

Family Medical Leave for Flight Crew Members

Government Affairs

Issue

In the early 1990s, members of the House of Representative began work on a Federal law that would guarantee a worker time off in times of personal medical need. In 1992, both the U.S. House of Representatives and the Senate passed legislation designed to give caregivers family leave without the risk of losing their job. The legislation, the Family Medical Leave Act (FMLA) was vetoed by President George H.W. Bush.

After President Bill Clinton took office, the Family and Medical Leave Act was signed into law in 1993. The purpose was to provide 12 weeks of unpaid leave for employees who worked 60 percent of a full time schedule in a 12 month period to care for a sick relative or a new child or recover from illness. The 1,250 hour threshold for qualification was established based on the traditional 40-hour work week.

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As the most junior Flight Attendants at any base, they needed the flexibility that Family and Medical Leave provides and AFA knew that we must right this wrong.

AFA quickly realized that a legislative solution was needed to correct this injustice, but it would be no easy task. As reports came in of Flight Attendants being denied FMLA protections, we worked with several members of Congress to introduce a fix. AFA then began to work with our airlines to provide FMLA-like leaves.

Action

By 2003, AFA had negotiated FMLA-like policies at many carriers however these protections were being included as a “cost” item in negotiations. Resolute that members should not have to pay for something guaranteed to all full time workers, a full out AFA campaign to correct this injustice began in earnest.

AFA met with members of Congress and looked for sponsors to legislations. Having just one or two members of Congress supporting our cause was not enough. To move the Congress, AFA members were going to have to make that happen.

AFA started a grassroots campaign; letters, postcards and phone calls to Congress urging support for a technical correction to the law.

As Flight Attendant calls and letters poured into Representative's offices, there were still some opponents, skeptical of signing onto the bill that would technically correct this oversight. Once, a Representative from Tennessee approached AFA to see how many Flight Attendants were residing in his district. After some research, we discovered that there were only two Flight Attendants within district lines. A few weeks later, after strategically postponing releasing the information to the Representative's office, the AFA Government Affairs Director was

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approached by the Congressman who indicated that he was ready to give his full support to the bill. When asked what changed his mind, the Representative said that he received a letter from one Flight Attendant in his district and that was enough for him!

In 2008, AFA members produced brilliant results when they mobilized around passage of FMLA protections for airline flight crew in the House of Representatives. After receiving thousands of letters and phone calls and having face-to-face meetings with AFA members on Capitol Hill and on airplanes, elected Representatives threw their support behind the Airline Flight Crew Family and Medical Act. On May 20th, the House of Representatives passed the Airline Flight Crew Technical Corrections Act, H.R. 2744, by a wide margin of 402 to 9.

The next step was to recreate the same success with the U.S. Senate. With the momentum of the House victory, AFA began work on Senators across the country and partnered with a coalition of allies like ALPA, AFL-CIO member unions, and the National Partnership for Women. These partnerships are crucial to grassroots campaigns as they often have the collective power to turn 60,000 voices into millions. AFA was using all tools possible to achieve this important goal including serving as an expert witness in Capitol Hill hearings on the issue.

On November 11, 2009, after being deluged by Flight Attendant requests, the Senate passed S. 1422 with bi-partisan support and on December

21, 2009, President Obama signed the FMLA Flight Crew Technical Correction Act into law.

The passage of this legislation means that airline flight crews are now eligible for FMLA leave with a minimum of 504 work hours a years and at least 60 percent of the employer's month guarantee or the equivalent in the 12 months preceding the leave. On average, a full-time Flight Attendant is scheduled for 960 in-flight hours per year.

But there was still one more hurdle. AFA knew that for Flight Attendants to have access to this meaningful victory, we would have to make sure that the regulatory implementation, the process of applying the law in specific detail as it pertains to workers and business, did not alter the intent of the bill that was passed.

After extensive review and discussion with AFA Government Affairs, the Department of Labor announced an official rule making on January 30, 2012 The rule-making, proposed by the Hour and Wage Division of the Department of Labor, provides specific instruction on how to implement the technical correction and apply the standards for crewmember benefits. The process allowed for public comment, mandatory in this process and currently, we are awaiting the final rule to be issued by the Department of Labor.

Result

We achieved the technical correction to the law that forced the Department of Labor to write specific instructions to airlines about how it should be applied.

With this extraordinary victory AFA once again proved that when we have the will, we are capable of changing the laws in our country to better serve Flight Attendant interest.



Dear AFA-CWA Member:

We are very close to securing equal access to FMLA through passage of legislation in Congress. When this legislation passes, we will no longer have to bargain for fair and equal access to FMLA. We will be afforded the same rights as every other worker in this country.

We need you to make a call. The legislation recently passed the House of Representatives by a vote of 407-9 but now appears to be stalled in the U.S. Senate.

Please take a few minutes to call your Senators below*. When someone answers the phone, all you need to say is:

"Hello, I am a resident of the state and a voter. I'm calling to ask the Senator to cosponsor S.2059 which would provide FMLA fairness for flight attendants."

Your voice must be heard to get this legislation passed.

***Senator Saxby Chambliss' phone number in Washington is 202-224-3521**

***Senator Johnny Isakson's phone number in Washington is 202-224-3643**

For more information go to www.afanet.org

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