

# Limited Access

How poor working conditions for airport wheelchair attendants affect passengers with disabilities





With 163,000 members in eleven states and Washington, D.C., including 80,000 in New York City, 32BJ SEIU is one of the largest unions representing immigrant workers in the country. 32BJ's mission is to build and grow a diverse, effective, politically independent and democratic organization of workers to change our lives for the better, improve our communities, and build a more just society for present and future generations.

# Foreword

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United Spinal Association is a membership organization of over 45,000 people with spinal cord injuries or disorders, the vast majority of whom use wheelchairs and reside in all 50 states. We are committed to advancing public policies that lead to greater independence for people with disabilities. Air travel is vital for employment, staying connected with family and friends, and contributing to one's community. We believe that no person should be excluded from these opportunities on the basis of disability. Air travel should be accessible to all.

When the Service Employees International Union Local 32BJ brought to our attention that airlines are outsourcing wheelchair services to contractors at New York City airports, we became concerned about how this might impact the quality of wheelchair services. Wheelchair attendants interviewed for this new report now reveal that serious and troubling barriers to access at airports continue to exist, despite federal regulation.

This report is an effort to document the difficult working conditions that wheelchair attendants encounter while on the job; it is unique to previous reports on airport accessibility because it provides an on-the-ground assessment of wheelchair services. As the people tasked to perform this vital airport service, wheelchair attendants know the impact that inferior contractors hired by the airlines can have on the passengers that they assist. Their experiences reveal the disconnect between what airlines say they are doing to make the airport accessible and the actual day-to-day operations of wheelchair services contractors. That is the reason these workers' perspectives are so important and their experiences need to be shared.

The report also offers recommendations to airlines and the contractors they hire on how they can invest to improve wheelchair services. It is clear that the airlines need to invest in hiring contractors to provide high quality wheelchair services to ensure accessibility.



**James Weisman**  
President & CEO  
United Spinal Association

# Executive Summary

In 1986, Congress passed the Air Carrier Access Act (ACAA) to prohibit discriminatory treatment of persons with disabilities in air transportation.<sup>1</sup> To achieve accessibility, airlines are required to provide assistance in transportation from the drop-off point to the gate for a departing flight, or from the gate to the terminal entrance.<sup>2</sup> But when airlines do not provide quality wheelchair services, passengers with disabilities can suffer injuries and long-term harm.

Traditionally, airline employees performed wheelchair services. But these jobs have been outsourced to private contractors.<sup>3</sup> As of 2016, there were estimated to be almost 1,300 contracted wheelchair attendants at John F. Kennedy and LaGuardia International Airports providing critical services to passengers who have disabilities.<sup>4</sup> Passenger service contractors often pay employees lower wages and offer fewer benefits compared to when workers were directly employed by the airlines.<sup>5</sup>

The U.S. Department of Transportation reported that in 2015 airlines received over 30,000 complaints related to disabilities nationally.<sup>6</sup> This is the highest number of complaints that the DOT has received since it began documenting these complaints in 2004.<sup>7</sup> These complaints underscore the need to do more to improve this critical passenger service. Passengers with disabilities have a right to reasonable, timely accommodation when they use air travel. Airlines can achieve this by making wheelchair services a priority.

The Service Employees International Union Local 32BJ conducted 26 interviews with wheelchair attendants employed by some of the largest contractors operating at John F. Kennedy International and LaGuardia International Airports from March 2016 to April 2017. During the interviews, wheelchair attendants describe inadequate training and poor working conditions. This report examines the interviews with wheelchair attendants that work for two airline contractors that provide wheelchair services at John F. Kennedy and LaGuardia International Airports: Prime-Flight Aviation Services and Pax Assist. This report discusses how poor working conditions for wheelchair attendants potentially affect the passengers that use wheelchair services. As the people that work closest with passengers with disabilities at the airports, wheelchair attendants' experiences highlight a range of problems that can and should be resolved.

# Key Findings

- **Inadequate Training to Assist Passengers with a Wide Variety of Needs and Disabilities.** Wheelchair service agents report they feel they are not adequately trained to assist passengers with various needs and disabilities.

- **Understaffing Creates Unsafe Conditions for Both Workers and Passengers.** Workers believe they are understaffed, which causes them to rush or conduct simultaneous tasks in order to keep up.

- **Improperly Maintained Wheelchair Equipment.** Workers report that wheelchair equipment is poorly maintained.

- **Lack of Emergency Preparedness.** Workers report they are not prepared to keep themselves and others safe in the event of an emergency.

- **Poor Working Conditions Leading to Increased Turnover.** Workers report low wages and benefits. This may potentially lead to increased turnover, thereby reducing the skills and knowledge needed to assist passengers that require wheelchair services.

# Key Recommendations

To improve contracted airline wheelchair services at New York City airports, this report offers recommendations. These recommendations provide a comprehensive quality standards program that addresses the concerns of contracted wheelchair attendants and the needs of people with disabilities. The recommendations are for airlines to hire contractors that ensure:

- Appropriate wage and benefits standards;
- Meaningful training standards;
- Worker retention requirements;
- Adequate staffing levels;
- Full-time staffing requirements where possible;
- Equipment standards; and
- Meaningful emergency preparedness training standards





# Introduction

People with disabilities travel in large numbers in the United States.<sup>8</sup> In August 2016, the Open Doors Organization (ODO)<sup>9</sup> released a market study on the general travel behavior of adults with disabilities. The study found that 31% of the Americans with disabilities have flown in the past two years, amounting to 11 million people.<sup>10</sup> But for the millions of passengers with disabilities traveling each year, the airport can be particularly stressful and perilous experience. Checking in luggage, passing through security, finding the departure gate, and boarding the plane, are some of the potentially harmful obstacles that passengers with disabilities encounter at the airport.

