The Rules Revisited

In these trying, uncertain times, sometimes the last thing we think about is flying within the guidelines of the Contract with respect to over 85 hours and over bank. With the pay cuts and loss of positions, there may even be a tendency to try to get more than what one has a right to have. In fact, in these times, it becomes even more important to comply with all the rules concerning your monthly flying time and your pay bank. Remember, there are about 1,800 pilots out on furlough. Know the rules, comply with the Contract, and voluntarily reduce your positive pay bank as much as possible. The job you save may be your own. To assist you in complying with the contractual guidelines, you must first know and understand the rules. As the Committee does every summer, here is an updated reprint of the rules governing over 85 hour flying and over bank. There are Jeppesen-size cutouts that outline these rules following the article, along with a copy of the form letter you can use to voluntarily report possible deviations before you receive a certified letter. Please use that letter to report any scheduling irregularities (including any overages due to CRAF flying) to save us the time and expense of sending you a certified letter.

The Committee has been decimated by the recent furloughs and could use your help. If you could spare a couple of hours a month and have CATCREW access at home, please call the committee chairman listed in the gray pages of this magazine. Thanks for your help and consideration and, as always, if you have any questions, concerns or comments, don’t hesitate to contact any one of your friends on the Over 85 Hour Committee.

Over 85/90 hours

Non-international pilots are restricted by our current working agreement to 85 hours of pay per month. There are certain contractual provisions where pilots are legally allowed to exceed 85 hours of pay during a given month. In most circumstances, these provisions do not allow a pilot to exceed 90 hours of pay, but there are certain very specific instances where a pilot may even exceed 90 hours. These will be addressed later, along with the rules governing international.

Underfly—Section 12(A) and (C)

The current working agreement specifically limits pilots to 85 hours of credited time. The way credited time is defined allows for some flexibility to the pay hours a pilot may accrue in a given month. Credited time is “actual flight time block-to-block” plus any claim time listed in Section 12(C). This includes all duty rig time, any training, checks, and simulators that are not pay-no-credit, vacation, ALPA flight pay loss, etc. Keep in mind the difference between credited time and pay time.

We all know we are often paid a different amount than what we actually fly, specifically when we underfly the scheduled block time. As an example, if the scheduled block time in a trip pairing from PIT to PHL is one hour and four minutes (1:04) and we actually fly block-to-block (ACARS time) of one hour (1:00), we have underflown four minutes (0:04). Our credited time is one hour (1:00) and our pay time is one hour and four minutes (1:04). Because you are limited to 85 hours of credited time, not pay time, you would now be perfectly legal to accept/fly trips that would result in a total pay time of 85:04 for the month. In fact, you can keep a running total all month of the legs you underfly and legally exceed pay time of 85 hours by that total amount. You can keep track of this amount yourself or you can simply check CATCREW, option 5. Compare the two col-

Know the rules, comply with the Contract, and voluntarily reduce your positive pay bank as much as possible.
Fig. 1.

Fig. 2.
Columns headed “ACT MTD” and “TOT MTD,” your actual month-to-date and your total month-to-date (see Figure 1). This is also reflected in CATCREW, option 2, as “MDT ACT” and “PAY” (see Figure 2).

The difference between these two numbers is your total underfly for the month. In this example, Captain Smith has two hours and forty-eight minutes (2:48) of underfly (64:08 minus 61:20). Let’s say he wants to fly one more four-day trip on the 28th to finish the month. He would be perfectly legal to accept and fly a trip that would result in a total pay time of 87:48 or a four-day with a total pay time of 23:40 or less. He has 64:08 of total pay time, and a trip worth 23:40 of pay would bring him to the now magic number of 87:48. Note in the example provided that the training, sick, and even a two-hour show-no-fly adjustment are all pay and credited time. At no time does this provision allow you to exceed a total pay time of 90 hours or credited (ACT MTD) time of 85 hours.

