

Basics of FMLA

What is FMLA?

The Family Medical Leave Act of 1993 (FMLA) is a federal law (Public Law 103-3) that provides eligible employees with up to 12 weeks of unpaid leave per year, without risk of losing their job or medical benefits. FMLA can be used for the employee's own medical reasons, or to care for a seriously ill family member. A private-sector employer must have at least fifty (50) employees to be considered a covered organization - which Southwest Airlines meets handily. To be eligible for FMLA, an employee must have worked:

- At least twelve (12) months for the employer; and
- At least 1250 hours for your employer in the last twelve (12) months.

Because being a Southwest Airlines Flight Attendant is not a traditional 9-to-5 job based on typical hours worked, our Contract has an agreed upon calculation for FMLA eligibility based on having 504 Duty Hours in the preceding 12 - months.

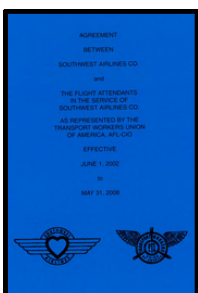
History of FMLA and our Contract

While FMLA is a federally mandated program, our jobs as Flight Attendants made its application challenging. It was never contested that we (as a workgroup) were eligible for its protections... but how to determine eligibility, application, compensation, and impacts on record improvement needed to be negotiated and codified. This process is constantly evolving as our operation changes. Therefore, we have seen the expansion of Contract language over the past three (3) decades. Some of these changes have been negotiated and some have been as a direct result of lobbying for protections under the law for Crew - both Flight Attendants and Pilots.



Green Contract (1996 -2002)

The first TWU Local 556 Contract to have language about FMLA was the Green Contract, effective June 1, 1996, to May 31, 2002. It made clear that the FMLA protections would be afforded to qualifying Flight Attendants based on the corporate policy created by Southwest Airlines for all of its employees. Article 15.5 of the Green Contract stated, "This policy will be updated to stay current with any changes in federal law."



Blue Contract (2002-2008)

The Blue Contract (effective June 1, 2002, to May 31, 2008) kept similar language in Article 15.5 as the previous iteration.

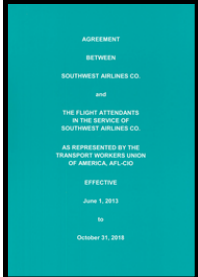
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Purple Contract (2008 -2012)

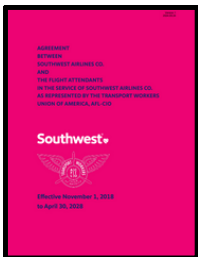
The Purple Contract (effective June 1, 2008 to May 31, 2012) added Article 15.6, an entire section of FMLA language. With these changes, the calculation of eligibility was codified as 720 duty hours in the preceding twelve (12) months, and included APSB, Vacation (13.8 duty hours per week), mandatory training, Company Convenience pulls, Company-paid Special Assignments, and Union Leave. The duty hours calculation was based on each day of reported work from scheduled

check-in to end of debrief. A Reserve who was not called for an assignment, was credited 5.72 duty hours for each day of their Reserve block. The Purple Contract also made it mandatory that if a Flight Attendant was absent from work for more than three (3) consecutive days, SWA would give them notice of FMLA eligibility status via electronic means. This put an onus on the Company to let Flight Attendants know that FMLA was an option (if they qualified), and then put the responsibility on the Flight Attendant to apply, if needed. This new contractual language also put timelines on SWA for communicating to the Flight Attendant (two (2) business days when an absence was greater than three (3) days) and responding to a filed FMLA claim (within seven (7) business days from the date of submission) with approval or denial of the claim. Our Contract also included protective language in regards to incurred disciplinary action within two (2) years of an absence if FMLA could have been applied and the Flight Attendant was not notified of their eligibility.



Teal Contract (2012 -2018)

The Teal Contract (effective June 1, 2013, to October 31, 2018) enhanced the previous iteration of Article 15.6. Instead of requiring 720 duty hours, in this CBA, Flight Attendants needed 504 duty hours in the preceding twelve (12) months. Language about timeframes and processes remained unchanged.



