



## Airline Legal Alert: President Signs Law Extending FMLA Provisions to Flight Crew Members

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President Obama has signed legislation specifically extending the provisions of the Family and Medical Leave Act (FMLA) to flight attendants and pilots. According to the bill's sponsors, the Airline Flight Crew Technical Corrections Act (AFCTC) (S. 1422) is designed to address the unique concerns of flight crew workers who, because of the way their duty hours are calculated, may not meet the FMLA's eligibility requirement of working 1,250 hours a year.

The FMLA entitles eligible employees to take a total of twelve weeks of unpaid leave during a twelve-month period due to the employee's or a family member's serious health condition; the birth, adoption, or placement of a child for adoption or foster care; or any qualifying exigency related to the call to active duty of a reservist. It also permits eligible employees to take a total of 26 weeks of leave to care for a family member with an injury or illness incurred in the line of active duty. One of the criteria that an employee had to meet to be considered an eligible employee under the FMLA, as originally enacted, was that the employee must have worked at least 1,250 hours in the year prior to the leave request. That figure was intended to represent 60% of a typical full-time schedule (2,000 hours) over the course of a year.

Because of the way that duty hours are computed for pilots and flight attendants, many could not meet the 1,250-hour requirement. The AFCTC addresses this issue by providing that pilots and flight attendants will be considered to meet the FMLA's hours of service requirement if they have worked or been paid for not less than 60% of the applicable monthly guarantee for the previous twelve-month period and have worked or been paid for not less than 504 hours during the previous twelve-month period.

If you have any questions regarding this provision or other airline-related labor or employment law issues, please contact the Ford & Harrison attorney with whom you usually work.