Claim on the Last Trip of the Month—Section 12(A), (J)1, 2, 3 and (N)5

A pilot may also exceed 85 hours of total pay time in a month by the amount of claim time in his/her last trip of the month. The Contract defines this claim time as any deadhead time, duty rig time (1:2, 1:13/4), variable min time, and trip rig time (1: 3 1/2). Trip 72214 (see Figure 3) has a total of one hour and twelve minutes (1:12) of claim time; five minutes (0:05) of variable min time in duty period one, fifty-seven minutes (0:57) of deadhead time in duty period three, and ten minutes (0:10) of trip rig time for the entire trip. You can easily determine the total amount of claim time in a trip by adding the numbers listed as “TCR=” immediately under the duty time (DTY) for each duty period. An interesting feature of our Contract is that it allows you to add this number to the underfly you may have already accumulated in the month. Going back to Captain Smith, if he were to pick up this trip, he would be legal to go to a total pay time for the month of eighty-nine hours (89:00), 85:00 + 2:48 (underfly) + 1:12 (claim). Since the total pay time for trip 72214 is 22:20, Captain Smith would be legal to accept and fly this trip because it would put his total pay time at 86:28 (64:08 + 22:20). This is below his now-allowable maximum of 89 hours. Again, this provision along with the underfly provision, whether used alone or together, never allows a pilot to exceed 90 hours of total pay time in a month.

Negative Bank—Section 12(N)4c & 5

Lineholding pilots may use negative bank to bring their monthly total pay up to 85 hours in months where their total pay is less than 85 hours, and they either have no positive bank or not enough positive bank to bring their pay up to 85 pay hours. These pilots may use up to 10 hours negative bank per month and can accrue a total of 15 hours negative bank. Any pilot starting a month with a negative bank balance can increase his monthly maximum to 85 hours plus underfly, plus claim on the last trip (not to exceed 90 hours), plus his total negative bank balance. This is one of the instances when a pilot may legally exceed 90 hours of total pay time. If Captain Smith had a negative bank

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<td>CITIES AND TIMES</td>
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<tr>
<td>FLT 20 1415</td>
<td>L/O 1+25 PIT 1605 1730 HPN V43/V42</td>
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<tr>
<td>FLT 20 755</td>
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<td>L/O 1+09 PIT 2010 2119 GRR V43/V42</td>
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<tr>
<td>DTY= 6+29 BLK= 3+55</td>
<td>DHD= +0 DRG= +0 MIN= +5</td>
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<tr>
<td>TCR= +5 PAY= +400</td>
<td>BRK= 18+39 S1 VM= +4+00</td>
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<td>616-942-2550 EFF: 03/28/03</td>
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<td>COURTESY VAN</td>
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<td>20</td>
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**DTY= 8+21 BLK= 4+39 DHD= +0 DRG= +0 MIN= +0 VM= 4+27**

**DOUBLETREE CLUB HOTEL** 757-461-9192
**COURTESY VAN** 757-461-9192
**ROOM CANC:** 1-800-829-7724 PRIOR TO 3PM LOCAL

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**DTY= 12+53 BLK= 6+37 DHD= +57 DRG= +0 MIN= +0 VM= 5+48**

**WYNDHAM GARDEN HOTEL** 919-941-6066
**COURTESY VAN** 919-941-6066
**EFF:** 03/28/03

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**DTY= 11+28 BLK= 5+57 DHD= +0 DRG= +0 MIN= +0 VM= 5+45**

**TRIP= 78+10 DAY= 10+22 NIGHT= 11+58 PAY= 22+20**

Fig. 3
balance of 12 hours, he would be legal to go to 101:00 hours, 85:00 + 2:48 (underfly) + 1:12 (claim on the last trip of the month) + 12:00 (negative bank).