Pink Contract (2018 - 2028)

The Pink Contract (effective November 1, 2018 to April 30, 2028) moved the FMLA language to Article 15.7. While eligibility requirements remained at 504 duty hours in the preceding twelve (12) months and company-required notification of eligibility requirements remained the same, our Pink Contract required SWA or the third-party administrator to respond to a FMLA application with approval or denial within five (5) business days from submission (reduced from seven (7) business days). If a FMLA application is denied, our Pink Contract added that the Flight Attendant

would be placed on a medical leave of absence, if applicable. Another big FMLA change in the Pink Contract came in Article 32.7 - Record Improvement. An approved Intermittent (INT) FMLA claim applied to an absence, no longer converts the Flight Attendant to "Inactive Status". This means that Flight Attendants who utilize INT FMLA will still be eligible for contractual Record Improvement, including No Chargeable Occurrences During a Quarter and Fourth Quarter Record Improvement Bonus. **NOTE:** Prior to codifying this language in our Contract, Southwest Airlines was allowed to arbitrarily change their procedures on how INT FMLA affected record improvement. Many Flight Attendants will remember when the now contractual language was policy... and then it was arbitrarily changed in 2019. Now, with this definitive contractual language, INT FMLA cannot affect a Flight Attendant's "Active" status.

This was a major win in the Pink Contract.

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Frequently Asked Questions (FAQ)

“What is the difference between Intermittent (INT) and Continuous (CONT) FMLA?”

The difference is pretty straight-forward.

- **INT FMLA** allows employees to take time off as needed and approved with supporting physicians' documentation. The frequency (how many times per month) and duration (how many days per month) is dependent on individual needs for treatments or chronic illnesses.
- **CONT FMLA** is taken continuously for an extended period of time, without interruption. This type of leave is usually used for a serious health condition which requires a long recovery time but can be used for a shorter illness. CONT FMLA must be more than 3 consecutive days and Flight Attendants will need to follow the return to work process.

“Is FMLA a paid leave of absence?”

You can be paid out of your accrued sick bank for FMLA (INT or CONT) when you are taking it for your own personal medical reasons. INT FMLA is paid like other sick calls - applicable TFP paid out of your accrued sick bank for assignments missed. CONT FMLA allows a Flight Attendant the option of being paid up to one hundred thirty (130) TFP from their accumulated sick bank.

When INT FMLA or CONT FMLA is approved for the care of a loved one, the Flight Attendant may use accrued, unused vacation pay, but compensation will not be paid from the employee's accrued sick bank.

“What is the maximum number of FMLA days per 12-month period?”

You can still use up to seventy-two (72) days of FMLA per federal law.

“What is considered a ‘serious health condition’?”

“A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.” - SWA Employee Rights and Responsibilities Notice Under the Family Medical Leave Act (“FMLA”)

“How do I know if I qualify for INT or CONT FMLA?”

You will need to contact the Southwest Leave Administration Team by creating a case in Workday.

SWALife > Workday > Menu - “Leave, OJI, & Accommodations” > “Create Case” > “General Leave Inquiry”



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“How do I apply for FMLA?”

The first step will be getting your medical provider to fill out all appropriate forms and documentation required to your Case Manager via Workday. The required forms will be emailed via your wnco email address when you set up a claim. After your physician has filled out the required forms, you will attach them to your case in Workday for review by your Case Manager.

IMPORTANT NOTE: Emailed and faxed FMLA forms will no longer be accepted. FMLA documentation must be submitted via your case in Workday.

“Can I apply for a new INT FMLA claim if I have at least 504 qualifying hours in the last 12 month period, but I have 0 FMLA days to use?”

Yes, as long as you have at least 504 qualifying duty hours, you can apply and be approved for an INT FMLA claim. You are not eligible to use the intermittent FMLA until you have days in your FMLA balance to use.

“Can I apply for a CONT FMLA claim if I have the required qualifying hours, but I do not have FMLA days to use?”

No. If you do not have FMLA days to use then you cannot apply for a CONT FMLA claim. You can apply for an applicable contractual Medical Leave per Article 15.2. **NOTE:** There are no minimum requirements for Medical Leave.

“I have an approved INT FMLA claim for a personal health reason. When I need it... how do I use it?”

Flight Attendants needing to use an approved (or pending) INT FMLA claim for themselves must provide a timely notice of illness/injury and comply with all reporting requirements in our Contract. A timely report of illness/injury requires you to notify Crew Scheduling (via ERS or phone) of your absence at least two (2) hours prior to your scheduled report time for an assignment. Once you have reported your illness/injury and been pulled from your assignment, you will need to create a case in Workday.

SWALife > Workday > Menu - “Leave, OJI, & Accommodations” > Create Case > Case Type - “Intermittent FMLA” > Include your FMLA case number in the “Case Title” or “Description” box

“How do I use INT FMLA for a loved one?”

If you have approved INT FMLA for the care of a loved one, you use it the same way as if you’re using it for yourself.

IMPORTANT NOTE: While you submit via the same pathway in Workday, INT FMLA for the care of a loved one is **UNPAID**, even if you mark paid. If you want to be paid from your accrued and unused vacation, create the case to use your approved INT FMLA and then include in the chat your request to be paid from your vacation.

