

## **Airline Flight Crews Technical Corrections Act**

The impetus behind this bill is to clarify how to calculate FMLA eligibility for airline flight crews. Historically, the hours eligibility requirement for airline flight crews has been calculated based on their in-flight hours, which is the hours they spend working while the plane is moving, and did not take into account hours spent working while on the ground, such as time spent between flights. This resulted in a full-time schedule for most airline flight crews equaling less than 1,250 hours.

The new determination for the hours of service requirement for airline flight crews is based on the minimum number of hours for which an employer has agreed to schedule an employee for any given month (for active airline crew employees), known as the “applicable monthly guarantee.” For employees on reserve status, the number of hours an employer has agreed to pay that employee is used for the “applicable monthly guarantee.”

A flight attendant or flight crewmember (as defined by FAA regulations) meets the FMLA hours of service requirement if:

- The employee has worked or been paid for not less than 60% of the applicable monthly guarantee, or the equivalent, for the previous 12-month period AND
- The employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation, medical, or sick leave) during the previous 12 month period.

Each employer of an airline flight crew employee is also required to maintain on file with the US Department of Labor information specifying the applicable monthly guarantee with respect to each category of employee to which the guarantee applies.

Regulations are forthcoming on how to calculate the leave along with the information that needs to be on file with the US Department of Labor.

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