.
- ¹⁷ N.L.R.B Case No. 29-CA-132255 Settlement Agreement received from N.L.R.B. Region 29, February 9, 2015.
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ Based on observations by organizers.
- ²¹ Based on observations by organizers.
- ²² <http://smsholdings.com/index.php/companies/> and <http://primeflight.com/services/>. Accessed May 13, 2016.
- ²³ Based on observations by organizers.
- ²⁴ Occupational Safety & Health Administration Case Inspection No. 1092584 re: Primeflight Aviation Services, New Jersey Parsippany Area Office, Region 2, Case Opened September 14, 2015 and Occupational Safety & Health Administration Case Inspection No. 1093145 re: Primeflight Aviation Services, New York Queens Area Office, Region 2, Case Opened September 10, 2015.
- ²⁵ Occupational Safety & Health Administration Case Inspection No. 1092584 re: Primeflight Aviation Services, New Jersey Parsippany Area Office, Region 2, Case Opened September 14, 2015.
- ²⁶ Marie Monsanto vs. PrimeFlight Aviation Services, Inc., Essex County Court Docket # L 008550 11 Complaint for Jury Demand, Demand for Answers to Form Interrogatories Demand for Discovery, page 3.
- ²⁷ Marie Monsanto vs. PrimeFlight Aviation Services, Inc., Essex County Court Docket # L 008550 11, Case proceeding list.
- ²⁸ Fernandez v. PrimeFlight Aviation Services, Inc., et al, No. 1:11-cv-04862-KAM-CLP (E.D. NY); State of New Jersey Department of Labor and Workforce Development Government Records Request, Prime Flight Aviation Services, GE-2957-1011-REY; US DOL case ID: 1577742, NYC District Office, received via September 30, 2013 FOIA; State of New Jersey Department of Labor and Workforce Development Government Records Request, PrimeFlight Aviation Services Inc., WC-1698-1007-SAN; and State of New Jersey Department of Labor and Workforce Development Government Records Request, Prime Flight Aviation Services, GE-240-0106-SAN
- ²⁹ Consent Order, Docket OST -2013-0004, Issued by the Department of Transportation on November 4, 2013, page 4.
- ³⁰ Bureau of Transportation Statistics Boston, MA: Logan International Carrier Shares for March 2015-February 2016.
- ³¹ Massport Issued Badges per company for 2015.
- ³² Massachusetts Attorney General, Citation #WH140124, issued 7-23-2014. Massachusetts Attorney General, Citation #14-05-29542-002, issued 5-14-2015. Massachusetts Attorney General, Citation #14-05-29542-003, issued 5-14-2015, Massachusetts Attorney General, Citation # 14-05-29542-004, issued 5-14-2015.
- ³³ [OSHA Inspection #1055813.015. Case opened 4-15-2015 and closed 3-2-2016.](#)
- ³⁴ Massport Issued Badges per company for 2015.
- ³⁵ [OSHA Inspection #1043475.015. Case opened 2-26-2015 and closed 8-7-2015.](#)
- ³⁶ Bureau of Transportation Statistics Fort Lauderdale, FL: Fort Lauderdale-Hollywood International Carrier Shares for March 2015-February 2016.
- ³⁷ Fort Lauderdale-Hollywood International Airport Badging Data as of January 25, 2016. At Fort Lauderdale, the company operates at American Sales and Management Organization, LLC (ASMO).
- ³⁸ Based on observations by organizers.
- ³⁹ OSHA Inspection 316388719
- ⁴⁰ Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-

DPG, Southern District of Florida (Miami), Filed June 19, 2015, First Amended Complaint.

⁴¹ Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-DPG, Southern District of Florida (Miami), Filed June 19, 2015, Answer and Affirmative Defenses to Plaintiff's First Amended Complaint, p. 5.

⁴² Lantigua et al v. American Sales and Management Organization, LLC et al, Case No. 1:15-cv-22327-DPG, Southern District of Florida (Miami), Parties Joint Motion for Approval of Settlement and Stipulation of Dismissal, March 9, 2016.

⁴³ N.L.R.B. Case No. 12-CA-113350