To ensure that air travel is accessible to all people, including those with disabilities, Congress enacted the Air Carrier Access Act (ACAA). Under the law, airlines must “provide or ensure the provision of assistance requested by or on behalf of a passenger with a disability,” in moving throughout the terminal.<sup>11</sup> To meet these obligations, the law requires that airlines provide passengers with disabilities transportation from the terminal entrance to the departure gate, between gates, and from the gate to the entrance.<sup>12</sup> At New York City airports, these jobs are often outsourced to private contractors.<sup>13</sup> Even so, the airlines remain legally responsible for ensuring contractors’ compliance with the ACAA.<sup>14</sup>

It is not unusual for multiple contractors to provide wheelchair services at the same airport, even within the same terminal. Under the airports private contracting regime, private contractors compete for airline contracts, resulting in a low-bid system with little oversight. According to researchers at the University of California Berkeley Institute for Research on Labor and Employment, contractors are incentivized to submit low-bids and cut costs wherever feasible, without improving efficiency.<sup>15</sup> As a result, subcontracted passenger services workers at the airports earn low wages, receive few meaningful benefits, and little training, and are more likely to be employed on a contingency basis.<sup>16</sup>

This race to the bottom is particularly concerning for airline passengers who use wheelchair services. The researchers at the University of California Berkeley found that when passenger service workers endure poor working conditions, it can have a corrosive effect on workforce professionalism, potentially threatening the quality of services.<sup>17</sup> Airlines are responsible for the contractors that they hire and for the wheelchair services that they provide. As this report will show, airlines need to improve airport wheelchair services because, for the millions of people who use them, wheelchair services are not a choice, they are a necessity.

# Federal Protection for Travelers with Disabilities

**Air travelers with disabilities are protected by the Air Carrier Access Act (ACAA).** This federal law prohibits airlines from discriminating against passengers on the basis of disability and requires airlines, “to make aircraft, other facilities, and services accessible.”<sup>18</sup> The ACAA specifically covers areas related to the operation of aircrafts and any portion of the airport controlled by an airline.<sup>19</sup> Services related to areas such as the ticket counter, gate areas, or baggage claim areas are considered under the control of the airline and subject to ACAA rules.<sup>20</sup>

**The airlines are on the hook for their subcontractors’ actions.** Airlines are ultimately responsible for providing wheelchair services and for ensuring contractors’ compliance with the ACAA.<sup>21</sup> If a contractor fails to comply, the airline is still held responsible. Moreover, the airline cannot use a contractor’s actions or inactions as a defense against an enforcement action by the Department of Transportation.<sup>22</sup>

## Air Carrier Access Act Requirements

The U.S. Department of Transportation requires the following services must be provided to passengers with disabilities and specifies the types of training required for workers assisting these passengers:

- Regarding boarding, deplaning, and connecting, airlines must ensure assistance with transportation between gates for connecting flights, moving throughout the airport from terminal entrance to gates, and transporting carry-on luggage.<sup>23</sup>
- Employees that provide services to disabled passengers must be trained to proficiency to provide air travel services in a manner that safeguards the safety and dignity of passengers.<sup>24</sup> This includes all contractor employees who deal with the traveling public, they must receive training tailored to their functions.<sup>25</sup>
- Employees must be trained to respectfully demonstrate awareness and appropriate responses to passengers with disabilities, including distinguishing and assisting differing abilities of individuals with disabilities.<sup>26</sup>
- Any training program must also describe how employee proficiency will be maintained.<sup>27</sup>
- Refresher trainings are required at least once every three years.<sup>28</sup>
- Airlines must consult organizations that represent persons with disabilities when developing the training program.<sup>29</sup>

Under the ACAA, airlines are required to provide assistance in transportation from the drop-off point to the gate for a departing flight, between gates, or from the gate to the terminal entrance.<sup>30</sup> Places of public accommodation located within airports, such as restaurants, shops, lounges, or conference centers, are covered by regulations promulgated under the American Disabilities Act (ADA) of 1990.<sup>31</sup>

## Passenger Complaints at a Record High

Unfortunately, the standards set under the ACAA do not seem to match up with the services many passengers are actually receiving. While the Department of Transportation states that millions of persons with disabilities use air travel every year, these passengers file tens of thousands of complaints against airlines yearly.<sup>32</sup>

U.S. and foreign air carriers must submit data to the U.S. Department of Transportation showing how many disability-related complaints they receive annually.<sup>33</sup> In 2015, air carriers submitted 30,830 disability-related complaints.<sup>34</sup> This represents an almost 12 percent increase from 2014 (27,556 complaints).<sup>35</sup> The increase in complaints by passengers with disabilities has greatly outpaced the increase in passenger traffic, which only increased by 4.75 percent last year.<sup>36</sup>

## When Airlines Fail to Comply with the ACAA...

When airlines fail to comply with the ACAA, they can potentially be subjected to fines by the Department of Transportation. Airlines can even be held accountable for the failures of their contractors.

In 2013, US Airways agreed to pay a \$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, NC.<sup>37</sup> During the time the consent order was issued, US Airways was using PrimeFlight Aviation Services to provide their passengers with wheelchair assistance at Philadelphia International Airport.

**Total number of disability related  
Complaints received by all carriers**

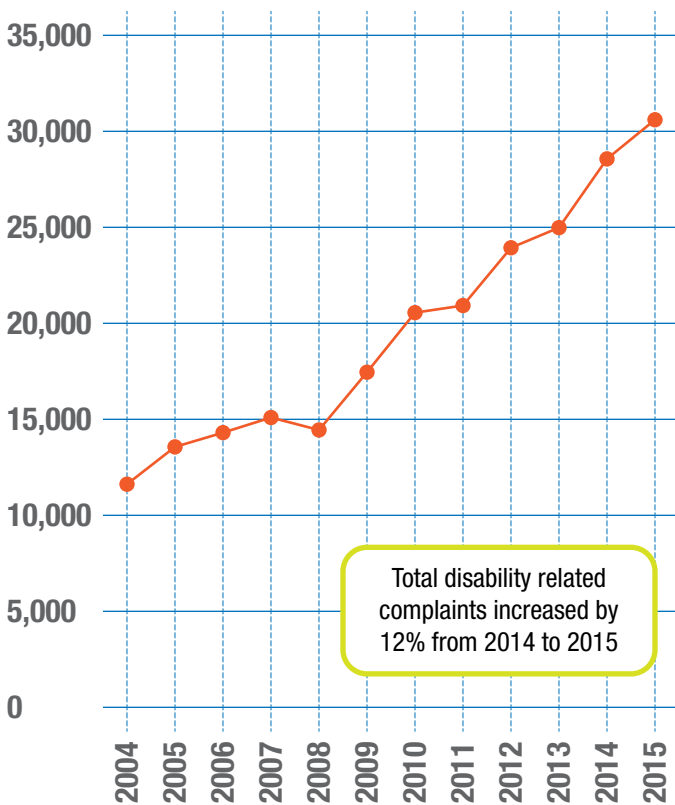


Figure 1

Charts based on data from U.S. Secretary of Transportation. Annual Reports on Disability-Related Air Travel Complaints Received During Calendar Year from 2004-2015

