

MEMORANDUM OF UNDERSTANDING

between

ALLEGIANT AIR, LLC.

and

THE FLIGHT ATTENDANTS

in the service of

ALLEGIANT AIR, LLC.

as represented by the

THE TRANSPORT WORKERS UNION OF
AMERICA, AFL-CIO

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into in accordance with the provisions of the Railway Labor Act, as amended (“RLA”), by and between ALLEGIANT AIR, LLC. (hereinafter referred to as “Company”) and the FLIGHT ATTENDANTS in the service of ALLEGIANT AIR, LLC., as represented by THE TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO (hereinafter referred to as “Union”).

WHEREAS, the Company and the Union are parties to a collective bargaining agreement (hereinafter “the Agreement”) covering the period of April 15, 2024, to April 15, 2029, pursuant to the Railway Labor Act; and

WHEREAS, the Company and the Union wish to work collaboratively to ensure that Flight Attendants are provided with a clear definition of the Inflight Fatigue Risk Management Program; and

WHEREAS, the Company and Union will meet as needed to review the effectiveness of the program and to evaluate mitigating initiatives to pursue long term improvement;

NOW, THEREFORE, the parties hereby agree as follows:

1. Definitions

The term “Allegiant Inflight Fatigue Risk Management Program,” also known as the I-FRMP, refers to Allegiant’s plan that outlines the policies and procedures for reducing the risks of Flight Attendant fatigue. The current plan can be found on company intranet.

The term “FRMP Manager” refers to the individual listed in the FRMP as the administrator and primary point of contact for Inflight Fatigue Reporting and the Inflight Fatigue Risk Review Committee (FRRC).

The term “De-identified” refers to the removal of identifying information such as crewmember names, company identification numbers, and phone numbers from Fatigue Reports and associated documentation by Inflight Safety.

The term “Primary Root Cause” refers to the most significant factor contributing to a Flight Attendants fatigue event. The Primary Root Cause is used for data collection purposes and is identified by the FRRC during the initial review and disposition process.

The term “Crew Identifying Information” refers to reporting crewmember’s name and/or company identification number.

The term “Fatigue Risk Review Committee,” also known as the FRRC, refers to the committee that is responsible for reviewing fatigue reports, providing dispositions to individual fatigue reports, and developing corrective actions.

The term “Fatigue” refers to a physiological state of reduced mental or physical performance capability resulting from lack of sleep or increased physical activity that can reduce a flight crew member’s alertness and ability to safely operate or perform safety related duties.

The term “fit for duty” or “fitness for duty” refers to the state of being physiologically and mentally prepared and capable of performing assigned duties at the highest degree of safety.

2. The Purpose of this MOU.

As required by the Allegiant Inflight Fatigue Risk Management Program (FRMP), the Fatigue Risk Review Committee (FRRC) is tasked with reviewing fatigue reports and data and developing corrective actions when appropriate. This MOU formalizes the Fatigue reporting process, the FRRCs duties and responsibilities, and potential outcomes of fatigue events. All parties to this MOU recognize the hazards associated with Fatigue, are committed to working together to mitigate systemic and individual fatigue related hazards, and to address fatigue events in a fair, non-punitive manner that is in the best interest in Safety.

3. Fatigue Callout and Reporting Process

a. Fatigue Callout

- i. Flight Attendants may opt out of duty due to fatigue by calling crew scheduling. Flight Attendants should attempt to maximize their rest period prior to calling out fatigued.

1. Fatigue call outs that are considered forecasting or predicting future fatigue (i.e., prior to attempting rest or for a subsequent flight) will be categorized as such by the FRRC (see Section 6 for a list of Categories and Outcomes).

- ii. Fatigue events that are for a reserve call-out period, training, or other work-related obligations that have not yet been assigned a flight duty period will be classified as Excluded by the FRRC (See Section 6 below for a list of Categories and Outcomes).
 - 1. Exceptions may be made at the FRRCs discretion in extreme circumstances where a flight attendant would not be expected to be fit for duty following traumatic or life-threatening events that occurred during a previous duty. Examples of these types of events could include severe onboard medical events, inflight emergencies, or physical assault of a flight attendant. Exceptions may also be made on a case-by-case basis for airport standby at the discretion of the FRRC.
- iii. After a fatigue call to crew scheduling, a Flight Attendant shall, within forty-eight (48) hours from the time of the call to crew scheduling, complete the fatigue report on the Company safety reporting application.
 - 1. Report extension requests can be made via the Allegiant Safety Hotline and should include the reason for the late report, and when the report should be expected.
- iv. Fatigue Reports shall include the following items:
 - 1. All contributing factors to the fatigue, including but not limited to work, sleep, transportation, scheduling, health, and home life factors as applicable.
 - 2. All attempted mitigations, such as rest or fatigue countermeasures used.
 - 3. Commute information.
 - 4. Rest leading up to the event.
- b. Proactive Fatigue Report
 - i. Flight attendants are encouraged to submit proactive reports when they have experienced elevated levels of fatigue due to their schedule or sequence of duty related events but did not reach a level of fatigue impacting their fitness for duty.
 - ii. These events will be analyzed for potential mitigations and data purposes by the FRRC and Safety teams.
- c. If a Flight Attendant fails to submit a fatigue report after calling out fatigued, Inflight Performance will be notified and may issue corrective or disciplinary actions at their discretion in accordance with the CBA.

