



FMLA Committee Report

Association of Flight Attendants-CWA, AFL-CIO
43rd Annual Board of Directors Meeting
Las Vegas, NV
April 28-30, 2015

**FLIGHT CREW TECHNICAL CORRECTIONS ACT COMMITTEE REPORT
BOARD OF DIRECTORS MEETING
APRIL 2015**

1. Issue

AFA-CWA fought for a technical correction to the Family and Medical Leave Act (FMLA). On December 21, 2009, President Obama signed into law the Airline Flight Crew Technical Corrections Act (S.1422) legislation that amended the Family and Medical Leave Act of 1993 (FMLA) to make sure that flight attendants are able to qualify for benefits under the Act. The law closes a loophole that, because of the way many aircrews' hours are calculated, effectively excludes more than 200,000 flight attendants from coverage under the FMLA.

The Executive Board in session on April 27, 2014, discussed concerns about the implementation of the Act and wants to ensure that the law is being applied appropriately and consistently for AFA-CWA flight attendants.

2. Board of Directors Resolution

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED, that the AFA-CWA Board of Directors establish a committee per Article V.K.1.b. to study the application of the Act at all AFA represented airlines and present an interim report to the Executive Board at the 2014 Fall meeting, and a final report be presented to the next regular session of the Board of Directors in 2015.

The committee shall be composed of the following:

Lisa Davis-Warren	HZN MEC S-T	Ken Kyle	UAL 09 LECP
Terry Taylor	ALA 19 Member	Catriona Bagley	CPZ MECP
Barbara Drucker	ARW MEC S-T	Melissa England	MSA 56 Member
Thomas Burton	EDV MEC S-T		

BE IT FINALLY RESOLVED, that the AFA-CWA annual budget be funded up to \$1,000 to cover conference calls and the final report.

3. Executive Board of Directors Appointment of the FMLA Committee

The Executive Board conducted a conference call (with Deb Sutor), for the purpose of appointing and convening FMLA Committee referenced in the agenda item.

Additional AFA staff assisting the Committee were: Deb Sutor, Heather Healy, Mary Lou Savage, John Morse and the EAP Intern, Robin Eastman.

4. FMLA Committee Activities

Over the past year, the committee held three conference calls; June 26, 2014, July 16, 2014 and March 13, 2015. Additionally the committee formed a Google Group to facilitate discussions, edit and approve of documents and to house informational emails, spreadsheets and/or reports.

5. Summary of the Committee's Accomplishments and Recommendations

Members of the committee discussed the varying problems at each of their carriers in relation to FMLA certification and usage. For example, grievances may be filed when contractual language has been violated. Federal law permits employers to force an employee to use paid leave such as vacation, even when the employee would prefer not to use this time during their leave. However, two carriers; Envoy and Piedmont, have successfully arbitrated the issue and won. Therefore, management at these two carriers is no longer permitted to force a Flight Attendant to use her/his vacation while on FMLA. When no contractual language exists regarding FMLA usage and processes, the enforcing party is the Department of Labor. Some carriers reported having a good working relationship with their local DOL while others found it hard to get a return phone call.

The International Research Department compiled a chart listing each carrier's contractual provisions associated with FMLA.

Because our System Board Attorneys are generally involved in each of these processes, the committee decided to invite all of the AFA System Board Attorney's to speak on the second call held in July. During this call each attorney described their experiences in handling FMLA and FMLA contractually associated violations at the carriers they represent.

EAP Director Heather Healy offered the committee the assistance of her new intern, Robin Eastman. She advanced the website and other products that flight attendants may find useful such as researching and compiling data about FMLA (contracts, laws internal/external processing, how other organizations handle FMLA issues etc.)

The Committee established a Committee Chair, Lisa Davis-Warren. The EAP Intern worked with the Committee Chair to build and post resources for AFA. Mary Lou was consulted to discuss how best to collect potential violation data from the locals to support contract and regulatory enforcement as needed.

A FMLA section/tab was approved and added to the AFA-CWA website. To date a checklist and Q & A for flight attendants have been created to use as guides/resources during the FMLA application process and these have been posted to the website. Additionally the Committee completed an online form which has been posted to the website and may be used by all FA's to remit violations and/or concerns that occurred in the processing and/or approval of their FMLA leave.

- An online form which may be used by all carriers to remit violations to local DOL for action.
- The Research department will be preparing a report outlining which contracts have FMLA language and a brief description of its protections.
- The Legal Department has been asked to compile a list of FMLA related issues that the SBA language and a brief description of its protections.

6. Committee Recommendations

- Potential training or educational events associated with FMLA in conjunction with existing MEC or other meetings.
- A data base repository where FMLA related issues can be logged.
- Extend the work of the committee for another year through Agenda Item at the 2015 BOD.