

**Memorandum of Understanding
Between
National Air Traffic Controllers Association
and
Federal Aviation Administration**

This Agreement is entered into between the National Air Traffic Controllers Association, AFL-CIO (“NATCA” or “the Union”) and Federal Aviation Administration (“FAA” or “the Agency”), herein collectively referred to as “the Parties.” This Agreement represents the complete understanding of the Parties concerning the implementation of the Office of Personnel Management (OPM) memorandum entitled “Maximizing Access to Leave to Seek Safety and Recover from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Related Forms of Abuse or Harassment (Safe Leave),” in reference to Section 3 of the Presidential Memorandum, Supporting Access to Leave for Federal Employees, issued by President Biden on February 2, 2023.

Section 1. The Parties agree that bargaining unit employees (BUEs) may utilize telework; flexible work schedules; and time off, including annual leave, sick leave (including advanced sick leave), credit hours, court leave, excused absence, leave transfer, and leave without pay (LWOP) as appropriate for the following “safe leave purposes:”

- a. Seeking medical treatment, including seeking mental health services such as counseling or therapy;
- b. Securing housing or relocating;
- c. Obtaining services from organizations or groups that provide services for survivors of domestic violence, sexual assault, image-based abuse, human trafficking, and/or stalking;
- d. Participating in safety planning or taking other actions to increase safety;
- e. Attending court to obtain a protective order, participate in child custody proceedings, or obtain legal or other victim services; or
- f. Otherwise dealing with the consequences of the abusive behavior (e.g., arranging for childcare, enrolling a family member in a new school).

Safe leave may be used for the employee themselves or to assist a family member. A past incident may result in current needs as the employee recovers from the incident.

Section 2. The definitions applicable to safe leave are contained in Appendix 1.

Section 3. The Agency shall normally grant BUEs excused absence for safe leave purposes if the employee is unable to safely work at an approved location, including an agency worksite or an approved telework location, because of the safety risks associated with domestic violence, dating violence, sexual assault, stalking, or other forms of abuse or harassment. In addition to the procedures found in Section 15, a request for leave for safe leave purposes may be denied based on one of the following:

- a. The worksite, including parking lots and onsite break areas, has in place security measures that limit public access, thus barring a perpetrator from access to the BUE;

- b. The threat has been resolved such that there is no safety risk to the BUE at the worksite as identified with management; or
- c. A safety plan has been put in place with management allowing the BUE to work at alternative location(s) and eliminating any safety risks.

Section 4. Sick leave may be used without limitation when, as a result of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, the employee:

- a. receives medical, dental or optical examination or treatment for injuries (including mental health services such as counseling or therapy provided by a health care provider); or
- b. is incapacitated for the performance of duties by physical or mental illness or injury.

Section 5. The date of abuse should not be a factor in approving sick leave for safe leave purposes. If the employee has exhausted available sick leave, the employee shall be granted an advance of up to thirty (30) days of sick leave.

Section 6. Annual leave may be used in lieu of sick leave to obtain treatment for illnesses or injuries as a result of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment

Section 7. A BUE is entitled to utilize FMLA for safe leave purposes if domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment results in a serious health condition for the employee that makes the employee unable to perform the essential functions of the employee's position.

Section 8. A BUE is entitled to utilize FMLA for safe leave purposes to care for a family member as defined in 5 CFR § 630.201.

Section 9. If an employee is unable, for reasons beyond the employee's control, to obtain advance approval for an absence for a valid safe leave purpose, the Agency will retroactively approve upon the BUE's return to work an appropriate form of approved paid or unpaid leave, as determined by the BUE, the Parties' CBA, and Agency policy as appropriate.

Section 10. BUEs may request leave or other time off for safe leave purposes through a third party, such as a union representative or Employee Assistance Program (EAP) coordinator, if the employee does not feel comfortable speaking with a supervisor.

Section 11. In accordance with the Parties' CBAs, the Agency shall permit a telework-ready BUE to work from an alternative agency-approved worksite or to work remotely for safe leave purposes.

Section 12. The Agency shall permit a BUE on an approved flexible work schedule in accordance with the Parties' CBAs to adjust the BUE's work schedule, such as reporting times and work hours, to accommodate activities related to safe leave purposes to the maximum extent

practicable.

Section 13. BUEs may utilize Leave Transfer for safe leave purposes in accordance with Article 90 of the Parties' CBAs, and the Voluntary Leave Bank, in accordance with the Parties' November 5, 2020 Memorandum of Understanding (MOU).

Section 14. BUEs shall determine in what order to use their available leave (e.g. sick leave, annual leave, and/or LWOP) for an approved absence for safe leave purposes.

Section 15. Safe leave shall be approved in accordance with the following procedures:

- a. A BUE's credible statement that they are dealing with domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment should generally be sufficient to grant qualifying safe leave. BUEs are not required to provide personal details in their requests for leave.
- b. BUEs should provide enough information in their leave requests so their supervisors know which type of leave is appropriate and in what order the BUE chooses to use available types of leave (e.g., sick leave, annual leave, leave without pay under the FMLA.).
- c. Under no circumstances will a BUE be required to contact law enforcement or otherwise report the violence as a condition for accessing leave.
- d. In individual cases where the Agency has cause to believe it is necessary to request additional information for purposes of verification, BUEs may be asked to provide additional supporting information. Supporting information may include a service provider's statement, medical records or a doctor's statement, as well as a protection order or police or court reports.

Section 16. In accordance with Article 104 of the Parties' Collective Bargaining Agreements (CBAs), in the event that legislation is enacted that affects any provision(s) of this Agreement, the Parties shall reopen the affected provision(s) and renegotiate its contents.

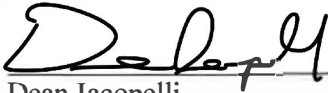
Section 17. The implementation of this Agreement does not alter or change any provisions of the Parties' CBAs.

Section 18. This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation or Collective Bargaining Agreement on behalf of either Party.

Section 19. This Agreement will remain in effect for the duration of each applicable CBA.

Signed this 13th day of January 2025:

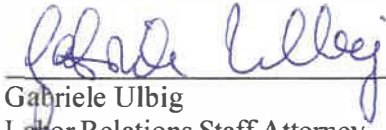
For the Union:



Dean Iacopelli
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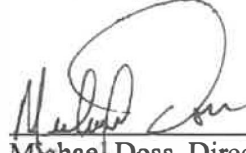


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Appendix 1 Safe Leave Definitions

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence. The use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior, including acts or threatened acts, committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, emotional, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic abuse. Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (1) restrict a person's access to money, assets, credit, or financial information, (2) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage, or (3) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Sexual assault. Any nonconsensual sexual act, completed or attempted, or abusive sexual contact, including when the victim lacks capacity to consent.

Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for one's safety or the safety of others or (2) suffer substantial emotional distress. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or recreation place; leaving unwanted items, presents, or flowers for the victim; and making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites.

Technological abuse. An act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.