

AREA OF RESPONSIBILITY: HUMAN RESOURCES DEPARTMENT  
RESPONSIBLE CONTACT: DIRECTOR OF HUMAN RESOURCES  
POLICY IDENTIFICATION: FAMILY MEDICAL LEAVE ACT  
REVISED: 2/06/09; 5/2022

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Virginia Union University will provide Family and Medical Leave (FMLA) to its eligible employees. The mandatory FMLA Notice is posted in the Office of Human Resources and Talent Management and on the University Human Resources and Talent Management website. The paperwork has to be completed prior to the leave. This policy is to provide employees with a general description of FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, please contact the Office of Human Resources.

#### General Provisions

Under this policy, VUU will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- The employee must have worked for the University for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided the break-in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week, even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12 months immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a worksite where 50 or more employees are employed by the University within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

#### Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and to care for that child.
- The placement of a child for adoption or foster care and to care for the newly placed child.
- To care for a spouse, child, or parent with a serious health condition (described below).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider, or a condition that requires continuing treatment by a health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition would result in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the University may designate all or some portion of related leave taken as leave under this policy, to the extent the earlier leave meets the necessary qualifications.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- Short-notice deployment; military events and activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and activities that arise out of active duty, provided the employer and employee agree, including agreement on timing and duration of the leave.

Intermittent Leave or a Reduced Work Schedule The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced work schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Procedure for Requesting FMLA Leave All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Office of Human Resources. Within five business days after the employee has provided this notice, the Office of Human Resources and Talent

Management and Talent Management will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the University's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Employees with questions about what illnesses are covered under this FMLA policy or under the University's sick leave policy are encouraged to consult with the Human Resources and Talent Management and Talent Management Department or visit the Department of Labor's website at <http://www.dol.gov/whd/fmla>.