

Side Agreement – Intermittent FMLA

I. Requesting intermittent FMLA leave

In order to request intermittent FMLA leave prior to plug time, for either a portion of a workday or for the entire workday, an operator must call 30 minutes ahead of plug time. Failure to do so could result in the denial, or delayed approval, of the requested FMLA leave.

In order to request intermittent FMLA leave while on a run, operators should call the dispatcher and request to be relieved. They will be relieved according to standard procedures. Upon being relieved, Operators must return to the division and follow the normal FMLA leave reporting procedures.

II. Assigning open work caused by intermittent FMLA leave

Incomplete work that becomes open due to intermittent FMLA will be treated as a substitution and will be assigned to the bottom of the show-up list. Clerks must communicate to the Operator performing the incomplete work whether the assignment is for the remainder of the run, or if it is to be performed as a substitution. Complete work that becomes open due to any amount of FMLA leave will be assigned according to the Board Rules.

When requesting intermittent FMLA leave, Operators must state whether they are coming back for any later work after the FMLA leave, or, conversely, if they are marking off their remaining work for the rest of the day due to the FMLA leave. Operators returning the same day after such FMLA leave will be placed back on their original work as long as a full round-trip from a relief point remains on the original assignment. If that full round-trip is not available, the Operator will have the option to sit show-up.

If the Operator on intermittent FMLA leave returns to relieve the show-up Operator, then the show-up Operator will return to her original spot in rotation.

III. Extra Board Operators requesting intermittent FMLA

If an Extra Board Operator on "Show-up" requests intermittent leave prior to being assigned a run, the Operator will still be assigned a run according to the board rules to hold his/her place in rotation and to be consistent with the following:

1. This assignment will dictate how the Operator is placed into the next day's rotation, even when the absence is for the entire remainder of the work day. This is intended to ensure where the Operator will be placed in the next day's rotation.
2. If the "Show-up" Operator returns to work that same day after the FMLA absence, then the assignment in which he was placed shall serve as that Operator's original piece of work to which the Operator may be able to return, subject to the round-trip requirement above.

Refer to Section II for the assignment of complete and incomplete work due to FMLA absences.

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IV. Rotation of Extra Board Operators

An Extra Board Operator who marks off FMLA for the entire day will be placed into rotation after "Operators returning from a regular scheduled day off," and before "Operators who missed." This occurs when the Extra Board Operator marks off for the entire day with advanced notice and when the Extra Board Operator marks off for the entire day on the same day as the FMLA absence.

V. Intermittent FMLA leave and Extra Assignments

Operators that request intermittent FMLA leave from an extra assignment only will not be returned to that extra assignment that day. However, such Operators will retain their regularly scheduled assignment and its associated responsibilities.

VI. Impact on Guaranteed Time

The Guarantee is reduced by the amount of unpaid time spent on FMLA leave. By way of example, if an Operator has a 40-hour weekly guarantee and uses 4 hours in a week in any increments for FMLA leave, the Operator's guarantee for that week is 36 hours. This same principle applies to 8-hour guarantee and 28-hour guarantee Operators.

VII. Approval of FMLA leave requests

Ultimately, the approval of all FMLA use requires the employee to follow the Authority's normal reporting procedures for FMLA leave, including the conditions above, and all FMLA use must comply with the information contained in an employee's FMLA certification.

VIII. Effective Date

This Agreement will take effect on April 12, 2015, in order to give sufficient preparation time for the Operators, Clerks, and Managerial Staff.

Agreed to by:

For the Union

For the Authority

 2-26-15

Date

 2-26-15

Date