

111TH CONGRESS
1ST SESSION

H. R. 912

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2009

Received, read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To amend the Family and Medical Leave Act of 1993 to
clarify the eligibility requirements with respect to airline
flight crews.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Airline Flight Crew
3 Technical Corrections Act”.

4 **SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT**
5 **CREWS.**

6 (a) **INCLUSION OF AIRLINE FLIGHT CREWS.**—Sec-
7 tion 101(2) of the Family and Medical Leave Act of 1993
8 (29 U.S.C. 2611(2)) is amended by adding at the end the
9 following:

10 “(D) **AIRLINE FLIGHT CREWS.**—

11 “(i) **DETERMINATION.**—For purposes
12 of determining whether an employee who is
13 a flight attendant or flight crewmember
14 (as such terms are defined in regulations
15 of the Federal Aviation Administration)
16 meets the hours of service requirement
17 specified in subparagraph (A)(ii), the em-
18 ployee will be considered to be eligible if—

19 “(I) the employee has worked or
20 been paid for 60 percent of the appli-
21 cable monthly guarantee, or the equiv-
22 alent annualized over the preceding
23 12-month period; and

24 “(II) the employee has worked or
25 been paid for a minimum of 504

1 hours during the preceding 12-month
2 period.

3 “(ii) DEFINITION.—As used in this
4 subparagraph, the term ‘applicable month-
5 ly guarantee’ means—

6 “(I) for employees described in
7 clause (i) other than employees on re-
8 serve status, the minimum number of
9 hours for which an employer has
10 agreed to schedule such employees for
11 any given month; and

12 “(II) for employees described in
13 clause (i) who are on reserve status,
14 the number of hours for which an em-
15 ployer has agreed to pay such employ-
16 ees on reserve status for any given
17 month,

18 as established in the collective bargaining
19 agreement, or if none exists in the employ-
20 er’s policies. Each employer of an employee
21 described in clause (i) shall maintain on
22 file with the Secretary (in accordance with
23 regulations the Secretary may prescribe)
24 the applicable monthly guarantee with re-

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT
CREWS.—Section 102(a) of the Family and Medical Leave
Act of 1993 (29 U.S.C. 2612(a)) is amended by adding
at the end the following:

7 “(5) CALCULATION OF LEAVE FOR AIRLINE
8 FLIGHT CREWS.—The Secretary may provide, by
9 regulation, a method for calculating the leave de-
10 scribed in paragraph (1) with respect to employees
11 described in section 101(2)(D).”.

Passed the House of Representatives February 9,
2009.

Attest: LORRAINE C. MILLER,
Clerk.