Initial Operating Experience and Training—Section 11(F)1a, 1b, & 2a and Section 12(C)3, 4, 12, 13, & 14

Training claims that are not pay-no-credit, whether trips missed or two hours and fifty minutes (2:50), or initial operating experience rides (not as an observer), are all paid and credited exactly as a trip flown for purposes of maximizing your time. You are still restricted from exceeding 85 hours total pay time in a month by the provisions stated, and you cannot use any training claims as claim time on the last trip of the month. The only exception to this rule is if you are a lineholder and the last trip in your originally assigned block has claim time, and you are claiming trips missed for training. If you are assigned an IOE and this trip will project you illegally over 85 hours, any time in excess of what you may have been legal for will be paid as pay-no-credit to allow you to complete your IOE. In our example, let’s assume Captain Smith had no negative bank and was flying a trip at the end of the month as an IOE that had no claim time and would project him past 87:48 of total pay time, his original legal limit based on his underfly for the month. Let’s say the trip projects him to 90:30. He would be legal to accept the trip and complete his IOE, and he would be paid as follows: His pay and credit would be 85 hours with 2:48 deposited into his positive pay bank. The rest of the time would be paid as pay-no-credit and included in that month’s pay.

B-767 International Flying—Section 18(J)3, 4, 5a, & 6

Blocks for transoceanic international pilots can be as high as 89 hours. Because trip splits are virtually impossible, the Company and ALPA have agreed to the following provisions:

A pilot will be required to fly his last trip provided the scheduled trip results in total pay time of less than 90 hours. If a pilot’s last trip of the month will result in pay and credited time in excess of 90 hours, but less than 95 hours, the pilot has the option of flying the last trip. Let’s say Captain Smith is a transoceanic B-767 pilot. His total pay time is 63 hours. His last trip of the month in his originally assigned block is worth 15 hours, which would put him at 78 pay hours. Captain Smith wants to pick up a trip off the A/I list and still be legal for his last trip of the month. He would be legal to accept a trip worth up to 17 hours and still be legal for that last trip of the month: i.e., 63:00 (total pay hours to date) + 17:00 (A/I trip value) + 15:00 (last trip of the month) = 95:00 hours. All Captain Smith has to do during the month is ensure that his total pay time plus his last trip of the month does not exceed 95 pay hours.

The bottom line here is that no transoceanic international pilot may exceed 95 hours of total pay time unless he is flying back sick time or negative bank. There is also a restriction that any time in excess of 85 hours that is deposited in his positive pay bank does not put his total positive bank over 27:30. If he was successful in getting a 17-hour or less trip, Captain Smith would now have the option of flying his last trip of the month because his total pay and credited time plus the value of his last trip of the month is in between 90 and 95 hours. Captain Smith must notify Crew Scheduling of his intentions within 48 hours after completion of his next to last trip. Also, no transoceanic pilot may pick up any trip after he has achieved 85 pay hours in any bid month except, again, to fly back sick time or negative bank time.

General notes

The only time a non-international pilot is allowed to exceed 90 hours of pay time is with negative bank, pay-no-credit, or flying back sick time. Remember, these provisions concern your scheduled legalities. You may exceed these parameters as long as you were originally legally scheduled for your last trip of the month. (Scheduling can project a pilot during the month to 88 pay hours in the hopes that by the end of the month, underfly or claim of the last trip of the month will make you legal for your last trip.) If it does not, they must split your last trip to keep you legal or you can use the bid sheet to reduce your time. Also, Scheduling is required to split your last trip if you become illegal through no fault of your own (i.e., previous trips went over schedule).