“If I have any questions about FMLA or my pending case, who do I contact?”

You will need to contact the Southwest Leave Administration team via Workday.

SWALife > Workday > Menu - “Leave, OJI, & Accommodations” > “Create Case” > “General Leave Inquiry”

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Changes in 2026

“What is changing in 2026?”

Starting January 1, 2026, Southwest Airlines is moving from a calendar year (January 1 - December 31) to a rolling 12-month calendar based on the application of FMLA to an absence.

“Why are these changes being made to FMLA?”

Southwest Airlines believes that this change will allow employees to “use their leave more freely” without the restriction of a calendar year. TWU Local 556 has spoken to legal counsel and it has been verified that these changes are legal and meet the FMLA requirements.

“If I have an approved INT FMLA, what do I need to know?”

The biggest change is to understand that if you have an approved FMLA claim, your balance of 72 days will not be “refreshed” on January 1, 2026. Instead, you will recover your used FMLA day(s) after 12 months have passed since the absence.

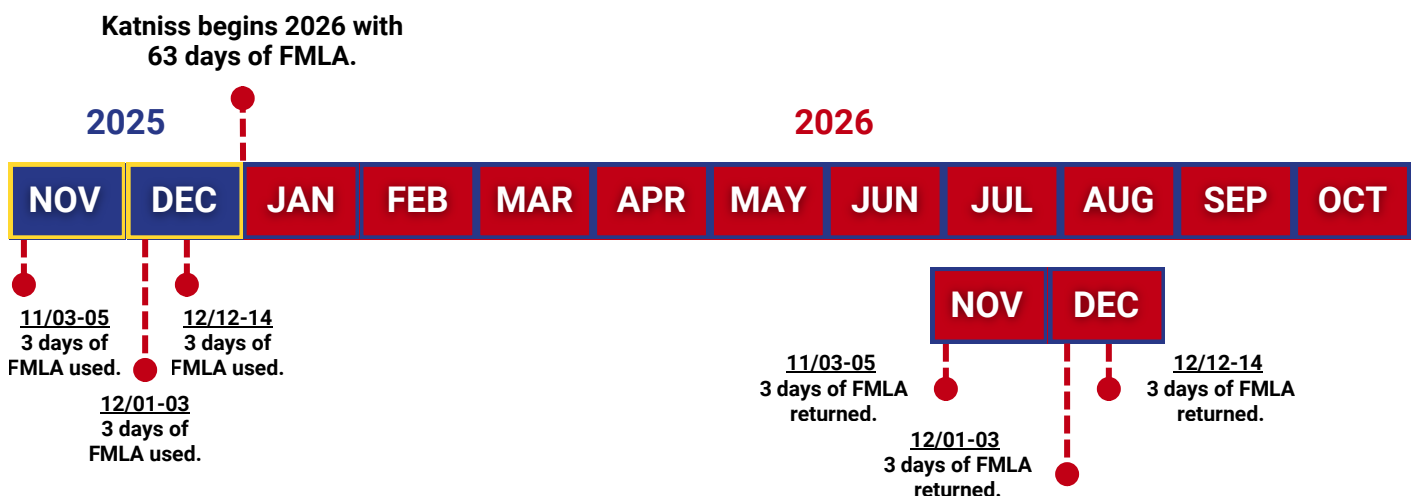
“OK... that is confusing! Can you give me a couple of examples?”

Sure!

Example 1: Katniss Everdeen was approved for INT FMLA from November 1, 2025, through October 31, 2026, allowing for use up to twice a month (frequency) for three days at a time (duration). In November 2025, she used 3 days of FMLA (11/03-05). In December 2025, she used 6 days of FMLA (12/01-03 and 12/12-14). Katniss has used a total of 9 days of FMLA in her 2025 approval period.

On January 1, 2026, Katniss will not receive a new allocation of FMLA days. Her FMLA balance on Workday will show 63 days of FMLA available (72 days - 9 days = 63 days).

