

records, and a copy of the summons and proof of service should be provided to the employee's manager.

5.11 Military /Civil Air Patrol Leave

Howard University is proud that a number of its employees are members of the U.S. National Guard, Active Reserves or Civil Air Patrol. This public service is both honorable and honored at Howard. The University supports and facilitates its employees' military service by providing the following leave of absence arrangements.

Periodic Military Leave. Full-time and part-time regular employees of the University who are members of the U.S. National Guard, Active Reserves or Civil Air Patrol typically may be required to attend military training or perform reserve duty each year. These employees are eligible for up to ten (10) workdays of paid military leave each year to comply with such service requirements. If the military duty requirement extends beyond ten days, the leave will be unpaid, although the employee may elect to use accrued PTO to cover additional time away from work.

To request temporary military leave, the employee should notify his or her supervisor and the Office of Human Resources as soon as possible upon learning of the obligation period, and submit a copy of the military orders to the supervisor promptly upon receipt.

Civil Air Patrol Leave

The University will provide 15 days of unpaid leave to any employee who is a volunteer member of the Maryland Wing of the Civil Air Patrol responding to authorized emergency missions. Eligible employees will not be required to exhaust their available annual leave before taking leave under this policy, but they may elect to.

Active Duty Leave. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), any full-time or part-time regular employee who is called to active duty in the U.S. military is entitled to an unpaid leave of absence, the right to elect to continue existing employer-based health plan coverage for up to 24 months while in the military, and may also be entitled to reinstatement as set forth in applicable law.

5.12 Military Family Leave

Employees in Maryland will be granted 1 day of unpaid leave to be used on the day an immediate family member is leaving for or returning from active military duty outside the U.S. as a member of the armed forces. At the employee's option and if applicable, the employee may substitute annual leave. The University may require documentation of an employee's need to take military family leave.

5.13 Election Day Leave

signed document from a health care provider, a police report, a court order, and/or a signed statement from a victim /witness advocate.

Requests for Sick Leave. If the need for sick leave is foreseeable (for example, a scheduled surgical procedure or attendance at a court hearing related to domestic violence) you must submit a request for sick leave in PeopleSoft at least 10 days in advance of the leave, or as soon as practicable.

If the need for leave is unforeseeable, such as an accident causing injury or a sudden onset of an illness, we ask that you (or a family member) notify your manager as soon as possible on the first day of absence, before the start of the work day if feasible, and on each morning thereafter that you are unable to report for work.

Extended Illness or Injury. If you have an extended illness or injury, you may be able to take unpaid FMLA leave and/or apply for short-term disability benefits, provided you meet the eligibility requirements. **Employees on paid short-term disability leave** will continue to accrue annual leave.

For information on FMLA leave or short-term disability benefits, please refer to the Benefits section of the handbook and the HR website or contact the Department of Benefits and Pension Administration at benefits@howard.edu or 202-806-1280.

5.07 Family or Medical Leave

Under the DCFMLA

Eligible employees may take up to **16 weeks per 24-month period** of medical leave for the employee's own serious health condition, and **16 weeks per 24-month period** of family leave for a qualifying event. Leave may be taken in a continuous block or on an intermittent or reduced schedule basis when medically necessary. Family leave related to the birth or placement of a child, may be taken, by agreement, on a reduced leave schedule over a period not to exceed 24 consecutive months.

Eligible employees are entitled to take **26 weeks in a 12-month period** to care for a covered family member with a **serious illness or injury**.

Employees who are eligible and need to take leave to care for a covered family member and also need to take leave for any other FMLA qualifying reason are only entitled to a *combined total* of 26 weeks of leave in a single 12-month period.

Under the FMLA

Eligible employees may take up to a total of **12 workweeks of unpaid leave** in a 12-month period for a qualifying event.

If the employee is eligible for FMLA, DC Family and Medical Leave Act Leave ("DCFMLA") and/or Maryland Parental Leave ("MPL"), all applicable leave will run concurrently.

FMLA leave is unpaid however, employees will be required to use accrued paid leave or short term disability benefits (if available/applicable and approved in accordance with the benefit requirements) in conjunction with their FMLA leave.

Qualifying Events Include:

- (1) Birth of a child, and in order to care for that child (within 12 months of the birth);
- (2) Placement of an adopted or foster child (within 12 months of the placement);
- (3) The care of a spouse, child or parent with a serious health condition;
- (4) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty;
- (5) The care of a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin, of the service member.

Applicable Definitions:

An "eligible employee" under the DCFMLA is one who has: (1) been employed by the employer for at least one year without a break in service and (2) worked for at least 1,000 hours (an average of 19 hours per week or approximately 6 months of full time) during the 12-month period immediately preceding the requested medical leave. The one year or 12-month requirement need not be immediately preceding the request for leave

An "eligible employee" under the FMLA is one who has (1) worked for the University for at least 12 months; (2) and has worked at least 1,250 hours during the 12 consecutive months preceding the start of the employee's requested leave.

