

Basics of FMLA History

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 1,250 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.

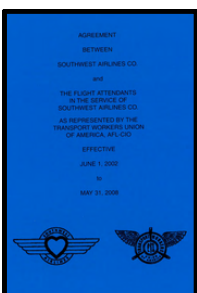
History of FMLA and our Contract

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.

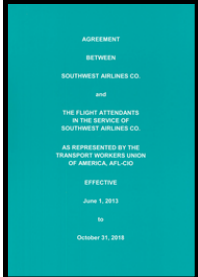
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Purple Contract (2008 -2012)

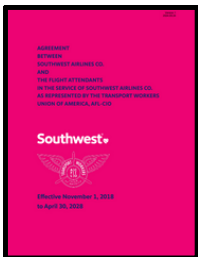
The Purple Contract (effective June 1, 2008 to May 31, 2012) added Article 15.6, an entire section of FMLA language. With these changes, the calculation of eligibility was codified as 720 duty hours in the preceding twelve (12) months, and included APSB, Vacation (13.8 duty hours per week), mandatory 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 an 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. With this definitive contractual language, INT FMLA cannot affect a Flight Attendant's "Active" status. **This was a major win in the Pink Contract.**