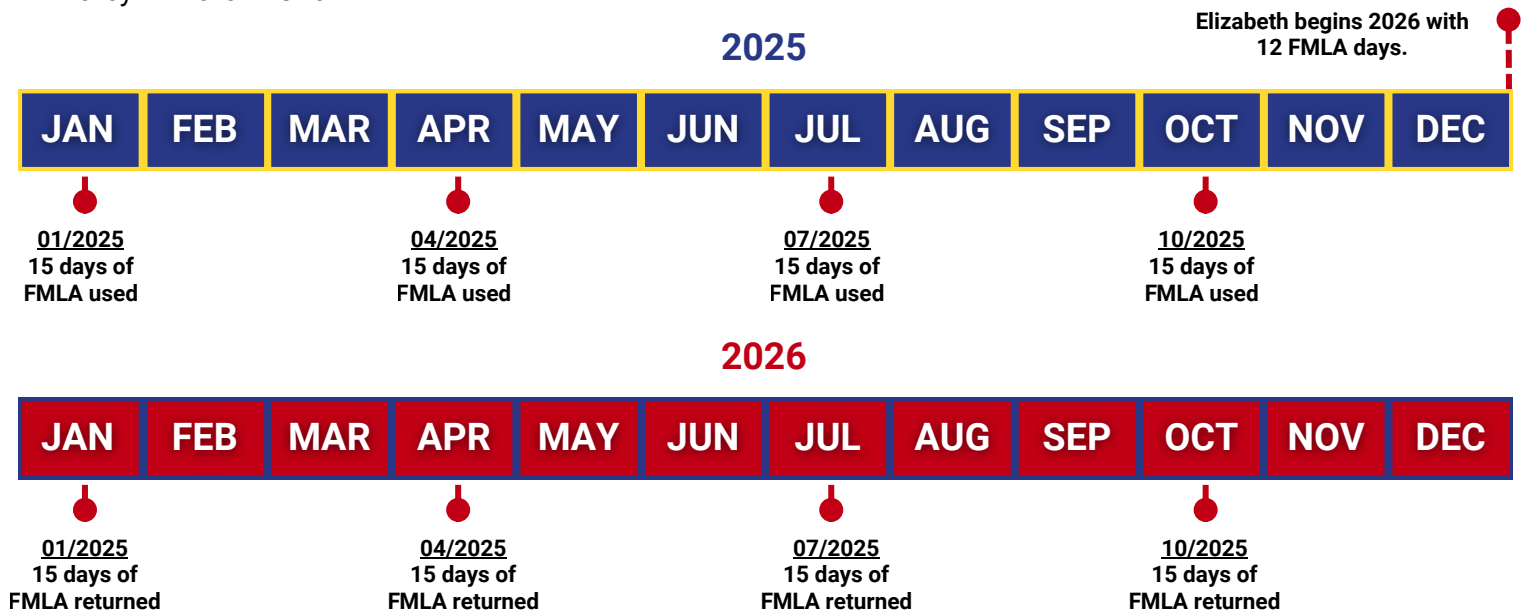
Katniss will get 3 days of FMLA returned to her balance on 11/03-05, 2026, another 3 days on 12/01-03, 2026, and the remaining 3 days on 12/12-14, 2026... 12 months following each of her absences in 2025.



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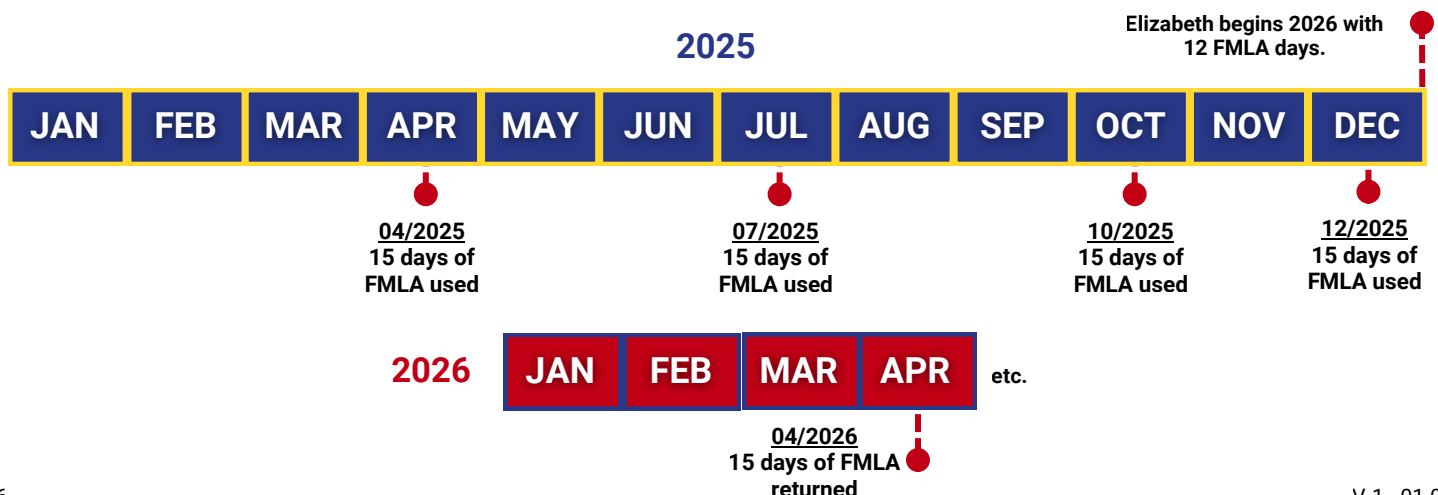
Example 2: In 2025, Elizabeth Bennet used INT FMLA to care for her husband (Mr. Darcy) in January 2025 (15 days), April 2025 (15 days), July 2025 (15 days), and October (15 days). This means she began 2026 with 12 days of FMLA available ($72 \text{ days} - 60 \text{ days} = 12 \text{ days}$). Mr. Darcy is going to need Elizabeth's care in March 2026 for 15 days. Let's calculate and see if she'll have the FMLA days to cover this absence.

