



# IMPACT

Informed Membership Participation & Activism Communications Team



## FMLA Reform the Push Is On!

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We are at a crossroads in our efforts to achieve the number of co-sponsors needed in order to help pass The FMLA Technical Corrections for Crew Members Act, House bill HR2744 and Senate bill S2059. Both of these bills will ensure that our members will be adequately credited for hours worked and qualify for FMLA as they were intended.

This legislation clarifies the intent of the FMLA as to qualification hours for flight attendants and pilots. Simply, the legislation says that anyone that has worked or been paid for 60% of their airline's monthly hour or trip guarantee, annualized over a 12 month period will qualify for FMLA. We strongly believe that this is in line with what was intended by the original legislation. **The intent was that anyone who works 60% of a full time schedule will qualify.** Unfortunately, judges and federal agencies have chosen to narrowly interpret the intent of the law and have applied the qualification requirements of the 40-hour, 9:00-5:00 workweek. Those "requirements" are not fair for those of us that work in the airline industry.

Congressional statements and report language from when the original bill was considered and passed spell out that flight attendants were intended to be covered under the law and that the uniqueness of the airline industry and its hours must be taken into consideration. Unfortunately, that was ignored. This legislation will clarify that mistake.

Under the current interpretation of the law we are forced to negotiate for FMLA qualification hours as can be seen from this excerpt from our Collective Bargaining Agreement:

**SECTION 18  
LEAVES OF ABSENCE**

**D. Family and Medical leave Act of 1993 (FMLA)**

Flight Attendants shall be afforded the provisions of the Family and Medical Leave Act of 1993 for the duration of the Act, as those provisions apply to Northwest Airlines. With respect to the provisions of the Act regarding hours of employment in the twelve (12) month period preceding the requested leave, it is agreed that five hundred and sixty-eight credited hours (568:00) earned by a Flight Attendant in such twelve (12) month period, including 19 hours credited for sick leave or vacation, shall equate to the minimum hours of employment required by the Act.

We need to get at least 218 co-sponsors in order to move the bill to the House floor, so far we have secured 194 sponsors. At this point, we believe that we need to single mindedly focus on moving HR 2744 in the House. A House vote on the bill could happen before the Easter recess. We need to focus solely on House offices for the next few weeks; however, that is not to say that you should stop sending letters and calling your Senators and encourage them to sign on to S2059, the Senate companion bill.

**We need your help to legislate, not negotiate, FMLA qualification hours for crew members.**

This issue is time sensitive, so we ask that you begin calling your IMPACT team today, e-mail the news to a friend and talk to your flying partners to explain the importance of this legislation. Ask them to contact their lawmakers today to ask them to co-sponsor HR2744 and S2059 the FMLA Technical Corrections for Crew Members Act.

This is a very important piece of legislation that will have an effect on the quality of life of all flight attendants and it is vital that we give it our full support. Together we can make a difference.

In Solidarity,



Member Engagement Committee  
Association of Flight Attendants — CWA  
Northwest Master Executive Council  
[IMPACT@nwaafa.org](mailto:IMPACT@nwaafa.org)  
866-795-4AFA (4232) Press Option 4

## **FMLA - Technical Corrections for Crew Members Act Background:**

The FMLA Technical Corrections for Crew members Act was introduced in June, 2007 to clarify qualification requirements for flight attendants.

This legislation clarifies the intent of the FMLA as to qualification hours for flight attendants and pilots. Simply, the legislation says that anyone that has worked or been paid for 60% of their airline's monthly hour or trip guarantee, annualized over a 12 month period will qualify for FMLA. We strongly believe that this is in line with what was intended by the original legislation. The intent was that anyone who works 60% of a full time schedule will qualify. Unfortunately, judges and federal agencies have chosen to narrowly interpret the intent of the law and have applied the qualification requirements of the 40-hour, 9-5 workweek. Those "requirements" are not fair for those that work in the airline industry.

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### ***What is the issue:***

- \* We presently have to negotiate FMLA hours with management - we need to remove this issue from the bargaining table. Let's legislate not negotiate**
- \* 12 weeks unpaid leave for those who work 60% of full time schedule over past year**
- \* The Fair Labor Standards Act used 9-5 (40 hr work week) 60% was 1248 rounded up to 1250 hrs. This equation does not work for FA's & Pilots**
- \* Time between flights (throughout day & on layovers) does not all count towards crewmember time at work, yet is based on Co. scheduling requirements**
- \* Pilots/FA's gone 4-5 days a week, but all these hrs don't count towards qualification**
- \* Reserves receive guarantee of hours per month, but airline only counts hours actually working a flight towards FMLA qualification**
- \* Hours spent on call at the airport are not fully counted**
- \* The formula for calculating FMLA qualification hours varies from airline to airline**
- \* AFA worked with ALPA, Unions from Southwest, American and Continental to create a formula that is fair for all FA's & Pilots**
- \* HR 2744 states and S2059 (Senate bill) that FA's and Pilots who work or have been paid for 60% of a full time schedule will qualify for FMLA**
- \* New bills clarify original intent of the law to the uniqueness of the airline industry**

**Flight Attendants Please Call and Ask your Congressmen to  
Co-sponsor HR2744  
The Airline Flight Crew Technical Corrections Act**

**To be connected to your lawmakers call the Congressional Switchboard:  
202-224-3121**

**To contact your Representative go to: [www.house.gov](http://www.house.gov)**

Enter your zip code in the “Find Your Representative” box located in the top left corner of the webpage. This will take you to links for your Congressman’s website for contact information.

