

Chairman George Miller
Opening Statement at Committee Mark-Up of H.R. 2744
The Airline Flight Crew Technical Corrections Act
Wednesday, May 14, 2008

Today, the Committee on Education and Labor will consider H.R. 2744, the Airline Flight Crew Technical Corrections Act, sponsored by Congressman Tim Bishop, a member of this committee.

Last month, the Subcommittee on Workforce Protections heard testimony from Jennifer Hunt, a long-time flight attendant who works full time for U.S. Airways.

Her husband John, who served in Iraq as a helicopter pilot, also works for a commercial carrier.

When John was recently diagnosed with cancer, Jennifer wanted to take time off from her job in order to see to his treatment and recovery.

While millions of American workers facing a similar family medical emergency would be afforded the protections of the Family and Medical Leave Act, Jennifer was not.

Under the Family and Medical Leave Act, eligible workers can take up to 12 work weeks of unpaid leave during any 12-month period in order to care for a sick relative or a new child or to recover from illness.

Because of the unique way many air crews' hours are calculated, Jennifer was not covered by the Family and Medical Leave Act.

The law says that workers are eligible for Family and Medical Leave only if they work a minimum of 1,250 hours in the 12 months preceding a request for leave.

However, most full-time flight attendants and pilots' work schedules are calculated based on their "in-flight" time – hours generally spent while the plane is moving.

They are paid only for the time that they spend in the air, not for the time spent between flights or for layovers.

This means that even though an average flight attendant spends approximately 13 hours on-duty for every five hours of actual flight time, only those five hours are actually counted towards a flight attendants' qualification for the purposes of receiving FMLA benefits.

A full-time schedule for flight attendants, pilots, or reserve personnel is almost always less than 1,250 hours.

On average, a flight attendant is scheduled for 960 hours a year. According to FAA regulations, pilots are prohibited from flying more than 1,000 hours a year.

Because of the unique way their work hours are calculated, more than 200,000 flight attendants and pilots in this country do not meet the minimum threshold of 1,250 hours needed to qualify for unpaid leave under FMLA.

The minimum threshold is based on working 60 percent of a normal 40-hour work week – or 1,250 hours annually.

When working on the Family and Medical Leave Act 15 years ago, Congress never intended to exclude airline attendants and pilots from the law's protections.

In fact, the legislative history is clear that these workers were meant to be covered.

The Airline Flight Crew Technical Corrections Act clarifies that flight attendants and pilots, are entitled to take unpaid leave to recover from illness or care for newborn children and sick or injured family members.

It provides that airline attendants, pilots and reserve personnel meet the hours of service requirement in the Family and Medical Leave Act if they work or are paid 60 percent of the airline's monthly work schedule **and** if they work or are paid for at least 504 hours.

This is currently about 60 percent, one of the lowest monthly work schedules offered by the industry.

Hard working flight attendants and pilots deserve and need family and medical leave, and should be able to take it when their home lives demand it.

Thank you.