In January 2026, Elizabeth will regain 15 days of FMLA because 12 months have elapsed since that absence. This means in March 2026, she will have 27 days ($12 \text{ days} + 15 \text{ days}$). Elizabeth will have enough FMLA time to care for Mr. Darcy in March 2026.



Example 3: What if Elizabeth did not use her FMLA in January 2025? Would she have the needed 15 days in March 2026?

Elizabeth started 2026 with 12 days. She would not gain back any of her FMLA days until April 2026 (12 months after her first FMLA absence to care for Mr. Darcy, in April 2025). With an FMLA balance of only 12 days, Elizabeth would not have the needed FMLA days to care for her husband in March 2026. She could choose to use the 12 INT FMLA days and then use other contractual provisions (like giving away or trading) for the additional 3 days needed.



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"Looking at colored boxes and made-up dates isn't very helpful... can we look at a couple real Flight Attendant examples?"

Example 1: This Flight Attendant has approved INT FMLA, and they needed to use it quite a bit between April and November 2025. They will receive the utilized FMLA back into their FMLA balance 12 months *after* it's been used.



This Flight Attendant used 11 FMLA days in April and May:

April 4-6, 2025 (3 days)
April 17-19, 2025 (3 days)
May 7-11, 2025 (5 days)

They will receive FMLA days on:

April 4-6, 2026 (3 days)
April 17-19, 2026 (3 days)
May 7-11, 2026 (5 days)



This Flight Attendant used 19 FMLA days in June, July, and August.

They will receive FMLA days on:
June 19-21 & 26-29, 2026 (7 days)
July 15-17 & 19-21, 2026 (6 days)
August 8-10 & 16-18, 2026 (6 days)



This Flight Attendant used 9 FMLA days in September, October, and November.

They will receive FMLA days on:
September 19-21, 2026 (3 days)
October 4-6 & 17-19, 2026 (6 days)

NOTE: The absences on September 12-14, 2025, and November 1, 2025, were sick calls without FMLA applied.

Now let's take a look at another Flight Attendant!



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“How do I find out how many FMLA hours I have available to me?”

Your FMLA Balance can be viewed in Workday.

FMLA Balance			
Effective Date	FMLA Balance	FMLA Units	FMLA Qualifying Hours (past 12 months)
12/31/2025	72	Days	829.7

“I like the visible FMLA hours balance on Workday! How often will it be updated though?”

The Workday FMLA Balance will update daily for the previous day's balance according to Southwest Airlines Inflight Attendance and Leave Management. It's important to remember that you will be seeing a balance based on the previous day's balance.

Important FYI: If you believe that your balance is incorrect, you will need to contact the Southwest Leave Administration team via Workday.

SWALife > Workday > Menu - “Leave, OJI, & Accommodations” > “Create Case” > “General Leave Inquiry”

“Does this change mean that I need to resubmit for a new case in Workday for my own qualifying condition?”

- If your approved INT FMLA case is approved through December 31, 2025, and you need continued INT FMLA into 2026, you must submit a new FMLA case and Leave Administration Healthcare Provider form via Workday.
- If your approved INT FMLA case is approved into 2026, you are not required to submit a new FMLA application until your approved leave ends.
- If you're on an approved CONT FMLA case for yourself, then you will continue to remain on that leave until you are returned to work or extended.

“How do I know when my current INT FMLA expires?”

If you don't know your current INT FMLA expiration you will need to submit a general inquiry via Workday.

“Who do I contact if I have questions about FMLA or other Leave of Absence options?”

Your first step for FMLA questions should be submitting a “General Leave Inquiry” in Workday. If you have questions about other contractual leave options, you can contact our TWU Local 556 Leave Specialists.

LeaveHelp@twu556.org