

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1422

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## AN ACT

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Airline Flight Crew  
3 Technical Corrections Act”.

4 **SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT**  
5 **CREWS.**

6 (a) INCLUSION OF AIRLINE FLIGHT CREWS.—Sec-  
7 tion 101(2) of the Family and Medical Leave Act of 1993  
8 (29 U.S.C. 2611(2)) is amended by adding at the end the  
9 following:

10 “(D) AIRLINE FLIGHT CREWS.—

11 “(i) DETERMINATION.—For purposes  
12 of determining whether an employee who is  
13 a flight attendant or flight crewmember  
14 (as such terms are defined in regulations  
15 of the Federal Aviation Administration)  
16 meets the hours of service requirement  
17 specified in subparagraph (A)(ii), the em-  
18 ployee will be considered to meet the re-  
19 quirement if—

20 “(I) the employee has worked or  
21 been paid for not less than 60 percent  
22 of the applicable total monthly guar-  
23 antee, or the equivalent, for the pre-  
24 vious 12-month period, for or by the  
25 employer with respect to whom leave  
26 is requested under section 102; and

1                   “(II) the employee has worked or  
2                   been paid for not less than 504 hours  
3                   (not counting personal commute time  
4                   or time spent on vacation leave or  
5                   medical or sick leave) during the pre-  
6                   vious 12-month period, for or by that  
7                   employer.

8                   “(ii) FILE.—Each employer of an em-  
9                   ployee described in clause (i) shall main-  
10                  tain on file with the Secretary (in accord-  
11                  ance with such regulations as the Sec-  
12                  retary may prescribe) containing informa-  
13                  tion specifying the applicable monthly  
14                  guarantee with respect to each category of  
15                  employee to which such guarantee applies.

16                  “(iii) DEFINITION.—In this subpara-  
17                  graph, the term ‘applicable monthly guar-  
18                  antee’ means—

19                         “(I) for an employee described in  
20                         clause (i) other than an employee on  
21                         reserve status, the minimum number  
22                         of hours for which an employer has  
23                         agreed to schedule such employee for  
24                         any given month; and

1                   “(II) for an employee described  
2                   in clause (i) who is on reserve status,  
3                   the number of hours for which an em-  
4                   ployer has agreed to pay such em-  
5                   ployee on reserve status for any given  
6                   month,  
7                   as established in the applicable collective  
8                   bargaining agreement or, if none exists, in  
9                   the employer’s policies.”.

10           (b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT  
11 CREWS.—Section 102(a) of the Family and Medical Leave  
12 Act of 1993 (29 U.S.C. 2612(a)) is amended by adding  
13 at the end the following:

14                   “(5) CALCULATION OF LEAVE FOR AIRLINE  
15 FLIGHT CREWS.—The Secretary may provide, by  
16 regulation, a method for calculating the leave de-  
17 scribed in paragraph (1) with respect to employees  
18 described in section 101(2)(D).”.

Passed the Senate November 10, 2009.

Attest:

*Secretary.*



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