

SECTION 13

LEAVES OF ABSENCE

Definitions:

FILE/ISSUE

A document shall be deemed "filed" or "issued," as applicable, on the day in which the document is postmarked, or if Federal Express is used, on the day in which the document is submitted to the Company for shipment.

MATERNITY PERIOD

A pilot's maternity period begins on the date of pregnancy and extends through 120 days following the date of the end of the pregnancy.

A. General

1. A pilot's filing for a leave of absence shall be directed to the Regional Chief Pilot (RCP). The filing shall be submitted as far in advance as practicable prior to the intended start of the leave filed for, except as provided in Section 13.B.1. (Personal Leave of Absence). The filing shall contain a statement of the type of leave and the reason(s) for which the leave of absence is being filed for, except that reasons for a Medical Leave of Absence shall be sent to the Company's aeromedical advisor, as provided in Section 13.C. The RCP, or a designee, shall respond in writing to a filing for a leave of absence as soon as practicable, but in no event later than 15 calendar days following receipt of the filing.
2. A pilot returning from a leave of absence is expected to possess FAA certificates and ratings consistent with the crew status to which the pilot is returning, as provided in Section 24.A.3.a., A.3.b. and A.3.c.
3. A pilot returning from a leave of absence, other than a medical leave of absence, who does not possess an FAA medical certificate, shall be placed on sick leave or Medical Leave of Absence, provided the pilot is otherwise eligible for that leave as provided for in Section 13.C. (including verification of his medical condition by the Company's aeromedical advisor if required by the Company).
4. Rules of conduct applicable to pilots in active service apply to pilots on leaves of absence. The standard for administering discipline and discharge for a pilot on a leave of absence shall be as provided in Section 19. Notice for preliminary hearings and other disciplinary proceedings shall be sent in accordance with Section 19.E.1. and Section 19.F.4. and F.5. A pilot may designate in writing an alternative mailing address for all notices.
5. A pilot on a leave of absence shall not engage in other flying employment without prior written permission from the System Chief Pilot.
6. The following provisions shall apply to a pilot capable of returning to active service following a leave of absence.
 - a. A pilot on leave of absence in excess of a full bid period shall contact the RCP to notify the RCP of the return date to active service; and the RCP shall aid the pilot in coordinating such return.
 - i. The contact shall occur at least 30 days prior to the anticipated end of his leave of absence. The RCP shall confirm, in writing if requested, the return date and resumption to active pay status, as provided in Section 13.A.6.a.ii.
 - ii. Provided that a pilot has complied with Section 13.A.6.a.i., the pilot shall be returned to active pay status upon his return. Failure to comply with Section 13.A.6.a.i. may result in the pilot's return to active pay status being delayed an amount equal to the notification delay. In no case shall the pilot be returned to active pay status later than 30 days following the pilot's return date.

- b. A pilot's crew position upon return to duty following a leave of absence shall be determined as follows:
 - i. If no vacancy award occurred during his absence, the pilot shall return to the crew position held immediately prior to the commencement of the leave of absence.
 - ii. If a vacancy award(s) occurred during his absence, the pilot shall be awarded the crew position the pilot would have held had he not been on leave of absence, as determined by the pilot's seniority and standing bid as of 1700 GMT, 3 days following his contact with the Regional Chief Pilot specified in Section 13.A.6.a. A pilot may not be awarded a crew position at an FDA if that award would cause an excess at the FDA.
- c. If training is required for a pilot returning to active status from a leave of absence that training shall be provided as follows:
 - i. If no vacancy award occurred during the pilot's absence, the requalification training in the pilot's current crew position shall commence no later than 30 days following his return date; or
 - ii. If the pilot was awarded a vacancy from a posting prior to the commencement of the leave of absence for which the pilot has not yet completed training and/or if a vacancy award(s) occurred during the pilot's absence and the pilot elected a new award, training will be assigned as follows:
 - (a) If the training date from the prior award has lapsed, and the pilot has not elected a new award, training shall commence no later than 30 days following the return date, either in a previously vacated date or new slot; or
 - (b) If the training date from the prior award has not lapsed, or the pilot was awarded a new crew position, the Company has the following options:
 - (1) For the current crew position:
 - (A) commence requalification training no later than 30 days following the return date; or
 - (B) withhold the commencement of training, in which case the pilot shall be paid at the current pay rate while he awaits the commencement of training for the awarded crew position; and/or
 - (2) For the awarded crew position, commence training either:
 - (A) on the scheduled training date for the awarded crew position if the commencement of the date is no later than 30 days following the return date;
 - (B) out-of-seniority order with the training commencing no later than 30 days following the return date; or
 - (C) after the 30 days following the return date provided the pilot is paid at the current pay rate as stated in Section 13.A.6.c.ii.(b)(1)(B).
- d. A pilot returning from a leave of absence who requires training prior to returning to line flying shall be compensated as provided in Section 4.I.6.
- e. A pilot returning from a leave of absence who is able to return to line flying without training shall be scheduled as follows:
 - i. A pilot whose return coincides with the beginning of a bid period shall be afforded the opportunity to bid for that bid period in the normal bid process prior to his return.
 - ii. A pilot who returns for a portion of a bid period shall be assigned a custom line (Section 25.I.) for the bid period in which he returns.
- 7. A pilot on a leave of absence shall continue to accrue seniority and longevity for the duration of the leave of absence, except longevity accrual for a pilot on a Personal Leave of Absence shall be limited to 60 days. Adjustments to longevity, if any, shall be made upon a pilot's return from a leave of absence.
- 8. A pilot on a leave of absence may be converted to furlough status in accordance with Section 23. If the pilot is recalled from furlough prior to the date on which he was scheduled to return from a leave of