From 2004 to 2014, disability related passenger complaints increased from 11,519 per year to 27,556<sup>38</sup> (Figure 1). That is an increase of 239 percent. But these complaints may only represent a portion of the problems that passengers face. Dara Baldwin, a public policy analyst at the National Disability Rights Network, stated, “For every claim filed, we believe there are at least 100 other individuals who experienced the same treatment who don’t bother filing complaints.”<sup>39</sup>

**Total number of complaints received  
by all carriers for “failure to provide  
service to persons using wheelchairs”**

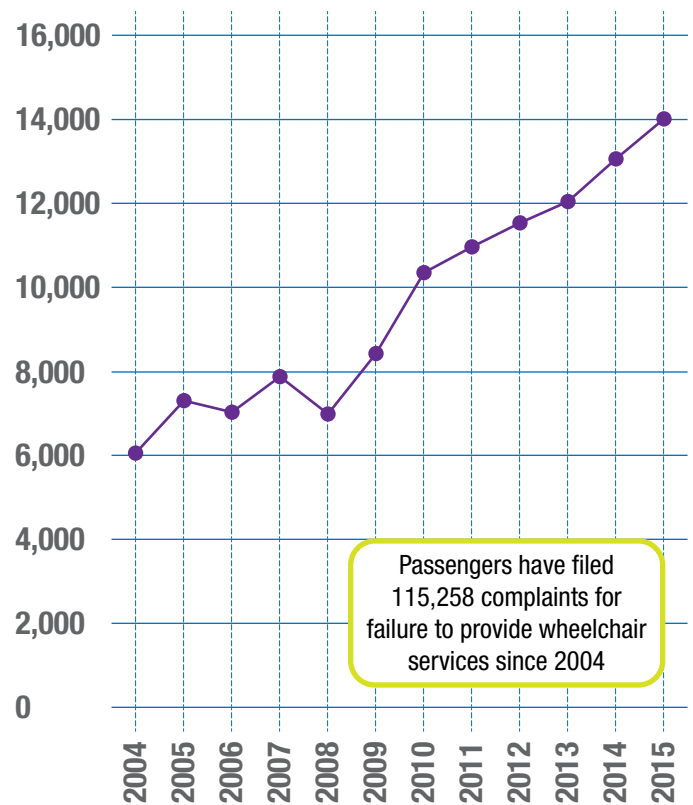


Figure 2

**Nearly half of all disability-related complaints concern inadequate wheelchair services.** In 2015, air carriers received an overwhelming 14,185 complaints concerning the failure to provide adequate service to persons using wheelchairs<sup>40</sup> (Figure 2). This is an increase of 9 percent since 2014 (12,977) and an increase of 209 percent since 2004.<sup>41</sup>

# Poor Working Conditions that Affect Wheelchair Services

From March 2016 to April 2017, the SEIU 32BJ interviewed 26 wheelchair attendants who work at two wheelchair services contractors, Pax Assist and PrimeFlight Aviation Services. While Pax Assist provides wheelchair services to airlines at John F. Kennedy International Airport (JFK),<sup>42</sup> PrimeFlight services airlines at both JFK and LaGuardia airports (LaGuardia).<sup>43</sup> Following the interviews, SEIU 32BJ identified five areas that threaten the quality of wheelchair services. These areas are training, staffing issues, equipment maintenance, emergency preparedness, and high turnover, which we discuss in depth below.

## Workers Think Training is Inadequate

The ACAA requires that wheelchair attendants are trained to be aware of and appropriately respond to passengers with disabilities, which includes persons with physical, sensory, and mental disabilities.<sup>44</sup> They must also be able to distinguish between passengers' different abilities.<sup>45</sup> Airlines may also require that their contractors transport passengers in wheelchairs or assist passengers with other disabilities. So, in addition to transporting passengers in wheelchairs, the contractors must provide any other services needed for passengers with disabilities. Assuming wheelchair attendants are tasked with providing those services, then they too must be trained in providing those services.

Despite these legal requirements, wheelchair attendants report that they have not been trained to assist passengers with disabilities that do not require wheelchair assistance, such as those with hearing, vision, or other impairments. For instance, a wheelchair attendant at JFK described a time when a child who appeared to have mental disabilities, required wheelchair assistance. However, the wheelchair attendants were "too scared" to assist the child. The supervisor encouraged the family not to use wheelchair services. Eventually, the family walked to their gate.



*"I was trained when I first started with a group in all job classifications. They spoke 7-10 minutes about wheelchair (services) and I've never received a follow up training. They didn't even train us with the tablet<sup>46</sup> – we have to learn from and train each other. I have never learned how to deal with the deaf or blind or anything about specific disabilities."*

**Wheelchair Attendant at LaGuardia Airport, June 2016**

*"We get trained with all job classifications all at once, with only a few minutes dedicated to wheelchair issues. They told us to be careful, to clean dirty chairs, to be professional. They didn't train us how to deal with deaf, blind, or any of that."*

**Wheelchair Attendant at LaGuardia Airport, June 2016**



# Understaffing

Wheelchair attendants describe that because of low staffing levels, they are constantly rushing or performing other duties while they are simultaneously pushing a passenger in a wheelchair because of low staffing levels. When this vital passenger service is not properly staffed, service and safety may suffer.

## Rushing at Unsafe Speeds

Wheelchair attendants at New York City airports report that because contractors do not have enough employees to meet the needs of passengers, they sometimes rush passengers in wheelchairs at high speeds through the airport terminal.



