

TESTIMONY OF  
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FLIGHT ATTENDANT

BEFORE

THE SUBCOMMITTEE ON WORKFORCE  
PROTECTIONS OF THE EDUCATION AND  
LABOR COMMITTEE

U.S. HOUSE OF REPRESENTATIVES

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Thank you, Chairwoman Woolsey and the distinguished members of this panel. I very much appreciate you holding this hearing and inviting me to testify today. My name is Jennifer Hunt and I am a 19 year full time flight attendant with US Airways currently based at Ronald Reagan Washington National Airport and a member of the Association of Flight Attendants. I am the wife of John Calley, a Blackhawk helicopter pilot with the Virginia Army National Guard and an Iraq war veteran who completed a 15 month deployment to Iraq in February of 2007. John is a commercial pilot with Comair and we have two wonderful young children.

As a family where both my husband and I work full-time, I'm here to tell you that the Family and Medical Leave Act has been a great benefit for millions of American families since it's enactment in 1993. Allowing an individual to take up to 12 weeks of unpaid leave in order to care for themselves or a family member during an illness or injury, knowing that they will have a job to return to, has provided peace of mind for many.

However, I and thousands of other full time, working flight attendants in this country have unfortunately been unable to take full advantage of this benefit. This problem arises out of the fact that our pay hours are calculated in a very unique way for airline flight crews – flight attendants and pilots – than are those in other industries. Our unique situation demonstrates that one size does not fit all.

When Congress passed the Family and Medical Leave Act in 1993, the intent was to provide an employee 12 weeks of unpaid leave if they worked a minimum of 60% of a full time schedule. When developing this threshold, Congress looked at the traditional 40 hour work week as defined by the Fair Labor Standards Act: 60% of a full time schedule, based on the “traditional” 40 hour work week over a year is approximately 1,250 hours. So, as the law was written, someone has to have worked 1,250 hours in a 12 month period.

The problem for flight attendants and pilots is that, as I stated previously, the timekeeping methods and calculation of paid hours are very unique in the airline industry. For example, we use three different types of hours to classify our time spent in the employ of the airline.

The first type of hours are “flight hours.” This is basically the time from when the door of the aircraft closes and it starts to move until the moment the aircraft comes to a stop at the arrival airport and the deplaning door opens. These flight hours are time for which we receive our hourly rate of pay. Our pre-flight safety checks, boarding and deplaning time on each and every flight is unpaid time, yet we are still on duty with the company.

The second type of hours, time spent performing duties such as those I just mentioned, as well as time on the ground in between flights, is referred to as “duty hours”. Duty time usually begins approximately 1 hour before the first scheduled flight of the day up until approximately fifteen to thirty minutes after the last flight of the day. Again, flight attendants do not receive an hourly rate of pay for these working hours.

The third category of hours is called “time away from base”. These hours combine all the hours that we spend away from the airport in which we are based. Part of this calculation is the time spent in hotels away from home and family. For example, I am based at Washington Reagan Airport. I consistently work trips that mean I am away from Reagan National for up to 4 days, working flights to various cities across our country. . The hours I spend away from home, at the request of the company, are defined as “time away from base” hours and the significant majority of those hours are unpaid, despite the fact that I am on duty and available for duty in service to my company. During the majority of these hours, I am governed by – and must adhere to – FAA regulations.

Your average flight attendant in the industry today works approximately 80 flight hours a month, which translates to approximately 20 days of flying. Again, let me remind you those 80 flight hours I reference are only flight hours. They do not include all the time spent in service to the company performing work.

As you can see, the calculation of hours for flight crews in the airline industry is very unique. Basing a threshold of 1,250 hours to our unique situation is not relevant. It is simply like comparing apples to oranges and does not adequately reflect the reality of work for airline flight crews.

My own situation will help shed some light on the problem. After the birth of our second child and the completion of my husband’s 15 month deployment to Iraq, I returned to full time employment as a flight attendant with US Airways. I continued to work a full time schedule upon my return, arranging it so that I could be home on the days that my husband worked his schedule in order to care for our two small children.

On December 27<sup>th</sup> 2007 my husband was diagnosed with prostate cancer. While exploring the various treatment options available to him and preparing for a potential surgery, I immediately applied for Family and Medical Leave. Because of this unique way in which our hours are calculated, I did not meet the 1250 hour requirement for FMLA. I should point out that I was working a full time schedule at US Airways flying 75 flight hours a month. This is above the 73 hours a month that US Airways defines as a full time schedule.

While I was unable to qualify for FMLA, I did however qualify for Personal Care Leave which is something my union, the Association of Flight Attendants, had negotiated with our company management. Negotiating a more meaningful FMLA policy is something that we at US Airways and many other flight attendants at other airlines have had to do. Even the companies over the years have recognized the fact that the majority of flight attendants would not qualify for FMLA using the 1,250 hour threshold. They themselves have recognized that the 1,250 hours is not translatable for the unique time keeping methods of our industry.

The unfortunate thing with our company-provided Personal Care Leave is that it must be used in a 5 day block. The provision within FMLA that would have allowed me to take intermittent leave at various times was not an option for me and my family. Instead of

missing one day, for instance, to take my husband to medical appointments, I would be forced to take 5 days off, a waste of productivity for the company and 5 days of unpaid days for my family at the worst possible moment.

I did not want, nor was I willing to take, 5 days of unpaid leave every time I needed to utilize my leave. In the end I was able, due to the flexibility that my seniority provides, to adjust my schedule so as not to use the Personal Care Leave and avoid such a prolonged absence from work.