Pay bank in excess of 27:30

The following is reprinted from the Contract; Section 12 (N)3c and d:

Once a pilot’s pay bank exceeds or is projected to exceed twenty-seven hours and thirty minutes (27:30), the pilot must immediately take steps to drop time to reduce his pay bank accordingly by notifying Crew Scheduling of

“The only time a non-international pilot is allowed to exceed 90 hours of pay time is with negative bank, pay-no-credit, or flying back sick time.”
“In June 1997, the MEC passed a resolution that stipulates once a pilot has been identified as exceeding 85/90 hours illegally, or not adjusting his/her positive pay bank according to the stated contractual provisions, s/he will be notified and given a chance to respond within 15 days.”

his preference of trip(s) to be dropped within the current month and/or subsequent month. The Company will make reasonable efforts to allow the pilot to drop the trip of his choice within the current month. However, if coverage requirements do not permit dropping the trip of choice in the current month, the pilot may be required to drop a different trip in the current month or a trip in the subsequent month. Should the pilot be notified that the trip of his choice may not be dropped, the Company shall, within twenty-four (24) hours of such notification, notify the pilot as to which trip(s) shall be dropped. With notification to Crew Scheduling, the pilot may utilize SAP to reduce his time in the subsequent month. After such notification, should the pilot not elect to utilize SAP or be unsuccessful in utilizing SAP to drop time, Crew Scheduling will notify the pilot of which trip(s) are to be dropped by the 5th of the subsequent month.

Essentially, you can correct it in the current month working with Crew Scheduling, or wait and correct it in the subsequent month. If you do not, the time will be adjusted for you by Crew Scheduling by the 5th of the subsequent month. It is important to note that you need only notify Crew Scheduling if you would prefer to make the adjustment in the subsequent month, not ask permission or get approval. But you must notify Crew Scheduling of your intentions to preclude a trip being dropped prematurely or without your consent.

For transoceanic pilots there are slightly different procedures regarding pay banks in excess of 27:30. As soon as a transoceanic pilot’s pay bank is in excess of 27:30, the pilot must immediately drop time in the current month to reduce his pay time accordingly. The Company will make every reasonable effort to drop the trip of his/her choice. However, if coverage requirements do not permit dropping the trip of his/her choice, the Company will make every reasonable effort to permit the pilot to drop one of his/her trips in the current month. If coverage requirements do not allow dropping a trip in the current month, the pilot will be permitted to drop one of his first two trips in the subsequent month to reduce his/her pay bank accordingly. Coverage requirements dictate which month will be used for the adjustment to a transoceanic pilot’s pay bank.

NOTE: Because SAP now projects adjustments two months in advance, you may no longer use SAP to adjust time to correct pay banks. Let’s say your bank is projected to be over in January, and you elect (by notifying Crew Scheduling) to make the adjustment in February, but SAP has already closed for February and January, so you are now using SAP for March. You could short yourself in March thinking you are making the required adjustment, and Scheduling pulls a trip in February as they are required to do by the 5th of the subsequent month (February). You have now taken a double hit for one bank overage in January.

Enforcement

In June 1997, the MEC passed a resolution that stipulates once a pilot has been identified as exceeding 85/90 hours illegally, or not adjusting his/her positive pay bank according to the stated contractual provisions, s/he will be notified and given a chance to respond within 15 days. An unsatisfactory response or no response, and the matter will be forwarded to the MEC chairman for resolution. The MEC chairman and the pilot’s LEC representatives will then decide if Article VIII charges are to be brought against the pilot. Article VIII charges can result in fines and removal of a pilot from good standing in the Union.

One final note: If you discover that someone senior to you on your equipment illegally exceeded 85/90 hours or accepted a trip that illegally resulted in a positive pay bank in excess of 27:30, you have a right to claim that trip. Contact your Over 85 Hour Committee representative for assistance in filing the claim.

