

## Fact Sheet #28J: Special Rules for Airline Flight Crew Employees under the Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The FMLA applies to private-sector employers, including airlines, with 50 or more employees. To be eligible for FMLA benefits, an employee must work for a covered employer, have worked for the employer for a total of 12 months, meet the hours of service requirement, and work at a location where the employer has at least 50 employees within 75 miles. See [Fact Sheet 28: The Family and Medical Leave Act](#) - Overview, for information on the general FMLA provisions.

This fact sheet summarizes the special eligibility, leave calculation, and recordkeeping rules for airline flight crew employees and their employers under the FMLA. Except for these special rules, all other FMLA requirements apply to airline flight crew employees in the same manner they apply to other eligible employees.

### AIRLINE FLIGHT CREW EMPLOYEES

For FMLA purposes, an airline flight crew employee is an airline flight crewmember or flight attendant. Not all employees that work for an airline will meet the FMLA definition of an airline flight crew employee and therefore would not be subject to these special rules.

### HOURS OF SERVICE REQUIREMENT

Whether an airline flight crew employee meets the FMLA hours of service requirement is determined by assessing the number of hours the employee has worked or been paid over the previous 12 months. An airline flight crew employee will meet the hours of service requirement if, during the previous 12 months, he or she has:

- worked or been paid for not less than **60 percent of the employee's applicable monthly guarantee;**  
**and**
- worked or been paid for not less than **504 hours.**

The applicable monthly guarantee for an airline flight crew employee who is not on reserve status (**line holder**) is the minimum number of hours an employer has agreed to *schedule* the employee. The applicable monthly guarantee for an airline flight crew employee who is on **reserve status** is the minimum number of hours an employer has agreed to *pay* the employee.

The hours an employee has *worked* during the previous 12 months is the employee's **duty hours** during that time. The hours an airline flight crew employee has been *paid* during the previous 12 months is the number of hours for which the employee received wages during that time. The 504 hours do not include personal commute time or time spent on vacation, medical, or sick leave.

## CALCULATION OF LEAVE

An eligible airline flight crew employee is entitled to up to **72 days** of FMLA leave during any 12-month period:

- for the birth of a child or placement of a child for adoption or foster care;
- to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- for the employee's own serious health condition; or
- for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty.

The 72-day entitlement is based on a uniform 6-day workweek for all airline flight crew employees, regardless of time actually worked or paid, multiplied by the statutory *12-workweek* entitlement for FMLA leave. For example, if an employee took six weeks of leave for an FMLA-qualifying reason, the employee would use 36 days (6 days x 6 weeks) of the employee's 72-day entitlement regardless of the employee's actual schedule. See [Fact Sheet 28F: Qualifying Reasons for Leave under the FMLA](#) and [Fact Sheet 28 M\(c\): Qualifying Exigency Leave under the FMLA](#).

An eligible airline flight crew employee is entitled to up to **156 days** of military caregiver leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the airline flight crew employee is the spouse, son, daughter, parent, or next of kin of the servicemember. This 156-day entitlement is the result of multiplying the uniform 6-day workweek by the statutory *26-workweek* entitlement for military caregiver leave. See [Fact Sheet 28M\(a\): Military Caregiver Leave for a Current Servicemember under the FMLA](#) and [Fact Sheet 28M\(b\): Military Caregiver Leave for a Veteran under the FMLA](#).

### **Increments of FMLA Leave for Intermittent or Reduced Schedule Leave**

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis, meaning that the employee takes leave in separate blocks of time for a single qualifying reason or reduces the time worked in a week. When an airline flight crew employee takes FMLA leave on an intermittent or reduced schedule basis, the employer must account for the leave using an increment no greater than **one day**. The entire amount of leave actually taken is designated as FMLA leave and counts against the employee's FMLA entitlement. For example, if an airline flight crew employee needs to take FMLA leave for a two-hour physical therapy appointment, the employer may require the employee to remain off work the entire day and use a full day of FMLA leave.

## RECORDKEEPING REQUIREMENTS

Covered employers of airline flight crew employees must meet the general FMLA recordkeeping requirements. In addition, they are required to maintain records and documents containing information specifying the applicable monthly guarantee for each category of employee, including copies of any relevant collective bargaining agreements or employer policy documents. They must also maintain records of hours worked and hours paid for those employees.

## **ENFORCEMENT**

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. *See [Fact Sheet 77B: Protections for Individuals under the FMLA](#)*. The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

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For Information on the effective date, click [here](#).

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