These experiences of wheelchair attendants are substantiated by a 2014 survey conducted by New Mobility Magazine. As the official publication of the United Spinal Association, New Mobility encourages active wheelchair users integration into mainstream society.<sup>47</sup> The survey found that for those airline passengers that needed to be lifted, 47 percent of respondents found the wheelchair attendants to be “eager but uninformed” and 21 percent said that they were “poorly trained or clueless.”<sup>48</sup> Just 27 percent of respondents found wheelchair attendants to be “courteous and knowledgeable.”<sup>49</sup>

*“We are always rushed because they don’t have enough workers. I always have to run with passengers, pretty much every day. I am always getting called on the radio to hurry, to come back to the gate, to rush to the curb.”*

**Wheelchair Attendant at LaGuardia Airport, June 2016**

*“Not every day but often I have to run while pushing a passenger because there aren’t enough people. I’ll see on the iPad that I have another passenger either at the gate or at the curb, so I have to run. I tell PrimeFlight that I don’t have enough time. You know, people need to stop for the bathroom, for food and to shop. I can’t just drop them at the gate and leave. But sometimes the dispatcher just yells at me and says we have to go faster, that I must do the assignment because there is nobody else to send. Sometimes I tell dispatch that the passenger needs more stops, but the dispatcher says, “just go to the gate because you have an assignment”*

**Wheelchair Attendant at LaGuardia Airport, June 2016**

*“The best advice for airline personnel is to ask the passenger what he or she needs, and not to assume that everyone has the same needs. Each individual, including each individual with any given disability, is different and has different needs.”*

**Christopher Danielsen**

Executive Director

National Federal for the Blind, April 2017

## Performing Other Tasks While Simultaneously Pushing a Passenger

Wheelchair attendants have also reported that they sometimes perform multiple duties simultaneously in order to meet demand. These duties include pushing two passengers simultaneously or pulling passenger's luggage. This puts passengers in an unsafe situation since it is difficult for a wheelchair attendant to assist more than one wheelchair at a time or manage a wheelchair with only one hand.

Some airline contracts may even prohibit their contractors' employees from pushing more than one wheelchair at a time, unless they are otherwise directed. Nonetheless, wheelchair attendants say they sometimes need to push more than one wheelchair simultaneously in order to accommodate all passengers in a timely fashion.

*“When you have 4-5 flights, one flight might have 36 chairs, another might have 15. Imagine all this coming in 5 minutes. Sometimes we don't have enough agents. There is nothing we can do. Then we have to push 2 passengers at the same time. The manager knows we push (two passengers) at the same time. In the training they told us not to push two at the same time. But when it gets busy we do it”*

**Wheelchair Attendant at JFK Airport,  
March 2017**

When assisting passengers with luggage, the ACAA requires the airlines to transport gate checked or carry-on luggage.<sup>50</sup> However, the regulations are silent about whether this duty must be performed by the same wheelchair attendant that is assisting the passenger. This opens the door to wheelchair attendants pushing a wheelchair while simultaneously pulling a piece of luggage.

*“Sometimes we have to pull the checked luggage with the chair. I hook the handle in the wheelchair. Sometimes I do this with 2 bags. Sometimes I push a luggage cart too. One hand with the wheelchair, one hand with the cart”*

**Wheelchair Attendant at LaGuardia  
Airport, March 2017**



## “What's the Rush?”

PrimeFlight has a contract with JetBlue Airways to provide wheelchair services for JetBlue at all New York City airports. Under the terms of the contract, JetBlue pays PrimeFlight a fixed rate for each flight.<sup>51</sup> Paying PrimeFlight at a fixed rate encourages understaffing because the fewer attendants that they hire, the more profits the company will earn.

Contracts between airlines and their contractors typically include bonuses for providing timely service and penalties for failing to provide the proper number of working wheelchairs or employees at a given gate prior to arrival or departure of a flight. These types of incentives can lead to rushing and pushing passengers simultaneously.

## How San Francisco International Airport Safeguards Workers and Passengers

In 2014, the Airport Commission for the City and County of San Francisco took on the unsafe practice of wheelchair attendants performing multiple duties simultaneously. The Commission adopted the City and County of San Francisco Airport Commission's Rules and Regulations to ensure safe and efficient operations at San Francisco International Airport. It mandates only one wheelchair attendant per wheelchair and strictly prohibits wheelchair attendants from "simultaneously performing other services while assisting our passengers with disabilities."<sup>52</sup>

## Poorly Maintained Wheelchairs

In addition to inadequate training and understaffing, wheelchair attendants describe transporting passengers in poorly maintained wheelchair chairs. In interviews with attendants at JFK and LaGuardia airports, they described wheelchairs with non-functioning brakes, broken footrests, and broken wheels. Wheelchair attendants also described unsanitary wheelchairs, which become exposed to bodily fluids after passengers become sick or relieve themselves in the wheelchairs.

Airlines may require contractors to provide and maintain the wheelchairs. However, attendants say that they are not even given the training and supplies to clean the wheelchairs. Instead, they report cleaning the wheelchairs with bathroom supplies.

*"If a person has a diaper or is incontinent, when they get up, you see this on the chair. If we had gloves, it would take a minute to clean up. But we find nothing to clean it up with. I usually get gloves from TSA. They did not teach us how to clean the chair. We could ask housekeeping. But the spray is different. It doesn't clean the germs."*

**Wheelchair Attendant at JFK Airport,  
March 2017**

*"The wheelchairs are dirty and busted. We bring hand sanitizers to clean the wheelchairs ourselves. We can't bring a passenger a wheelchair that's dirty, so even though we aren't trained, we do it anyways. Some wheelchairs are broken. The brakes don't work or you have to strain your back to go up and down hills. The footrests are often broken as well and the wheels are hard to move."*

**Wheelchair Attendant at LaGuardia  
Airport, June 2016**

*"The wheelchairs we use are often not great. About half of them have alignment issues, torn covers, some have brakes that don't work. The chairs are often dirty and dusty and there's nobody there to clean them up, so we do it ourselves. They never taught us how to clean the chairs or even told us it was part of our job description or do they give us supplies to clean them. We have to get our cleaning supplies from the cleaners that clean up the bathrooms. We clean the wheelchairs because it is the right thing to do. How can you show up to get a passenger with a dusty wheelchair?"*