4. FRRC Composition

- a. The Fatigue Risk Review Committee will comprise of at least one Company representative and one Union representative. The parties will be detailed in the Allegiant Inflight Fatigue Risk Management Program (FRMP).
- b. Multiple members from each party are permitted to reduce workload on a single member or for training purposes. However, they should not interact together on a single

report during a live meeting unless it is requested for investigation purposes or training purposes.

- c. At least one alternate member from each party is required to avoid meeting cancellations or disruptions. It is the responsibility of members to coordinate with their respective parties to determine who will review reports and provide dispositions for each scheduled meeting.

5. FRRC Roles and Responsibilities

- a. All FRRC members must complete training provided by the Company, and they must observe one meeting before acting as a voting member.

- b. Meeting Attendance and Frequency

- i. FRRC Meetings will occur at least twice per month, as needed.

1. Meetings may be canceled due to lack of fatigue reports.
 2. Meeting frequency may increase during expected periods of high fatigue report volume at the discretion of the FRMP Manager or designee.
 3. Changes to the FRRC meeting schedule will be communicated to FRRC members by the FRMP Manager or designee no later than one week prior to the bid period opening for the following month.

- a. In the event of sudden report volume increase, or due to an unavoidable meeting cancellation, the FRMP Manager or designee may request additional meetings within that period. Effort should be made by FRRC members to fulfill these requests; however, they may be rejected by any party of the FRRC.

- ii. Parties to this MOU agree to provide adequate resources to review all reports and attend all scheduled meetings.

1. It is the responsibility of FRRC members to coordinate with their respective parties to determine which member will review reports and provide dispositions for each scheduled meeting.
 2. If, for unforeseen circumstances, attendance is not possible for a scheduled meeting, the Inflight Safety Team must be notified as early as possible.

- c. FRRC Member Duties

- i. Determine the primary root cause of fatigue reports and apply appropriate classifications.
 - ii. Identify systemic fatigue related hazards using reports and available data.
 - iii. Notify relevant parties of hazards, when identified. This will be facilitated by the FRMP Manager or designee and documented in the Company safety reporting application
 - iv. Develop individual or Company corrective actions and mitigations, when appropriate.

- a. Corrective actions and mitigations will be documented, distributed, and tracked in the Company safety reporting application by the FRMP Manager or designee.
- v. Determine the appropriate category of each Fatigue report as described in 6.d.
- vi. Report Distribution and Pre-Meeting Review
 - 1. De-identified Reports will be made available to FRRC members via the Company safety reporting application no later than six calendar days prior to the scheduled meeting.
 - a. Reports will include:
 - i. Information provided by the reporting Flight Attendant.
 - ii. Flight Attendants awarded schedule.
 - iii. Flight Attendants actual as flown schedule.
 - iv. Flight Attendants base seniority, time in position, and fatigue reporting history.
 - v. Any appropriate information requested by an FRRC member.
 - vi. Any factual information deemed relevant or necessary by the FRMP Manager or designee.
 - 2. Committee members are required to review all assigned reports in advance of the meeting.
 - a. No later than 24 hours prior to the beginning of the scheduled meeting, each assigned voting member must do one of the following for each report in their assigned task:
 - i. Provide an Accept or Reject disposition, complete the template provided in the Company safety reporting application which includes identifying a Primary Root Cause, Category, corrective actions (if applicable), and any relevant notes.
 - ii. Request additional information.
 - iii. Request an in-meeting discussion with other FRRC members.

6. FRRC Meeting Process and Outcomes

- a. The FRRC must reach a consensus with regards to fatigue report categorization and corrective action prior to closing the report.
 - i. In the event a consensus cannot be reached, the No Consensus process described in 6.f will be applied.
- b. Reports that are reviewed prior to the meeting in which a consensus has not been reached, additional information has been requested, or a discussion has been requested will be reviewed during the scheduled meeting.
- c. Each fatigue report will be assigned a Primary Root Cause by the FRRC members. The Primary Root Cause is used for data purposes, and the list of possible Primary Root

Causes will be provided in each FRRC Meeting invite or upon request. Consensus is not required, in the event of a disagreement, the FRMP Manager or designee will determine the Primary Root Cause.

