



Dear Envoy Flight Attendants,

We share your concerns regarding Envoy's change in FMLA call in procedures. FMLA leaves generally, and intermittent leave especially, are subject to heightened scrutiny throughout the airline industry. This scrutiny, however must comply with federal regulations. Additionally, our contract provides that if a state FMLA regulation is more favorable than federal, the state law will prevail. We are currently researching and compiling a list of state FMLA regulations to ensure your rights are protected to the fullest extent.

FMLA is designed to give employees the time off they need while allowing the employer to verify the cause of or reason for the absence(s) without causing the employee an undue burden or inhibiting the employee's exercise of this important leave right. Many of you are already familiar with FMLA certification and verification procedures, but for those who are not, and as a refresher for all of us, set out below is a recap:

FMLA Qualification

- Among other reasons, e.g. birth of a child, federal law provides FMLA leaves for a "serious health condition."
- The regulations define this as, "an illness, injury, impairment or physical or mental condition that involves inpatient or continuing treatment by a health care provider." For example, chronic conditions such as diabetes, epilepsy, asthma, etc. or incapacity due to pregnancy.
- The absence must be more than 3 calendar days and cannot be used for general check-ups or routine healthcare such as an eye exam – it must be used for the "serious health condition" of you or a family member.
- F&H solutions uses the Department of Labor FMLA forms which can be found [here](#).

AFA is challenging the new call in procedures, but in the meantime, this is what is required by law:

- Know your leave case number and keep a copy of your FMLA certification paperwork for reference when you call or e-mail in. Ask for the representative's name, and note the date/time of the call. Take notes during the call. When communicating by e-mail, save copies of all correspondence.
- Your leave paperwork should state information sufficient to establish your eligibility for your leave – that you have a "serious health condition." You are however, never required to provide a diagnosis. Likewise, when calling or e-mailing in, you can be asked to describe or identify the "serious health condition." We recommend you read this information directly from your FMLA certification papers.
 - Find the portion your healthcare provider completed (on the F&H/Department of Labor form it is #4) that asks for a description of facts supporting your need for FMLA leave.
 - Read the representative exactly what your healthcare provider wrote and **nothing more**.
- If the representative pressures you for more information than is on your written form or attempts to intimidate, harass, or discourage you from using FMLA, politely end the call, document it, and contact your local AFA office immediately. We are developing an electronic reporting form for you to use in the future.

Timing

- The new two day reporting rule does not generally appear to violate FMLA regulations however, AFA is disputing this new rule due to well-established past practices and contractual language.
- If you are incapacitated (physically unable to contact the company) you are not required to contact the Company in two days – you contact them when you are physically able to do so and you cannot be disciplined for it.
- We recommend you use e-mail as a means of communication between you and F&H and keep copies of all those communications between you and F&H.

The Company has represented to AFA that it will monitor calls to ensure regulatory compliance, and acknowledged that a diagnosis is not required when calling in. The Company cannot ask for more information than what is on your form or create an undue burden, pose baseless challenges, or cause unreasonable delays to discourage you from exercising your FMLA rights.

AFA will monitor these new procedures to ensure that the Company complies with your contract and all applicable laws and we will take whatever action is necessary to protect your rights. Please report any issues to AFA immediately.