**Wheelchair Attendant at LaGuardia  
Airport, June 2016**



A report by the New York Committee for Occupational Safety and Health (NYCOSH) raises concerns about the inadequate training that attendants receive on how to clean and sanitize airport wheelchairs at New York City airports.<sup>53</sup> In its 2014 report entitled “Airport Safety Starts with Safer Working Conditions,” NYCOSH found that “wheelchair attendants received inadequate and inconsistent trainings, most notably not being trained on what to do if passengers get sick or relieve themselves in their chairs.”<sup>54</sup> The report concluded that, “airport workers are the proverbial ‘canaries in the coal mine’ for travelers and airport visitors. In general, any hazards that airport passengers may be exposed to, from infectious disease to slips, trips, and falls, airport workers are likely to be exposed to first.”<sup>55</sup>

NYCOSH is not the only organization to raise concerns about the sanitary condition of airport wheelchairs. In 2015, the U.S. General Accountability Office also issued a report on air travel and communicable diseases. For the report, investigators interviewed wheelchair attendants from New York City airports.<sup>56</sup> The investigators in the report found that wheelchairs were in unsanitary conditions and resources

to clean them were not available. “Wheelchair attendants at both airports where we interviewed passenger-service employees reported that wheelchairs were not always decontaminated after coming in to contact with potentially infectious materials such as feces.”<sup>57</sup> The GAO concluded that, “air travel – more than any other mode of transportation – creates the potential for infected persons to move quickly from one part of the world to another while sharing confined quarters with other travelers.”<sup>58</sup>

Airlines should set clear equipment standards for contractors and demand that they clean and maintain wheelchair equipment. This is critical, because transporting passengers in broken or unsanitary wheelchairs is not only unsafe for both wheelchair attendants and passengers, but it does not comport with the intention of the ACAA – to transport passengers with disabilities through the airport in a non-discriminatory manner that maintains their safety and dignity.<sup>59</sup>



### **Los Angeles World Airports’ Licensing Program Aims to Keep Wheelchairs in Good Working Order**

The authority that owns and operates the airports in Los Angeles, Los Angeles World Airports (LAWA), has established wheelchair maintenance requirements for wheelchair service contractors.<sup>60</sup> In order for contractors to provide certain services at the airport, including wheelchair services, at the airport, LAWA requires them to become licensed as a Certified Service Providers and adhere to the Certified Service Provider Program (CSPP).<sup>61</sup> For wheelchair service providers, the program requires contractors to ensure that wheelchairs are maintained in safe and good working condition.<sup>62</sup> The contractors’ equipment is also subject to inspection by LAWA or other regulatory agency.<sup>63</sup> If a contractor fails to comply with CSPP requirements, LAWA has the right impose penalties on the contractor, including terminating their licensing agreement.<sup>64</sup>



# Lack of Emergency Preparedness Plan or Training

Wheelchair attendants reported in interviews that they are unaware of how to respond to an emergency or how to assist a passenger with disabilities evacuate the terminal if necessary. While passenger service workers at New York City airports, including wheelchair attendants, are required to attend a security training before they receive their badge and begin working at the airport,<sup>65</sup> wheelchair attendants report that these trainings do not cover issues related to emergencies, active shooter scenarios, or evacuation procedures.

*“I have no idea what to do in an emergency, if a shooter came for instance. I really don’t know where I’m supposed to take the passengers because we were never trained for this.”*

**Wheelchair Attendant at LaGuardia Airport, June 2016**

The deficiencies in airport emergency preparedness were revealed on August 14, 2016, when authorities at JFK received reports of gunshots. Though the reports were later found to be false, police evacuated two terminals and locked down part of a third terminal, causing passengers and workers to panic.<sup>66</sup> Eventually, police also closed a portion of Terminal 5, locking passengers and workers in the international customs area.<sup>67</sup> The Airport operations were suspended for hours.<sup>68</sup>



*“We have not been trained on how to evacuate people in wheelchairs. They just say, “take the passenger wherever you go.”*

**Wheelchair Attendant at JFK Airport, Terminal 5, August 2016**

Wheelchair attendants are part of the frontline of public engagement in US airports. Whether or not they receive official training or support, wheelchair attendants may be called upon in emergencies because they are expected to assist passengers with disabilities. In an emergency, a passenger using airport services will rely on them to get them to safety.

## Emergency Preparedness Training Program for Airport Workers at LAX

In September 2016, SEIU United Service Workers West announced that, in partnership with an airline, contractor, and LAWA, they would develop a pilot emergency preparedness training program to help keep passenger service workers safe at LAWA airports.<sup>69</sup> The program is being developed in response to the 2014 LAX shooting in which a TSA officer was killed.<sup>70</sup> The LAX shooting and recent attacks at other airports show that airport workers - including wheelchair attendants, baggage handlers, passenger service agents, security officers, and other – are the very first responders in emergencies.<sup>71</sup> As such, airport workers need to be trained and equipped to respond to emergency to protect themselves and passengers.<sup>72</sup>

# Higher wages lead to reduced turnover and a more experienced workforce.

Wheelchair attendants, like other contracted passenger services workers in the New York City area, are generally paid low wages. There is a strong body of research linking low wages with high employee turnover and poor performance.<sup>73</sup> But when low wage workers receive higher wages, turnover is reduced.<sup>74</sup> When turnover is reduced, the workforce is more experienced because workers have been given more opportunities for training and on the job learning.<sup>75</sup> Workers who have less experience and insufficient training may be unaware of safety procedures and risks.<sup>76</sup>

In 2014, the Port Authority acknowledged that a higher level of security and quality of service could be achieved by reducing turnover through better wages for contracted service workers.<sup>77</sup> The Port Authority has said:

It has been reported that governmental entities, including airports, which have adopted wage standards with minimum compensation levels for non-trade labor service contracts have reduced employee turnover and increased employee performance. The public interest is further served when non-trade labor service contracts provide a stable workforce to perform such services through workers who have been at the particular facilities for substantial periods of time and have acquired valuable skills and knowledge of the facility environment and its particular needs. This is particularly true at the Port Authority's major airport facilities when as many airport workers as possible have been screened to meet federal security requirements and are familiar with, and accustomed to complying with, airport security procedures. Airport workers who are more familiar with security requirements are more likely to be vested in and knowledgeable of the security processes and thus are better able to respond to airport emergencies. Overall, the benefits for such wage standards include the promotion of higher levels of safety and security in the working environment as well as enhanced quality of service for the traveling public.<sup>78</sup>

