

FMLA Update February 2009
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Substituting Unpaid Family Leave With Paid Leave Using Vacation Time Taken From the Month Immediately Following the Month in Which the Unpaid Time was Taken:

Example: Under the Company's current policy, a Flight Attendant who took a UA on January 21st, and wanted to substitute the absence with a VF, has to advise the Company as soon as possible but no later than two days after returning to work from that absence of her/his intent to substitute paid leave. However, if the Flight Attendant wanted to use her/his vacation time from February, which is the month immediately following the month in which the UA occurred, she/he would be denied, as such request(s) are required to be submitted prior to the closing of the bids. The Association believed that this policy sets up an artificial barrier to a Flight Attendant's rights to substitute paid leave for an unpaid leave. Flight Attendant's experiencing an absence anytime after the bids have closed until the end of that month would be denied the right to convert the time. Additionally, Flight Attendants whose return to work following an unpaid absence occurs after the bids have closed would also be denied the right to convert the time. In order to resolve this issue the Association and the Company have agreed to the following:

- A Flight Attendant will now have until the 5th of the month, following the month in which the unpaid leave was taken, to make the Company aware of her/his desire to substitute paid leave. This will not however negate the Flight Attendant's responsibility to notify the Company of their desire to substitute such UA to IF, SF or VF, no later than two days after returning to work from that absence.
- If the unpaid leave occurs after the bids have closed or if the notification of intent to substitute paid leave for unpaid leave occurs after the bids have closed, then the vacation time used for the substitution will be coded as VU (unpaid vacation)
- The time must be taken from either the beginning or the end of the Flight Attendant's vacation block
- If the Flight Attendant chooses to use vacation for the purposes of paid leave substitution from dates where there is a scheduled trip within the vacation block, such dates will be changed from a VC code to a VU code and will now be unpaid.
- If the Flight Attendant chooses to use vacation for the purposes of paid leave substitution on dates where there are scheduled days off within the vacation block, such dates will be changed from a VC code to a VU code and will now be unpaid.
- Any vacation block shortened as a result of the use of VU codes, will be prorated for purposes of vacation pay as found in Section 10.D. of the collective bargaining agreement, in which a Flight Attendant is credited for the greater of 18.75 hours per week (7 days) of the scheduled vacation or the amount of scheduled flight time of the trip sequence(s) removed by crew scheduling.
- A Flight Attendant may elect to substitute unpaid leave with paid leave using vacation time scheduled in the month following the month in which the unpaid leave was taken, regardless of whether they have additional vacation time scheduled later in the year. In other words, using

the example above, a Flight Attendant may choose to use her/his February vacation time for paid leave substitution even if she/he has additional vacation time scheduled in July of the same year.

- Mechelle Chapman will include this information in the FMLA User Guide she is currently working on and which will be published the Flight Attendants.

Substituting Unpaid Family Leave for Paid Leave Using PVDs

Company policy currently requires a Flight Attendant to deplete all of her/his current year's vacation before being allowed to use PVDs to substitute paid leave for any unpaid leave. The Association Questioned this Company imposed limitation since Flight Attendants not taking leave, are in fact allowed to use PVDs before all of their current year's vacation has been depleted. For example, a Flight Attendant can take a PVD in January even though she/he may have three weeks paid vacation time left in the current year.

The Company has reconsidered, and Flight Attendants will no longer be required to deplete all of their current year's vacation before being allowed to use PVDs to substitute unpaid leave for paid leave.