- d. Each fatigue report will be assigned a Categorization by the FRRC, and a consensus must be reached. The FRRC will select from the following Categorizations:
 - i. Operational – Fatigue in which weather, ATC, delays, etc. is the primary factor.
 - ii. Company – Fatigue in which the action or inaction of the Company was the primary factor in causing the fatigue. Reports classified in this manner would usually be related to scheduling or crew planning.
 - iii. Uncontrollable – An uncontrollable event is a factor that could not reasonably be planned for, avoided, or prevented by the Flight Attendant while on duty or off duty (for Company purposes, such as a RON). Examples include hotel problems, environmental problems, transportation problems, or severe or traumatic events experienced while on duty.
 - iv. Personal – An uncontrollable event or circumstance that could not reasonably be planned for, avoided, or prevented by the Flight Attendant and occurred while off duty (personal time). Examples include housing problems, personal transportation problems, environmental problems, etc.
 - v. Personal Scheduling – A fatigue call that is the result of a flight attendant scheduling themselves into a fatiguing situation via their bidding practices, trip trading, or Mission Modes.
 - vi. Forecasting – A fatigue call that has been made prior to attempting to obtain rest.
 - vii. Excluded – A fatigue event in which none of the preceding categories were a factor in the fatigue event, the Fatigue call was used inappropriately, or based on the available information there is no reasonable expectation of fatigue. Examples would include fatigue from working a second job, a fatigue call that should have been a sick occurrence, or a flight attendant does not provide any information in their report that indicates fatigue. Additionally, the FRRC may categorize a report as Excluded if, after non-punitive corrective actions have been taken, a Flight Attendant fails to mitigate a repeated circumstance that has been and would continue to be classified as Personal or Personal Scheduling. Examples would include ongoing personal transportation problems, housing problems, family medical concerns, trip trading, etc.
- e. Outcomes
 - i. Fatigue events that are Categorized as Operational, Company, or Uncontrollable in section 6.d will result in compensation in accordance with the CBA and will not result in attendance points.
 - ii. Fatigue events that are categorized as Personal or Personal Scheduling will be unpaid and will not result in attendance points. Flight attendants may choose to be paid using available sick leave by completing the Crew Payroll JIRA form.
 - iii. Fatigue events that are categorized as Forecasting will be unpaid. Flight attendants may choose to be paid using available sick leave by completing the

- Crew Payroll JIRA form. Such events will be sent to the relevant individuals in Inflight Performance and attendance points may apply, if applicable.
- iv. Fatigue events that are categorized as Excluded will be unpaid. Flight attendants may request to be paid using available sick leave by completing the Crew Payroll JIRA form. Such events will be sent to the relevant individuals in Inflight Performance and attendance points may apply, if applicable.
 - v. Fatigue reports that are submitted beyond 48 hours from the time of the fatigue call may be sent to Inflight Performance at the FRRCs discretion and may result in attendance points.
- f. No Consensus Process
- i. If a consensus cannot be reached by the FRRC, the 119 Director of Safety or their designee will review the report, investigation information, and meeting notes to determine the Categorization.
- g. Fatigue Misuse
- i. If the FRRC identifies repeated misuse of the Fatigue program by a Flight Attendant, the FRRC may refer the report and Crew Identifying Information to Inflight Performance and may result in disciplinary action provided:
 - 1. Non-punitive corrective action has previously been given to the Flight Attendant by the FRRC to address the misuse.
 - 2. The FRRC has reached a consensus on the decision to refer to Inflight Performance.
- h. Once a consensus has been reached by the FRRC or by the No Consensus Process, the Flight Attendants will receive an email informing them of the categorization of their report, follow-up actions that can be taken, and any assigned corrective actions.
- i. The FRRC is expected to mitigate fatigue when hazards are identified. Corrective actions may include but are not limited to:
- i. Non-punitive counseling or fatigue mitigations for the reporting Flight Attendant provided by an FRRC member. Generally completed by a Union representative but can be any member assuming an FRRC consensus is reached.
 - 1. Failure of a Flight Attendant to complete an assigned mitigating action will be referred to Inflight Performance and may result in disciplinary action.
 - ii. Company recommendation to address systemic fatigue hazards in planning, scheduling, or the operation.
- j. Appeal Process
- i. If a Flight Attendant disagrees with the categorization of their fatigue report, they may appeal the FRRCs decision, provided they include additional information that was not included in their original report that they believe would change the original categorization of the report. Examples may include rest or duty information, onboard event information, or homelife factors that impacted rest.

- ii. Request to appeal must be made in writing by the Flight Attendant to inflight.safety@allegiantair.com within 30 days of the report disposition being provided by Inflight Safety.
- iii. Flight attendants may utilize the appeal process once every 6 months from the date of their last appeal submission.
- iv. Appeal requests will be attached to the original report and returned to the FRRC for consideration.
- v. At the FRRCs discretion, they may consider information discovered via a third party or party to the FRRC as reason to re-evaluate the categorization of a previously closed report. An example would include information gathered from an FRRC issued corrective counseling, or information conveyed by a Base Supervisor.

7. Annual Data Review

- a. On an annual basis, the FRMP Manager or designee will schedule an Annual Data Review meeting with the FRRC members.
 - i. The meeting will be covering Inflight fatigue reporting from the prior calendar year, with a goal of identifying hazards, meaningful trends, and developing potential company recommendations.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the respective dates set forth below.

Dated this 7th day of March 2025.

Dated this 5th day of March 2025.

For the Union:

The Transport Workers Union of America,
AFL-CIO

For the Company:

Allegiant Air, LLC

By: 

By: 

Its: President TWU Local 577

Its: Vice President of Labor