

ALPA would like to take the opportunity to thank our fellow FedEx crewmembers who have served, and are currently serving in the Armed Forces of our great nation. For many of our crewmembers, the call of duty still exists as they balance the demands of Guard/Reserve duty with their responsibilities at FedEx and home. As the holidays approach, we are reminded that this time of year marks the busiest 2 months at FedEx.

Recognizing that Military Duties occur 365 days a year, the Military Affairs Committee would like to highlight some guidelines that might assist our crewmembers as they balance military requirements during FedEx Peak operations. While some Military duties cannot be rescheduled during the holidays, others may be executed prior to Peak or delayed until after Peak. If it is possible to accommodate the company, then providing availability for your FedEx crewmember duties is extremely helpful and beneficial to the operating success of FedEx.

Regardless of the financial impact that Peak plays in the success of FedEx, military duties, in some instances may supersede FedEx flight duties. When this occurs, here are some tips for both our crewmembers as well as their unit/squadron Commanding Officers and Commanders.

1. **Advance Notice:** If at all possible, give the company as much advance notice to impending MLA, as this does facilitate a greater ability to manage manning requirements during a hectic time of year. In some instances, there will be short notice MLA requirements that arise. Continue to handle those with the professionalism and courtesy you have shown in the past.

2. **Uniformed Services Employment and Reemployment Rights Act (USERRA):** MLA during times that are inconvenient for the company are governed clearly by USERRA, with regards to FedEx contacting your Commanding Officer when there is a conflict with an employer's work requirements and MLA. The Employer Support of the Guard and Reserve (ESGR) website <http://www.esgr.mil/USERRA/USERRA-for-Service-Members.aspx> provides links to the following guidance:

## **Title 20 Chapter IX Part 1002- Regulations Under USERRA**

### **§1002.104 Is the employee required to accommodate his or her employer's needs as to the timing, frequency or duration of service?**

No. The employee is not required to accommodate his or her employer's interests or concerns regarding the timing, frequency, or duration of uniformed service. The employer cannot refuse to reemploy the employee because it believes that the timing, frequency or duration of the service is unreasonable. However, the employer is permitted to bring its concerns over the timing, frequency, or duration of the employee's service to the attention of the appropriate military authority. Regulations issued by the Department of Defense at 32 CFR 104.4 direct military authorities to provide assistance to an employer in addressing these types of employment issues. The military authorities are required to consider requests from employers of National Guard and Reserve members to adjust scheduled absences from civilian employment to perform service.

3. **Commanding Officer Guidance:** Your Military Affairs Committee offers the following to pass along to your Commanding Officers. FedEx is well within their rights to request that a members MLA be rescheduled or changed. Please remind your Chain of Command that when they receive the phone call from FedEx management, that the individual they are speaking with is not a current member of the Armed Forces with valid security clearances. As such, care should be taken to avoid compromising Operational Security or violating Privacy Act issues. Courtesy and professionalism are the keys to communicating with the company, and it should be a two-way street. Please continue to report any instances of intimidation or perceived pressure arising from a phone call between management and your Commanding Officer. Unit CO's can feel free to contact the ALPA Military Affairs Committee members with any questions or concerns:

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Please visit the ALPA Military Affairs Website on your FDX ALPA site for more information, and thank you for your military service and continued professionalism as a safe and reliable FedEx crewmember.