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California State Senate

SENATOR
STEVEN BRADFORD
THIRTY-FIFTH SENATE DISTRICT

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COMMUNICATIONS
GOVERNMENTAL
ORGANIZATION
PUBLIC SAFETY



May 25, 2017

Mr. Juan Suarez
Managing Director, Deputy General Counsel
Dallas Love Field Airport
2702 Love Field Dr,
Dallas, TX 75235

Dear Mr. Suarez:

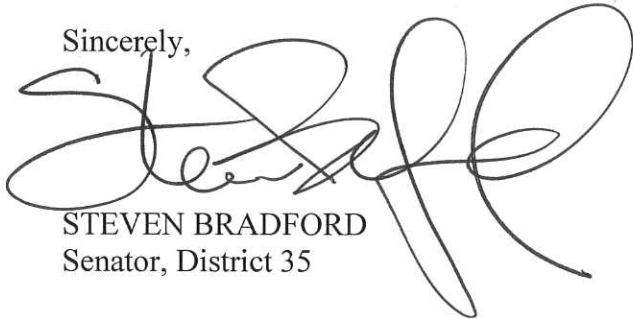
It has come to our attention from Transportation Workers Union, Local 555 and Local 556 that Southwest Airlines has amended its employee sick leave policy as applied to the Unions' California-based members. We are concerned that these changes may violate California labor law and the intent of the Legislature to protect and provide flexibility to California workers and their families, and we urge Southwest to reconsider the recent changes.

In particular, we understand from the Unions that Southwest's policy requires employees to use their leave protected under Labor Code sections 233 and 234 for any covered absence until that protected leave is exhausted, and does not allow employees to choose to use protected leave later in the year. This requirement could have the effect of leaving employees without *any* portion of their paid sick leave to care for family members in need, undermining the original intent of the Legislature in passing Labor Code sections 233 and 234 (known as the California Kin Care law). The Legislature in 2016 broadened the coverage of the California Kin Care law, but the intent in doing so was to provide *more* flexibility to California workers — not to leave employees without the opportunity to use their paid sick leave to care for their family members.

We are also concerned that Southwest is limiting employees to using only a few days of their protected leave per month at the beginning of the year, even if employees have more accrued, paid sick leave available in their sick leave bank. Southwest's limitation on the use of an employee's own accrued, paid sick leave seems clearly inconsistent with the Kin Care law, which requires an employer to permit an employee to use for Labor Code section 233 purposes *"the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement."* If an employee has accrued and available sick leave, she or he should be able to use that leave for Labor Code section 233 purposes in an amount up to the amount the employee would accrue in a six-month period, without adverse consequences. We do not understand why Southwest is limiting employees to only a few protected leave days at the beginning of the year when employees may well be entitled to a greater amount of protected leave as provided under California law.

We urge Southwest to discuss these issues with the Unions and to implement a leave policy that complies with employees' rights under California law. We ask that you resolve this matter in a timely manner. As you know, California has been at the forefront in ensuring that working people and consumers are protected by humane and sensible sick leave policies, and we hope that we can count on Southwest for its leadership on this issue.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'S. Bradford', is written over the printed name and title.

STEVEN BRADFORD
Senator, District 35