The Port Authority can establish appropriate wage and benefits standards for passenger services contractors operating at the New York City airports, but so far has failed to enact an adequate policy. As the Port of Seattle concluded in a 2014 review of working conditions at Sea-Tac Airport, higher wages and more training opportunities can lead to reduced turnover and improved employee satisfaction.<sup>79</sup> This will lead to safer, more secure airports.<sup>80</sup>

In 2003, researchers at UC Berkeley's Institute for Research on Labor and Employment studied the impact of increased wages for contracted employees at San Francisco International Airport (SFO).<sup>81</sup> The study analyzed the impact of a wage increase after SFO implemented a new living-wage ordinance between 1999 and 2001 that increased wages for over 9,700 low-wage workers at SFO airport.<sup>82</sup> According to the study, turnover rates fell by 34 percent among the firms that were surveyed after the implementation of the living-wage ordinance.<sup>83</sup> Firms that implemented a wage increase of 10 percent or more experienced a 60 percent decrease in turnover.<sup>84</sup> The study also reported improvements in work performance and customer service.<sup>85</sup>

Not only do airport contractors pay contract workers low wages and offer few meaningful benefits, they also pay them less than other service employees in the New York Metro area. The table below compares the wage rate of wheelchair attendants that work at New York Metro airports to the median wage for other occupations in the New York Metro area.

OCCUPATION	Median Hourly Wages (\$)
New Jersey Airport Wheelchair Attendants	\$10.10
New York Airport Wheelchair Attendants	\$11.00
Fast Food Workers (NYC)	\$12.00
Janitors and Cleaners	\$13.53
Landscapers & Groundskeeping Workers	\$14.06
Truck, Light and Delivery	\$14.91
Orderlies (Healthcare Support)	\$16.51
All Occupations	\$20.00

Source: U.S. Bureau of Labor Statistics, Occupational Employment Statistics survey. "May 2015 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates." Data is for New York-Newark-Jersey City, NY-NJ-PA.

# Airlines Can Afford to Provide Better Wheelchair Services to Its Passengers

In 2016, the net-income for the six largest airlines in North America (Delta, American, United, Southwest, Alaska Air, and JetBlue) was over \$13 billion.<sup>86</sup> This is in part due to a 6.3% increase in passenger demand (measured by “revenue passenger kilometers”).<sup>87</sup> For 2017, the International Air Transport Association (IATA)<sup>88</sup> expects airline industry profits to reach \$29.8 billion.<sup>89</sup> IATA stated in a December 2016 article that, “2017 is expected to be the eighth year in a row of aggregate airline profitability, illustrating the resilience to shocks that have been built into the industry structure.”<sup>90</sup>

Airlines can afford to do more to enhance wheelchair services by investing some of their profits in improving training, maintaining equipment, and increasing the wages of its subcontracted wheelchair service attendants. There is simply no reason that airlines and their contractors should continue to provide wheelchair services in the inadequate manner as documented in this report.

## Recommended Actions

Investing in the workforce that provides critical services to wheelchair users and people with disabilities is the best way to improve these services. Improvement should begin by providing enhanced training and properly maintained equipment as well as standards that promote the retention of a stable, experienced and well-trained cadre of wheelchair service workers.

The recommended actions include:

- Establish appropriate wage and benefits standards. In order to promote stable operations at the airport and retain experienced, well-trained wheelchair attendants, the Port Authority should establish higher wage and benefits standards in their service contracts. Airlines, in turn, should require their subcontracted passenger services contractors, such as wheelchair service providers, to meet specific living wage and benefits standards.

- Establish meaningful training standards. Wheelchair attendants should be trained to proficiently perform their duties to support all passengers with disabilities. They should be trained to be aware and appropriately respond to passengers with varied disabilities, including physical, sensory, mental, and emotional disabilities. A training program should include the following features:

- » Requirements should apply across the board. All wheelchair attendants should receive necessary training to further safety and security goals.

- » Workers should not bear the cost of training. Wheelchair service contractors should be required to provide training to employees on company time and at company expense.

- » Training should be meaningful and ongoing. Airlines should require contractors to submit written curricula and reporting on trainings provided. Wheelchair attendants should receive refresher trainings as needed to maintain proficiency.

- » Engage stakeholders. Airlines should engage stakeholders such as organizations representing persons with disabilities, to identify training topics, to set required hours of training, and to develop curriculum. Organizations that support the advancement of independence for people with disabilities have extensive experience developing relevant training for wheelchair attendants. Airlines can draw on their expertise in developing suitable curricula for required wheelchair service training programs.

- Establish a worker retention requirement. From time to time, airlines choose to cancel service contracts with one company and replace them with another. But when they

make such a change without retaining experienced workers, it can lead to a less stable, well-trained workforce and effective emergency response suffers.

To prevent the loss of experienced workers when airlines replace contractors, worker retention policies can call for successor contractors to offer employment to workers employed by the incumbent company for at least 90 days unless there is just cause for termination.

- Ensure adequate staffing levels. Airlines should ensure adequate staffing levels by requiring, in their service contracts bids, that contractors meet staffing specifications, such as setting a minimum number of required person hours required by each contract. This will ensure that contractors provide safe and secure wheelchair services in a uniform and harmonious way.

- Establish full-time staffing requirements where possible. Airlines should ensure that contracted wheelchair services provide a stable workforce by requiring full-time

wheelchair attendant positions. Airlines can better rely on wheelchair service contractors to retain a more stable, experienced cadre of wheelchair attendants if the work is full-time.

- Establish equipment standards. Airlines should establish clear standards for cleaning and maintaining wheelchair equipment. Broken, damaged, and soiled wheelchairs should be immediately removed from service until they are fixed.

- Establish meaningful emergency preparedness training standard. Having a well-developed emergency preparedness plan at the airport is crucial to ensuring the safety of the traveling passengers in the event of an emergency. Plans should include procedures in assisting passengers with disabilities and communications protocols to ensure greater coordination and timely response efforts between workers, passengers, and airport emergency response officials.