As my husband's surgery approached in February of 2008 I was forced to again juggle my flying schedule to attend his surgery and post-operative care. Immediately upon my husband's release from the hospital, I had to return to work. I was incredibly fortunate that I could rely on friends and family to assist in the care of my husband following his surgery and the care of our two children. If I did use the Personal Care Leave, I would have unfortunately missed five full days of paid flying time and could not afford that option while my husband was out of work during his recovery process.

While I was able to adjust my schedule to attend to my family's needs during this time, approximately 25% of the flight attendant population is on what is called "reserve" status. For reserve flight attendants, FMLA benefits are out-of-reach and virtually impossible to obtain. Reserve flight attendants are crewmembers that are on a "on call" status to staff flights during irregular aircraft operations or in case of crewmembers who become ill during their flight assignments. Reserve flight attendants can be "on call" up to 24 hours a day for approximately 20 – 21 days a month. Reserve flight attendants can receive a phone call from the company at any time during their on-call timeframe. Upon receiving the phone call to report to work, flight attendants have between 1 – 2 hours to be at the airport ready to work the required flight. Reserve flight attendants are truly tied to their phones and waiting for calls. They do not have the flexibility while "on call" to get a second job to supplement their income. They must be ready and able to head to the airport at a moments notice. If they have children, they must have childcare ready to go at a moments notice.

Reserve flight attendants are classified and treated by the airlines as full time employees, as airline management itself recognizes that reserve flight attendants are technically on duty to the airline during their reserve time and must abide by all Federal Aviation Regulations governing flight attendants during that reserve time. As part of the recognition that they are full time employees, the airlines guarantee that those flight attendants will at least receive a payment for a minimum number of flight hours a month.

For example, a reserve flight attendant with US Airways is guaranteed to receive payment for 73 flight hours a month for their time commitment to the company during their approximately 20 days of being "on call." The flight attendant could very well be called in to fly more than those 73 flight hours in a given month, and they will receive payment for their actual hours, but because of their time commitment to the company, they are guaranteed at a minimum to be paid 73 flight hours.

The unfortunate thing for these reserve flight attendants is that for FMLA qualification, only the time that they are called in to work a flight counts towards reaching their 1,250 hour threshold. It is virtually impossible for reserve flight attendants to qualify for FMLA. As they are the most junior flight attendants at any base, they need the flexibility that Family and Medical Leave provides.

Madame Chair, this denial of FMLA benefits to flight crew is frustrating because the original authors of FMLA were clear in their intentions that the new law must cover flight crewmembers who work full time schedules. This issue came up on the House floor on May 10, 1990. Congressman Norman Minetta asked Congressman Clay, one of the bill's authors, about this situation faced by flight attendants and pilots and the unique way their hours are calculated. Mr. Clay's response was clear. He said:

“We certainly do not intend that dedicated workers in unique circumstances should be excluded from the bill's protection simply because of their industry's unusual time-keeping methods. Flight attendants and pilots who work the number of hours constituting half-time (*eventually increased to 60%*) employment during the previous 12 months as defined either by a collective bargaining agreement or by industry standard are fully entitled to family and medical leave under this bill.”

Furthermore, the Senate report language accompanying the final bill, states clearly that the “minimum hours of service requirement is meant to be construed broadly...”

So, we are frustrated that we have been forced to bargain for a right that every American is afforded under the law. What is most frustrating, is the fact that that we were intended to be covered by the law from the very beginning. Congress must correct this oversight and get back to the original intent of the law.

HR 2744, a bipartisan bill introduced by Representative Tim Bishop will provide the necessary technical correction to the Family and Medical Leave Act that is so needed. This bill states that airline flight crews will be considered qualified for FMLA if they fulfilled or have been paid for 60 percent of their airline's full time schedule. Although a full time schedule varies by carrier, each carrier has established its own definition of what constitutes a full time schedule. That full time schedule is established through a monthly “guarantee” or monthly “minimum”.

The term is a standard in the airline industry and is used by both unionized and non-unionized airlines. The employer is guaranteeing that a full-time flight attendant or pilot will get – at a minimum – a set number of flight hours scheduled in a month.

For example, the monthly guaranteed minimum flight hours at US Airways is 73 flight hours. US Airways is basically saying that each flight attendant with the airline will get scheduled for 73 flight hours that month. This constitutes a full-time schedule. A flight attendant may subsequently schedule themselves to work for less than the 73 flight hour

threshold and get paid fewer hours, or a flight attendant may choose to work 95 flight hours in a month and gets paid for 95 hours. But all flight attendants at US Airways are promised by the company that as a flight attendant – as a full time employee – they will get scheduled for 73 flight hours.

The concept of a guarantee is an industry standard term. However, there is no one guarantee that is applied uniformly throughout the industry as monthly guarantees vary from airline to airline. The employing airline is allowed to develop the monthly guarantee due to the unique nature of each individual airline's scheduling needs. This allows flexibility for the employer to determine what that specific airline's full time schedule is. The "full time" schedule at an airline may be changed from year to year due to the changing nature and uniqueness of each airline's operation and needs. Again, this provides the employer flexibility to increase their "full time" schedule as needs and demands may dictate.

The good news is that my husband is expected to make a full recovery. However, tens of thousands of other flight attendants are not so lucky. Many are denied FMLA benefits despite the fact that the law was intended to cover flight crew members. The Family and Medical Leave Act has helped millions of employees to remain with their employer but still meet the needs of their family.. I urge you to pass HR 2744 in order to correct this oversight and get back to what Congress originally intended – that I and the over 90,000 flight attendants in this country will be able to have the peace of mind that the Family and Medical Leave Act is intended to provide.