absence, he shall have the option of returning to a leave of absence status following his recall from furlough.

9. With the coordination of the System Chief Pilot, or a designee, a pilot on a leave of absence shall be permitted to convert the current leave of absence to another type if the pilot otherwise qualifies for the leave. Nothing in this paragraph shall require the Company to convert a pilot to a leave of absence that the Company is not otherwise required to permit.
10. Failure to return to work at the expiration of a leave of absence shall cause a forfeiture of a pilot's seniority and employment rights.
11. Pilots needing more information regarding possible benefit continuation during or after a leave of absence should consult an Association official, benefits specialist, personnel representative, legal representative and/or refer to their Pilot Benefits Book (PBB).
12. A pilot on a leave of absence shall be granted access to VIPS as if he were an active pilot, except for interactive functions relevant only to pilots in active status.
13. Vacation period allocation following a pilot's return to active pay status from a leave of absence shall be treated as follows:
 - a. A pilot shall retain the previously awarded or assigned vacation period(s).
 - b. If a pilot is unable to take the scheduled vacation or bid for vacation due to a leave of absence, then within 30 days following the pilot's return to active pay status, the pilot shall select a different or new vacation period(s). The selection shall be made from among the following slots in the current year:
 - i. open slots; or
 - ii. slots currently held by any junior pilot in the crew position.
 - c. If a pilot fails to make a selection as described above, the Company may assign the pilot a vacation slot in accordance with Section 13.A.13.a., b., and d.
 - d. If a pilot's vacation is unable to be rescheduled/assigned as provided above, the vacation bank shall be bought back, subject to the provisions of Section 7.G.6., or as an exception to the 40% buy back, the pilot may request to have the CH of vacation paid. Any vacation not bought back shall be a positive adjustment to the pilot's vacation bank for the following year.
 - e. Selection of a junior pilot's vacation slot shall not impact any junior pilot's vacation award.
14. Any medical information received by the Company's aeromedical advisor under this Section shall be treated on the same basis as medical information in Section 15.H.

B. Personal Leave of Absence

1. A filing for a Personal Leave of Absence shall be submitted as far in advance as practicable. In emergency circumstances, a Personal Leave of Absence may be granted on short notice for up to 30 days; however, if the pilot seeks additional leave beyond the 30 days, the pilot must provide at least 20 calendar days notice prior to the start of the additional leave.
2. At the discretion of the Company, a pilot may be granted a Personal Leave of Absence without pay for a period not to exceed 90 days. The System Chief Pilot may require a pilot to exhaust earned and unused vacation prior to granting a Personal Leave of Absence. A Personal Leave of Absence may be extended for additional periods, not to exceed 90 days per extension. No personal leave, including extensions, shall exceed 24 months.