## Conclusion

Under the ACAA, airlines are required to provide passengers with disabilities services at the airport to make air travel accessible. But the poor conditions described by wheelchair attendants in this report reveal that contracted airport wheelchair services are not operating in a manner that comports with the intention of the ACCA. Indeed, this report reveals that the wheelchair service providers contracted by the airlines at JFK and LaGuardia - PrimeFlight and Pax Assist – are not providing to adequate service to passengers with disabilities. They may even be putting their employees and passengers at risk of serious injury - risks that are avoidable. As these poor conditions persist, services provided to passengers with disabilities will only continue to worsen. Airlines can do better for their passengers with disabilities and the wheelchair attendants that help make air travel accessible to all.





# Endnotes

- 1 See 49 U.S.C. 41705. For regulations promulgated to carry out the ACAA, see 14 C.F.R. § 382.
- 2 14 C.F.R. § 382.91(a)-(b).
- 3 Miranda Dietz, Peter Hall, and Ken Jacobs, “Course Correction: Reversing Wage Erosion to Restore Good Jobs to American Airports,” Regents of the University of California Berkeley (2013) p. 5, accessed March 24, 2017, [http://laborcenter.berkeley.edu/pdf/2013/restore\\_good\\_jobs\\_american\\_airports.pdf](http://laborcenter.berkeley.edu/pdf/2013/restore_good_jobs_american_airports.pdf).
- 4 Estimates based on observations made by SEIU 32BJ field staff in July 2016. Estimates include wheelchair attendants working at John F. Kennedy International and LaGuardia Airports. Contractors were included in the estimate if SEIU 32BJ field staff indicated that work performed by the contractor was airline subcontracted wheelchair service work.
- 5 Dietz, Hall, and Jacobs, “Course Correction: Reversing Wage Erosion to Restore Good Jobs to American Airports,” p. 4.
- 6 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015* (February 2017), p. 3, accessed March 22, 2017, [www.transportation.gov/sites/dot.gov/files/docs/2015%20Summary%20Report.pdf](http://www.transportation.gov/sites/dot.gov/files/docs/2015%20Summary%20Report.pdf).
- 7 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2014* (July 2015), pp. 3-4, accessed March 22, 2017, [https://www.transportation.gov/sites/dot.gov/files/docs/2014GeneralText\\_r1\\_0.pdf](https://www.transportation.gov/sites/dot.gov/files/docs/2014GeneralText_r1_0.pdf).
- 8 Mandala Research, LLC, “Research among Adults with Disabilities: Travel and Hospitality,” prepared for Open Doors Organization (July 2015), slide 7.
- 9 Open Doors Organization is a 501(c)(3) non-profit organization created to improve consumer opportunities for persons with disabilities while opening doors to businesses.
- 10 Mandala Research, LLC, “Research among Adults with Disabilities: Travel and Hospitality,” slide 10
- 11 14 C.F.R. § 382.91(a)-(b); § 382.51(a)(1) and (b)(2).
- 12 14 C.F.R. § 382.91. See also U.S. Department of Transportation, *What Airline Employees, Airline Contractor, and Air Travelers with Disabilities Need to Know about Access to Air Travel for Persons with Disabilities: A Guide to the Air Carrier Access Act (ACAA) and its implementing regulations*, 14 CFR Part 382 (Part 382), July 15, 2005, p. 148.
- 13 Nicole Mason and Lisette Garcia, *Above Board: Raising the Standards for Passenger Service Workers at the Nation’s Busiest Airports*, “NYU Wagner: Women of Color Policy Network, (2012), p. 3.
- 14 14 C.F.R. § 382.15(a) and (e); § 382.51(4).
- 15 Michael Reich, Peter Hall, and Ken Jacobs, “Living Wages and Economic Performance: San Francisco Airport Model,” Institute of Industrial Relations, University of California (2003), pp. 27-31, accessed March 23, 2017, [http://laborcenter.berkeley.edu/pdf/2003/sfo\\_mar03.pdf](http://laborcenter.berkeley.edu/pdf/2003/sfo_mar03.pdf).
- 16 Ibid.
- 17 Dietz, Hall, and Jacobs. “Course Correction: Reversing Wage Erosion to Restore Good Jobs to American Airports,” p. 2.
- 18 14 C.F.R. § 382.1.
- 19 14 C.F.R. § 382.13. Under 14 C.F.R. §382.3, “facility” is defined as, “a carriers aircraft and any portion of an airport that a carrier owns, leases, or controls (e.g. structures, roads, walks, parking lots, ticketing areas, baggage drop-off and retrieval sites, gates, other boarding locations, loading bridges) normally used by passengers or other members of the public.”
- 20 14 C.F.R. § 382.3
- 21 14 C.F.R. § 382.15(a)
- 22 14 C.F.R. § 382.15(e)
- 23 14 C.F.R. § 382.91.
- 24 14 C.F.R. § 382.141(a)(1). The ACAA requires that airlines ensure that the employees or contractors’ employees are “trained to proficiency.” The DOT defines training to proficiency as, “being well-advanced, adept, or skilled in a trade or profession. An employee who is trained to proficiency is one who provides services or accommodations to passengers in the right way, the first time.” U.S. Department of Transportation, Office of Aviation Enforcement and Proceedings, “Answers to Frequently Asked Questions Concerning Air Travel of People with Disabilities Under the Amended Air Carrier Access Act Regulation,” May 13, 2009, p. 21, accessed September 6, 2016, [https://www.transportation.gov/sites/dot.gov/files/docs/FAQ\\_5\\_13\\_09.pdf](https://www.transportation.gov/sites/dot.gov/files/docs/FAQ_5_13_09.pdf).