Conclusion

Crew Scheduling should not assign you a trip that results in a violation. If they do, even if it’s by one minute, do not accept the trip, and please let us know about it with as much detail as possible. “We’re a little short this month,” or “We’ll have to cancel the trip if you don’t accept it” are never valid reasons to illegally exceed 85 hours or over bank provisions of the Contract. We also really need to know if Scheduling does try to force you to fly illegally. Tell them you are not refusing to fly, but you’ll have to speak to the Chief Pilot before accepting the trip; then call the Committee immediately. NEVER refuse to fly if directed to by your Chief Pilot. If it was an illegal assignment, we’ll handle it from this end. Help us to achieve total compliance and zero tolerance for abusers. Know the rules and comply with the provisions of your working agreement. Thanks in advance from your friends on the Over 85 Hour Committee.
OVER 85 HOUR RULES

1. Underfly: You may exceed eighty-five pay hours by the total amount you underfly schedule in a given month. Underfly for the month can be easily checked by referencing CATCREW, option 5, and subtracting the last entry in the column headed ACT MTD (actual month to date) from the last entry in the column headed TOT MTD (total month to date).

2. Claim on the Last Trip of the Month: You may exceed eighty-five pay hours by the total amount of scheduled claim in your last trip of the month. This total can be easily checked by referencing your trip pairing and adding the “TCR=” values listed for each duty period. This total number may be added to your underfly not to exceed five hours. Thus your total pay for a month may be up to ninety hours by using these first two provisions.

3. Negative Bank: After adding the above first two provisions as they apply to your monthly schedule, you may now add any negative bank you have from the previous month. This provision allows you to exceed ninety hours by the total amount of your negative bank added to the above two provisions. Remember to limit the above two provisions to no more than five hours.

4. Pay-No-Credit: Pay-No-Credit times for training do not figure into your monthly maximum for Over 85 hour calculations. Also, if an IOE would illegally project you beyond the Over 85/90 rules, you will be paid any time in excess of your legal monthly maximum as Pay-No-Credit to allow you to complete your IOE at the end of the month.

5. Sick/Vacation/Training That Is Not Pay-No-Credit: Any pay that falls into these categories must be treated the same as regular flying time for determining your monthly maximum. Training time that is not Pay-No-Credit may not be used as claim on the last trip of the month unless you are claiming trips missed for training and there is claim time on the last trip in your scheduled line. You may then exceed eighty-five hours by the amount of that claim time.

Notes: These provisions apply to your scheduled activity. If you are originally scheduled legally and then overfly on your last trip, that is an acceptable deviation; however, you need to notify the Over 85 Hour Committee to preclude receiving a certified letter. Voluntary reporting letters can be found in each crew domicile and can also be found on the US Airways Pilots’ website at usairwayspilots.org.

International Flying

International pilots are restricted to ninety-five (95) total pay hours for a given month. The only way an international pilot may exceed ninety-five hours is with negative bank or sick time fly back. Also, no international pilot may accept a trip which projects him/her in excess of eighty-five hours if it will result in a positive pay bank greater than twenty-seven hours and thirty minutes (27:30).
OVER 85 HOUR RULES (continued)

OVER BANK

The following is reprinted from the Contract; Sect. 12, para. (N)3c and d:

“Once a pilot’s pay bank exceeds or is projected to exceed twenty-seven hours and thirty minutes (27:30), the pilot must immediately take steps to drop time to reduce his pay bank accordingly by notifying Crew Scheduling of his preference of trip(s) to be dropped within the current month and/or subsequent month. The Company will make reasonable efforts to allow the pilot to drop the trip of his choice within the current month. However, if coverage requirements do not permit dropping the trip of choice in the current month, the pilot may be required to drop a different trip in the current month or a trip in the subsequent month. Should the pilot be notified that the trip of his choice may not be dropped, the Company shall, within twenty-four (24) hours of such notification, notify the pilot as to which trip(s) shall be dropped. With notification to Crew Scheduling, the pilot may utilize SAP to reduce his time in the subsequent month. After such notification, should the pilot not elect to utilize SAP or be unsuccessful in utilizing SAP to drop time, Crew Scheduling will notify the pilot of which trip(s) are to be dropped by the 5th of the subsequent month.”