A "serious health condition" is defined as an illness, injury, or impairment of physical or mental condition that renders the employee incapable of performing the essential functions of the job and involves: (1) Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, residential medical care facility, or hospice; (2) An absence for more than three calendar days requiring continuing treatment by a health care provider; (3) Any period of incapacity due to pregnancy or for prenatal care; (4) A period of incapacity or treatment due to a chronic serious health condition which continues over an extended period of time and requires periodic visits to a health care provider; (5) Any periods of incapacity due to a permanent or long-term condition for which treatment is not effective or any absence to receive multiple treatments by a health care provider for restorative surgery or a condition that would likely result in more than three days absence if not treated.

Procedures/Guidelines:

Concurrent use of other leave or benefits. The University requires employees to use all accrued paid leave, such as annual or sick leave (if available/applicable) to run concurrently with FMLA leave. All FMLA qualifying sick leave, short term disability, and workers' compensation related

absences will be designated as FMLA leave, and will reduce the FMLA leave otherwise available to you during that 12-month period.

Employee and Spouse Employed by the University.

Under the FMLA, in situations where both the employee and the employee's spouse are employed by the University, a total of 12 weeks of leave *between* both parties will be granted for birth, adoption, foster care placement or care for a parent with a serious health condition.

In situations where both the employee and the employee's spouse are employed by the University, a total of 26 weeks of leave *between* both parties will be granted to care for a covered family member with a serious injury or illness. If the leave is requested because of the serious health condition of a child or of the other spouse or because of a qualifying exigency, each spouse is entitled to 12 weeks of leave.

Under the FMLA, in situations where both the employee and the employee's spouse are employed by the University, eligible spouses are each entitled to up to 12 workweeks of FMLA leave in a 12-month period, without regard to the amount of leave their spouses use, for the care of a spouse or son or daughter with a serious health condition; a serious health condition that makes the employee unable to perform the essential functions of his or her job; or any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on "covered active duty."

Under the DCFMLA, if 2 family members are employees of the same employer, (A) the employees may be limited to an aggregate total of 16 workweeks during a 24-month period the; and (B) the employees may be limited to 4 workweeks during a 24-month period the aggregate number of family leave workweeks which the family members are entitled to take simultaneously.

Use of Family and Medical Leave

To utilize FMLA leave, employees must follow specific guidelines as provided by the Office of Human Resources, some of which are described below.

How to Apply. Employees should provide the maximum notice possible of intent to utilize FMLA leave. An employee must notify the University thirty (30) days in advance if the need for leave is foreseeable; or as soon as practicable if the need is unforeseeable, generally within two days if the need is an emergency. When the employee does not give timely notice of foreseeable leave the leave may be denied or delayed.

Notification requires that the employee:

1. Notify his/her supervisor of the request for FMLA leave; and
2. Call the MetLife Claims Center at **1-855-855-1563**

FMLA may be taken in blocks of time or on an intermittent basis.

the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

Equivalent pay includes the same or equivalent pay premiums, such as a shift differential, and the same opportunity for overtime as the job held prior to FMLA leave. An employee is entitled to any unconditional pay increases that occurred while he or she was on FMLA leave, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted only if employees taking leave for non-FMLA reasons receive the increases.

All benefits an employee had accrued prior to a period of FMLA leave must be restored to the employee when he or she returns from leave. An employee returning from FMLA leave cannot be required to requalify for any benefits the employee enjoyed before the leave began.

Key Employees. If The University determines that the employee is a “key employee” whose absence will cause substantial hardship and grievous economic injury to the employer, the employee may not be entitled to job restoration. If such an employee requests FMLA leave, the University will provide the employee with written notice of the fact that the employee will not be entitled to job restoration. The written notice of denial will be provided (1) prior to when the employee plans to take leave; or (2) as soon as possible if the employee leaves work unexpectedly.

Limitations to FMLA Protections

An employee on FMLA leave is not protected from actions that would have affected him or her if the employee was not on FMLA leave. For example, if a shift has been eliminated, overtime has been decreased, an employee’s job has been eliminated, there has been a layoff or there has been a reduction in force, an employee would not be entitled to return to work if that employee would not have been employed at the time of reinstatement.

An employer may also deny job restoration to a “key” employee under certain circumstances. To deny job restoration to a key employee, an employer must have determined that substantial and grievous economic injury to its operations would result from the restoration, must have provided notice to the employee that he or she is a key employee and that restoration will be denied, and must provide the employee a reasonable opportunity to return to work in another capacity.

An employee who is unable to return to work and has exhausted their DCFMLA and FMLA leave during the relevant 24 or 12-month period is not entitled to additional DCFMLA or FMLA leave and is not entitled to job restoration.

Interference Prohibited

Employees, supervisors and managers should be aware that it is unlawful to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to the FMLA.