- 25 14 C.F.R. § 382.141(a)(6).
- 26 14 C.F.R. § 382.141(a)(2).
- 27 14 C.F.R. § 382.141(a)(5).
- 28 Ibid.
- 29 14 C.F.R. § 382.141(a)(4).
- 30 14 C.F.R. § 382.91(a)-(b).
- 31 28 C.F.R. §§ 36.201-36.311. The ADA exempts aircraft from its definition of “specified public transportation” in subsections devoted to prohibiting discrimination against people with disabilities in public accommodations operated by private entities. See 42 U.S.C. 12181.
- 32 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015; Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2014*.
- 33 The ACAA requires air carriers operating in the U.S to submit to the U.S. Department of Transportation (DOT) all complaints of discrimination on the basis of disability annually. The results are report in the Annual Report on Disability-Related Air Travel Complaints. Air carriers self-report the complaints to the DOT, which then reports the results to Congress. The complaints are categorized based on the nature of the complaint and an individual’s type of disability. U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015*.
- 34 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015*, p. 3.
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- 36 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015; Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2014*.
- 37 U.S. Department of Transportation, *US Airways Consent Order*, Docket OST -2013-0004, November 4, 2013, p. 4, accessed December 14, 2016, <https://www.transportation.gov/airconsumer/enforcement-orders>.
- 38 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015; Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2014*.
- 39 Hallie Levine, “Shocking Ways Airlines Are Mistreating the Disable,” *Yahoo Style*, November 17, 2015, accessed March 8, 2017, <https://www.yahoo.com/style/shocking-ways-airlines-are-mistreating-the-083037607.html>.
- 40 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2015*, p. 3.
- 41 U.S. Secretary of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2014* (July 2015) p.3; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2013* (July 2014), p.3; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2012* (February 2014), p.3; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2011* (June 2012), p.4; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2010* (June 2011), p.4; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2009* (September 2010), p.2; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2008* (July 2009), p.2; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2007* (October 2008), p.2; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2006* (June 2007), p.2; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2005* (October 2006), p.4; *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2004* (September 2005), p.3.
- 42 PrimeFlight is a Nashville-based company that contracts with airlines across the country to provide wheelchair services as well as ground handling, aircraft cleaning, and terminal/passenger services. See <http://primeflight.com/services/>. The company provides wheelchair services at JFK airport, Terminal 5, where it employs approximately 276 wheelchair attendants and at LaGuardia airport, Terminals B and C, where it employs approximately 142 wheelchair attendants. These estimates are based on observations made by SEIU 32BJ field staff in July 2016. For this report, SEIU 32BJ interviewed 10 wheelchair attendants working at JFK International Airport and 9 wheelchair attendants working at LaGuardia Airport.
- 43 Pax Assist is a New York-based company that contracts with airlines to provide wheelchair services. See <http://www.paxassist.com/Home/Index>. The company provides wheelchair services at JFK, Terminal 4, where it employs approximately 200 wheelchair atten-

dants. These estimates based on observations made by SEIU 32BJ field staff in July 2016. For this report, SEIU 32BJ interviewed 7 wheelchair attendants from JFK International Airport.

44 14 C.F.R. §382.141(a)(2). The ACAA defines an individual with disability as, “any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.” 14 C.F.R. §382.3. This includes individuals that have mental, emotional, or physical impairments that limit their ability to complete major life activities such as walking, seeing, hearing, speaking, breathing, learning, working, caring for one’s self, or performing other manual tasks. 14 C.F.R. §382.3(b).

45 14 C.F.R. §382.141(a)(2).

46 Wheelchair supervisors send the attendants assignments through electronic tablets or walkie-talkies. An attendant may receive an assignment that an arriving flight has a passenger onboard who has requested a wheelchair. The attendant will then meet the passenger at the assigned gate to transport them through the terminal. If a passenger has requested a wheelchair in advance of departure, the contractor will have an electronic record of the request. When the passenger arrives at the airport for their flight, the attendant will scan the passenger’s ticket, confirming that the passenger has received assistance. If the passenger has not requested a wheelchair in advance, their name will be entered into the tablet.

47 “New Mobility Magazine,” website, accessed March 8, 2017, <http://www.newmobility.com/magazine-for-active-wheelchair-users/>. United Spinal Association is a 501(c)(3) non-profit organization that is dedicated to enhancing the quality of life of all people living with spinal cord injuries and disorders. They also provide support and information to families, care providers and professionals. See “United Spinal Association,” website, accessed May 2, 2017, <https://www.unitedspinal.org>.

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49 Ibid.

50 14 C.F.R. 382.91(d)

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52 The Airport Commission of the City and County of San Francisco, “Rules and Regulations,” October 21, 2014, pp. 15-16, accessed April 19, 2017, <http://media.flysfo.com/media/sfo/about-sfo/sfo-rules-and-regulations.pdf>.

53 New York Committee for Occupational Safety and Health, “Airport Safety Starts with Safer Working Conditions,” October 2015, pp. 5 and 8, accessed September 6, 2016, <http://nycosh.org/wp-content/uploads/2015/03/Airport-Safety-Starts-with-Safer-Working-Conditions.pdf>.

54 Ibid., p. 5.

55 Ibid., p. 21.

56 United States Government Accountability Office, *Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System’s Preparedness*, December 2015, pp. 39-40, accessed September 6, 2016, <http://www.gao.gov/assets/680/674224.pdf>.

57 Ibid. The report added: *A representative from the firm that employs the wheelchair attendants whom we spoke with said that while employees typically use anti-microbial wipes to sanitize passenger transport equipment such as wheelchairs before they use the equipment, this step does not necessarily meet OSHA’s requirements for decontamination. This representative said that airport authorities or airlines typically own passenger transport equipment, and a separate firm responsible for airport terminal cleaning is typically responsible for cleaning passenger transport equipment (p. 40, Footnote 76).*

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59 14 C.F.R. § 381.51(b)(2).

60 Los Angeles World Airports, *Certified Service Provider Program (CSPP)*, Requirements, Sec. 3.12, p.14, accessed May 1, 2017, <http://www.lawa.org/uploadedFiles/AirOps/pdf/CSPP%20Requirements.pdf>.

61 Ibid., p.1.

62 Ibid., p. 14.

63 Ibid.

64 Ibid., p. 1.

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67 Interviews with airport workers, August 2016.

68 “Reports of Shooting Prompt JFK Evacuation in NY,” *Al Jazeera*, August 15, 2017, accessed April 6, 2017, <http://www.aljazeera.com/news/2016/08/reports-shooting-prompt-jfk-evacuation-ny-160815041013005.html>.

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75 Dietz, Hall, and Jacobs. “Course Correction: Reversing Wage Erosion to Restore Good Jobs to American Airports,” p. 17.

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