C. Medical Leave of Absence

1. A pilot who files for a Medical Leave of Absence, because the pilot is unable to perform the duties as a pilot due to illness or injury, shall be placed on medical leave of absence without pay, provided the need for such leave is substantiated, if required by the Company, as provided in Section 13.C.2.
2. The Company may require a pilot filing for a Medical Leave of Absence to submit medical documentation substantiating the need for such leave from a physician selected by the pilot. Such medical documentation shall be submitted to the Company's aeromedical advisor. The Company's aeromedical advisor shall inform the RCP as to whether the pilot is able to perform his duties due to illness or injury, in accordance with Section 15.H. Disputes concerning a pilot's physical condition shall be resolved as provided in Section 15 (Medical Standards).

3. A medical leave of absence may not exceed a total continuous period of 7 years.
- D. Extended Military Leave of Absence (Leaves Other than Annual Training)
1. Upon receipt of notification from the military, a pilot shall notify the Company of his need for leave and the anticipated beginning of such leave. Upon filing for an Extended Military Leave of Absence with a copy of the pilot's military service orders, a pilot shall be granted a leave of absence without pay to perform military service. All military leaves of absence and related re-employment rights and benefits shall be governed by applicable statutes and regulations.
 2. When warranted by operational needs, the Company may request appropriate military or government authorities to defer a pilot's military service. Once notified of a FDA assignment, a pilot shall advise the appropriate military authorities in writing of his expected absence from the country.
- E. Family Medical Leave (FMLA-Type Leaves of Absence)
1. General
 - a. FMLA-type leave shall mirror the 12 week (maximum) unpaid leave rights and continuation of certain benefits as provided in the Family Medical Leave Act of 1993 (FMLA).
 - b. To be eligible for an FMLA-type leave, the pilot must have been an employee for at least 12 months with the Company.
 - c. Except for FMLA-type leaves under Section 13.E.3. and 13.E.4., where a combined total of 12 weeks of unpaid leave is available, in cases where both spouses are employed by the Company, the employees are each entitled to a total of 12 weeks unpaid leave of absence for FMLA-type leaves.
 2. Notification

A pilot shall notify his/her flight manager at least one bid period prior, if foreseeable, or as soon as is practicable if unforeseen, about the pilot's need for a FMLA-type leave of absence.
 3. Absence for Birth of a Child
 - a. An FMLA-type leave for birth and care of a child shall be granted consistent with existing FMLA provisions. Additional/other leaves outside the 12 week FMLA period may be available if justified by attendant medical/other circumstances. Should a pilot's medical condition require the pilot to use sick, disability, or medical leave, the use of these shall be governed by the provisions applicable to sick leave, disability and medical leave, respectively.
 - b. Pilots who continue to work and require a maternity uniform accommodation shall be provided a one-time allowance of \$150.00. If the initial maternity uniform is not in compliance with future uniform standards, an additional allowance will be provided to bring the uniform into compliance.
 4. Absence for Adoption or Foster Care Parents

An FMLA-type leave shall be granted to adopting or foster care parents for up to 12 weeks provided the leave occurs within the 12 month period beginning 2 weeks prior to the date of adoption or placement of the child (and ending 12 months later).
 5. Leave to Take Care of the Spouse, Son, Daughter or Parent of the Employee With a Serious Health Condition

A pilot shall be granted a family leave of up to 12 weeks to care for a spouse, son, daughter or parent of the employee if such person has a serious health condition. For purposes of this provision, a spouse means a husband or wife, not a domestic partner. A son or daughter means a child under 18, a child enrolled as a full time student and less than age 23, or a child age 18 or older if "incapable of self-care because of a mental or physical disability." A parent means a biological parent of the employee, not an in-law. The meaning of serious health condition is intended to be synonymous with the same term in the FMLA.
 6. Limitations
 - a. For purposes of FMLA-type coverage, 12 weeks means 12 calendar weeks per year, irrespective of how much or how little flying, if any, a pilot might do during the 12 week period, and irrespective of how the pilot might manipulate his/her schedule via trip trade, vacation, etc.

- b. A pilot electing to take an FMLA-type leave during a calendar year shall be entitled to move and use vacation in conjunction with such leave. If a pilot requesting an FMLA-type leave is scheduled to receive more than a 20% vacation buyback for the year, the Company may insist that the pilot take all or some portion of the requested leave as vacation.
- c. To the greatest extent practicable, a pilot shall take FMLA-type leaves in full bid period increments but in no event shall the 12 week leave be taken in any more than 4 blocks, unless a need for more intermittent leave is medically substantiated.
- d. Prior to and upon return from FMLA-type leaves, a pilot will remain eligible for sick leave (both regular and disability), vacation and disability, under the terms normally applicable to those benefits.