Essentially, you can correct it in the current month working with Crew Scheduling, wait and use SAP for the subsequent month, or work with Crew Scheduling before the 5th of the subsequent month. If you do none of these, the time will be adjusted for you by Crew Scheduling. It is important to note you need only notify Crew Scheduling if you would prefer to make the adjustment in the subsequent month, not ask permission or get approval. But you must notify Crew Scheduling of your intentions to preclude a trip’s being dropped prematurely or without your consent.

International Pilots’ Paybanks

For transoceanic pilots there are slightly different procedures regarding pay banks in excess of 27:30. As soon as a transoceanic pilot’s pay bank is in excess of 27:30, the pilot must immediately drop time in the current month to reduce his pay time accordingly. The Company will make every reasonable effort to drop the trip of his/her choice. However, if coverage requirements do not permit dropping the trip of his/her choice, the Company will make every reasonable effort to permit the pilot to drop one of his/her trips in the current month. If coverage requirements do not allow dropping a trip in the current month, the pilot will be permitted to drop one of his first two trips in the subsequent month to reduce his/her pay bank accordingly. Coverage requirements dictate which month will be used for the adjustment to a transoceanic pilot’s pay bank.

Conclusion

A complete explanation of the above procedures can be found in the July 1998 issue of the US AIRWAVES and will be reprinted each year. If you have any questions regarding over 85 hour or over bank flying, feel free to contact your local Over 85 Hour Committee representative listed in the directory included in every US AIRWAVES. Please make use of the voluntary reporting letters to preclude the committee’s sending you a certified letter unnecessarily. As always, thanks from your friends at the Over 85 Hour Committee.
Over 85 Hour Committee

The ALPA US Airways MEC passed a resolution on June 2, 1997, to investigate and pursue reports of pilots who illegally overfly the 85/90 pay hour provisions of the current working agreement. Disciplinary measures can include the filing of Article VIII charges against the pilot. A complete explanation of the rules associated with legally exceeding 85 hours can be found in the US AIRWAVES Magazine dated Spring/Summer 2002 or contact your local Over 85 Hour Committee representative.

If you know you are in violation of these rules, you can help ALPA avoid the expense of sending you a certified letter by submitting this form to the Over 85 Hour Committee via the ALPA mailbox in Operations, COMAT at PIT Y110, or via U.S. Mail to:

US Airways MEC
Over 85 Hour Committee
One Thorn Run Center, Suite 400
Coraopolis, PA 15108

I have exceeded 85 hours for the month/year of ______/_____.

Pilot’s Name: ___________________________
Employee Number: ___________________________
Base/Equipment/Position: ________/__________/_________

The following totals reflect my time for the above month:

Underfly: _____________
Claim on last trip: _____________
Negative bank: _____________
85 : 00
Total Legal Time: = _____________

My actual pay was: _____________ (If your actual pay is less than your total legal time, stop here. You do not need to submit this form.)

The reason for the above overfly is:

____ 1. Originally assigned a trip legally but the last trip of the month went over schedule.
   (Please provide trip numbers and your original legal projection.)

____ 2. A claim changed after I started my last trip of the month.

____ 3. Was illegally assigned and knowingly accepted the trip.

____ 4. The overfly was unintentional and the result of ignorance of the contractual constraints.

____ 5. Other. (Please explain in detail in the remarks section.)

(over)
Remarks:

Please be as specific as possible and include any supporting documentation; i.e., CATS PAY SUMMARY (Option 5), original trip pairings, actual trip pay summaries (Option 1), etc. Remember, sick, vacation, and Pay-and-Credit training are all credited time and are not valid reasons for overfly.

I hereby affirm the information supplied on this form and any supporting documentation is true and accurate to the best of my knowledge.

Pilotís Signature _______________________________          Date _______

Return this form to the MEC via the ALPA mailbox in Operations, COMAT at PIT Y11O, or via U.S. mail to:

US Airways MEC
Over 85 Hour Committee
One Thorn Run Center, Suite 400
Coraopolis, PA 15108