**To contact your Senators go to: [www.senate.gov](http://www.senate.gov)**

Click the “Find Your Senators” drop down box in the top right corner of the website and click on your state of residence. This will take you to a page providing contact information and links to the Senator’s webpage.

**Message:**

The following is a script you may use when calling your Representatives.

“My name is \_\_\_\_\_ and I am calling as a voter in your state and flight attendant. I am asking that the Congressman co-sponsor Hr2744, the Airline Flight Crew Technical Corrections Act. This bill is a priority for all flight crewmembers, and for me. I would very much appreciate the Congressman’s support.” Again, tell the Congressman to “please co-sponsor HR 2744, Thank you.”

**Note: For calls to Senators replace House bill HR2744 with the Senate bill number S2059.**

*If you find that your Representative or Senator has already signed on to their respective bill please thank them.*

Dear Senator,

As a constituent, a flight attendant and member of the Association of Flight Attendants – CWA, I am writing to strongly urge you to cosponsor S. 2059. This legislation would clarify the intent of the original Family and Medical Leave Act (FMLA) in regards to hours of qualification for flight attendants and pilots. This legislation will finally correct years of unfairness in qualifying for FMLA coverage and I urge you to show support for the nation’s flight attendants and pilots by cosponsoring this legislation.

The intent of the original law was to provide for 12 weeks of unpaid leave if an employee has worked 60% of a full time schedule over the past year. Based on the typical 40 hour, 9 – 5-work week, this 60% comes to 1,248 hours, which was rounded up to 1,250 hours. In order to qualify for FMLA coverage, an employee has to have logged 1,250 hours over 12 months to be eligible.

While 1,250 hours adequately reflects 60% of a full time schedule for the vast majority of employees in this country, that equation does not work for flight attendants and pilots. Flight attendants and pilots work under the Railway Labor Act rather than the Fair Labor Standards Act that covers most 9-5 workers. Time between flights, whether during the day or on overnights/layovers, is based on company scheduling requirements and needs but does not count towards crewmember time at work. Flight attendants and pilots can spend up to 4 – 5 days a week away from home and family due to the nature of their job, however all those hours will not count towards qualification.

Also, many airline crewmembers are on “reserve” status, which means that they have to stand-by to be called for duty if others fail to show for an assigned flight. They must be prepared to report for duty at any time. The company recognizes that they are “on duty” and guarantees a set number of hours for which they will be paid each month, whether the reserve actually flies and works an operating trip or not. However, for FMLA qualifications, only their actual time working flights counts towards their FMLA qualification, making it much harder for them to reach the 1,250-hour threshold.

S. 2059 clarifies the original intent of FMLA by stating that if a flight attendant has worked or been paid for 60% of a full time schedule, they then will qualify for FMLA coverage. This legislation simply clarifies the intent of the law to the uniqueness of the airline industry - Something that Congress intended from the beginning.

I urge you to stand for fairness in the application of the law by supporting and cosponsoring S. 2059!

Name \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_

Dear Representative,

As a constituent, a flight attendant and member of the Association of Flight Attendants – CWA, I am writing to strongly urge you to cosponsor HR 2744. This is bipartisan legislation introduced by Representative Tim Bishop that would clarify the intent of the original Family and Medical Leave Act (FMLA) in regards to hours of qualification for flight attendants and pilots. This legislation will finally correct years of unfairness in qualifying for FMLA coverage and I urge you to show support for the nation’s flight attendants and pilots by cosponsoring this legislation.

The intent of the original law was to provide for 12 weeks of unpaid leave if an employee has worked 60% of a full time schedule over the past year. Based on the typical 40 hour, 9 – 5 work week, this 60% comes to 1,248 hours, which was rounded up to 1,250 hours. So, in order to qualify for FMLA coverage, an employee has to have logged in 1,250 hours over 12 months to be eligible.

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HR 2744 clarifies the original intent of FMLA by stating that if a flight attendant has worked or been paid for 60% of a full time schedule, they then will qualify for FMLA coverage. This legislation simply clarifies the intent of the law to the uniqueness of the airline industry. Something that Congress intended from the beginning.

I urge you to stand for fairness in the application of the law by supporting and cosponsoring HR 2744!

Name \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_