F. Absence During a Maternity Period & Maternity Leave of Absence

- 1. During a Maternity Period in conjunction with her pregnancy/care for her newborn child, a pilot may elect any of the following, either alone, or in sequence:

- a. Vacation

A pilot may use available vacation hours in her vacation bank during the Maternity Period as follows:

- i. The use of available vacation hours must be a part of a single, continuous period of absence within a Maternity Period;
- ii. If a pilot elects to use available vacation hours during a Maternity Period, the pilot shall notify her Chief Pilot, or his designee, of the election. If the need to use vacation was foreseeable, the notification shall occur prior to the opening for bidding of the initial affected bid period. If unforeseeable, the notification shall occur as soon as practicable;
- iii. The pilot shall provide her Chief Pilot (or his designee), or at her election the Company's aeromedical advisor, with a medical certification of pregnancy or childbirth, as applicable; and
- iv. A pilot who is not expected to be in a flying status at the beginning of a bid period due to her use of vacation hours during a Maternity Period shall bid in a "pay only" status. A pilot using vacation for an entire bid period may elect to take vacation in whole hour increments from 36 CH up to and including her BLG/RLG. That election may be changed from bid period to bid period and must be submitted in writing (email is acceptable) to the pilot's Chief Pilot, or his designee, within 48 hours following the close of bidding for the bid period to which the election pertains. In the absence of an election, the pilot shall be compensated at the BLG/RLG of her awarded line (if supported by her vacation bank).

- b. Sick Leave

A pilot shall be deemed automatically eligible to use sick leave within the Maternity Period from the beginning of the 21st week of pregnancy through 30 days from the end of the pregnancy, provided that the pilot provides her Chief Pilot (or his designee), or at her election the Company's aeromedical advisor, with a medical certification of pregnancy and of the beginning of the 21st week of pregnancy or a medical certification of childbirth, as applicable.

- c. Disability

A pilot's eligibility for LTD benefits shall be as provided in Section 27.

- d. Unpaid Maternity Leave of Absence

- i. The use of an unpaid Maternity Leave of Absence must be a part of a single, continuous period of absence within a Maternity Period.
- ii. If a pilot elects to be placed on an unpaid Maternity Leave of Absence during a Maternity Period, the pilot shall notify her Chief Pilot (or his designee) of the election, if foreseeable, prior to the opening for bidding of the initial affected bid period, or as soon as practicable if unforeseeable.
- iii. The pilot shall provide her Chief Pilot (or his designee), or at her election the Company's aeromedical advisor, with a medical certification of pregnancy or childbirth, as applicable.

iv. An unpaid Maternity Leave of Absence shall run concurrently with FMLA-type leave, Absence for Birth of a Child, as provided in Section 13.E.3.

2. Other uses of sick leave or vacation before, during, or after a Maternity Period are as provided by Sections 7 and 14, and other applicable Sections.

G. Association Leave

Upon filing, a pilot elected to function as a national officer of the Association or IFALPA, or appointed to national Association or IFALPA offices shall be placed on an unpaid Association Leave of Absence for the duration of such position or office. An Association Leave of Absence shall begin and end concurrent with a bid period. A pilot may not simultaneously be removed from flying under the applicable provisions in Section 18 and also be on Association Leave of Absence.

H. United States Government Executive/Legislative Leave

Upon filing, a pilot who is elected to the United States Congress, or who is serving at the appointment of the President of the United States, shall be granted an unpaid United States Government Executive/Legislative Leave of Absence for the earlier of either the duration of such office or appointment, or 6 years. The Company shall not be obligated to place such a pilot on more than two such leaves consecutively.

I. Statutorily Imposed Leaves of Absence

1. All statutorily imposed leave rights and benefits (federal or state) shall be governed by applicable statutes and regulations. The collective bargaining agreement guarantees a minimum benefit level for FedEx pilots. If required by applicable state or federal laws, the Company will provide a pilot with more generous leave benefits.
2. Pilots needing more information regarding possible benefit continuation for statutorily imposed leaves should consult with an Association, state, or Federal official, benefits specialist, personnel representative, a legal representative and/or refer to their PBB for more information about particular rights/responsibilities for statutory leaves.