## Military Leave Policy

**Who may a Military Family Medical Leave be applied for:**

* The parent, spouse, son, or daughter of a service member in the Regular Armed Forces, National Guard, or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in a foreign country;

**or**

* The spouse, son, daughter, parent, or next of kin of a covered service member undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

**Reasons for MFMLA Leave**

Eligible employees can take an intermittent or full time leave for any of the following reasons:

* Up to 12 workweeks of unpaid, job-protected leave in a 12-month period because of a qualifying exigency arising out of the fact that a son, daughter, spouse, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forced in a foreign country. Qualifying exigencies include: military events and related activities, childcare and related activities, financial or legal arrangements, counseling, rest and recuperation, post-deployment activities.
* Up to 26 workweeks of leave for eligible employees within a single 12-month period to care for a covered service member with a serious illness or injury if the employee is the spouse, son, daughter, parent, or next of kin (nearest blood relative) of the covered service member.

**Who is the Covered Service Member?**

A covered service member is one who is:

1. undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard of Reserves) at any time during the 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The serious injury or illness is covered if it was incurred while in the line of duty (or the service member had a pre-existing condition that was aggravated while in the line of duty) and renders the service member medically unfit to perform his/her military duties. The College will rely on authorized health care providers or designated officials in the Department of Defense to determine whether the service member is deemed a covered service member.

**Notice of MFMLA Leave**

When the need for military caregiver leave or because of a qualifying exigency related to a family member’s active duty is “foreseeable,” the employee should provide notice as soon as is practicable, regardless of how far in advance such leave is foreseeable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. A Request for Military Leave Form is available in Human Resources

**MFMLA Eligibility Notice/Rights and Responsibilities**

Employees will receive from Human Resources the same Eligibility Notice and Notice of Rights and Responsibilities when requesting military FMLA leave as under other FMLA. Human Resources will provide employees who request military FMLA leave with the appropriate certification form for Qualifying Exigency Leave or Military Caregiver Leave at this time.

**Certification for Leave Taken Because of Qualifying Exigency**

The first time an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member’s active duty orders or other documentation issued by the military. The documentation must indicate that the covered military service member is on active duty or called to active duty status in a foreign country and the dates of active duty service. The employee shall need to supply such documentation again only if requesting leave for a different active duty or call to active duty status of the same or a different covered military member. A Certification for Qualifying Exigency Leave Form is available from Human Resources; it includes a list of approved qualifying exigencies. A completed certification form is required in order for the employee to be granted this Leave. The College also may contact an appropriate unit of the Department of Defense to request verification that a covered military service member is on active duty or called to active duty status.

**Certification for Military Caregiver Leave**

When an employee takes leave to care for a covered service member with a serious injury or illness, the College will require the employee to obtain a certification completed by an authorized health care provider of the covered service member. A Certification for Military Caregiver Leave Form is available from Human Resources. Except as listed below, a completed form is required in order for the employee to be granted this Leave. The College may require confirmation of the employee’s relationship with the covered service member at any time in this process. In lieu of any certification, the College will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to any family member to join an injured or ill service member at his or her bedside, regardless of whether the employee is named in the order or authorization. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered service member in a continuous block of time or on an intermittent basis. The College may seek authentication and clarification of the ITO or ITA but will not seek a second or third opinion or a re-certification during the period of time in which the employee’s leave is supported by an ITO or ITA. If an employee will need leave to care for a covered service member beyond the expiration date specified in an ITO or ITA, the College will request that the employee have an authorized health care provider complete a certification form for the additional time. Timeliness designated under the FMLA policy will apply for return of such certifications. In all instances in which certification is requested, it is the employee’s responsibility to provide the College with complete and sufficient certification, and failure to do so may result in the delay or denial of FMLA leave. The College may seek authentication and/or clarification of the Certification Form but will not seek second and third opinions or re-certifications for MFMLA leave.

**Duration of MFMLA**

Eligible employees using qualifying exigency leave will be entitled to a cumulative total of 12 workweeks of FMLA leave within a 12-month leave period and are covered by the same policy provisions (as to duration, benefits, return to work, etc.) as employees requesting FMLA leave, as detailed above. Employees using military caregiver leave alone or military caregiver leave in combination with other FMLA – qualifying leave or qualifying exigency leave may take up to 26 workweeks of leave during any single 12-month period. The amount of a regular FMLA and/or qualifying exigency leave combined is limited to a total of 12 workweeks; the difference may be taken as military caregiver leave. The 26 workweeks of military caregiver leave run on a separate FMLA year that commences with the first day leave is taken and can run forward until the end of that 12 month period. Any combination of FMLA leave may not exceed the maximum limit of 26 workweeks in that single 12-month period. Unused military caregiver leave is forfeited at the end of that 12-month period. With regard to military caregiver leave, if both husband and wife work for the College, the husband and wife’s leave is limited to a combined total of 26 workweeks for military caregiver leave alone. The same 26-workweek limitation applies when in combination with any other 12-workweek FMLA leave, with the exception of caring for a seriously ill child, which expands the regular FMLA entitlement of 12 workweeks to 24 for the mother and father combine. (Generally, family members would be limited to 12 workweeks for care due to birth, adoption, or placement of a child or the care of a qualifying relative during the 12-month period.) In certain cases, leave may be taken on an intermittent basis or the employee may work a reduced schedule. Intermittent leave must be necessary and should be scheduled to avoid disruption insofar as is reasonable.

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