Old Dominion University Research Foundation

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For states and localities such as Maryland and the District of Columbia, that have laws and ordinances governing leave and use of The Family and Medical Leave Act (FMLA) or other human resources policies, the requirements of state and local laws and ordinances shall supersede stated policies described in this handbook.

LEAVE POLICY

Pay for time not worked is a privilege and a benefit provided to regular status employees and postdoctoral associates of the Research Foundation. Regular status employees and postdoctoral associates are eligible for the following types of paid leave: holiday, annual, sick, bereavement, civil, and military leave. Supervisors are responsible for monitoring, administering, and maintaining the integrity of the Research Foundation's leave policy. **Abuse of leave is grounds for disciplinary action, up to and including termination.**

All leave used must be recorded on a *leave request* form and indicated on the biweekly *time sheet*, as required for hourly paid employees. Time and leave reports must be submitted to the payroll coordinator by the due date for the pay period in which it incurred. Supporting documentation if required (for example: military orders, doctor's certificate, subpoena), should be attached to the *leave request form*. The payroll coordinator verifies and posts leave usage and leave accrual during the payroll process.

HOLIDAY LEAVE

Regular status employees and postdoctoral associates are eligible for paid holidays declared by the Research Foundation each year. A holiday schedule is published each calendar year indicating the specific holidays that will be observed. If a holiday falls on a Saturday, the preceding Friday will be observed; when it falls on a Sunday, the following Monday will be observed.

The Research Foundation follows the holiday schedule approved by the University. The holiday schedule is also posted on the Research Foundation website: www.researchfoundation.odu.edu

PERSONAL LEAVE

In exceptional situations, a full-time employee may request unpaid personal leave when annual leave has been exhausted. The unit manager/supervisor and Human Resources will review requests for determination.

RELIGIOUS HOLIDAYS

Supervisors should make reasonable accommodations for the religious holiday needs of employees, unless the leave will result in undue hardship for the department or research foundation operations. Employees should request leave in advance. Time off for religious holidays is charged to the employee's accrued annual, or leave without pay, as appropriate.

EMPLOYMENT DATE FOR BENEFITS AND LEAVE ACCRUAL

The employment date for benefits and leave accrual is the date the employee begins regular status or postdoctoral associate status employment. This date is used to determine length of service for leave accumulation (accrual) and eligibility for health and dental benefits If an employee's employment type changes from a non-benefited category to regular employee or postdoctoral associate status (eligible for health, vision, dental, and leave accrual benefits), the effective date of the status change will become the employment date for benefits. A special eligibility date will be established when Temporary Status employees become eligible for the Qualified Non-Elective Retirement Contribution based upon eligibility criteria established by the Old Dominion University Research Foundation Tax-Sheltered Retirement Plan.

ANNUAL LEAVE

Leave accumulation (accrual) begins the first day of regular employee or postdoctoral associate status employment. Annual leave accrual is based on the actual number of hours paid up to 80 hours per pay period. Regular status employees and postdoctoral associates are eligible for annual leave accrued according to length of leave eligible service. Maximum carry-over of annual leave at fiscal yearend (June 30) is based on completed years of service.

MONTHS OF LEAVE ELIGIBLE SERVICE	MAXIMUM HOURS EARNED PER PAY PERIOD	MAXIMUM HOURS EARNED PER YEAR	MAXIMUM CARRY-OVER IN HOURS
1 – 48 months	4.62	120	192
49 – 108 months	5.54	144	240
109 – 240 months	6.46	168	288
241 + months	7.38	192	336

The posting of annual leave to an employee's record is done at the end of each pay period. Annual leave is accrued while the employee is receiving workers' compensation. Annual leave is not accrued when an employee is on leave without pay. **Annual leave may not be taken and is not available until posted each payday.**

All leave is only approved as business circumstances permit. The Research Foundation will attempt to grant all eligible employees annual leave at the time they desire to take it. However, the Research Foundation must maintain adequate staffing of all departments at all times. Where conflicts develop, they will be resolved as fairly as possible. Approval by the supervisor on a *leave request form* is required before taking annual leave. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors forward to the Payroll Department properly completed *leave request forms* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

When unusual circumstances make it necessary for an employee to request annual leave time without advance notice, the employee should contact their supervisor for permission within 30 minutes of the beginning of the scheduled workday. Employees who become sick while on approved annual leave may elect to convert all or any part of their annual leave to sick leave by submitting a doctor's medical statement which substantiates the time period of the illness. Normal sick leave provisions apply. Annual leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy.
Employees who change from a leave eligible type of employment (Regular and postdoctoral associate) to a non-eligible type of employment (temporary and casual) will no longer be eligible for leave accrual. Existing annual leave balances shall be cashed out or retained for use until exhausted.

Upon termination, leave eligible employees will be paid for available annual leave hours accrued to the date of separation, up to the maximum carry-over limitations based on years of leave eligible service.

SICK LEAVE

Leave accumulation (accrual) begins the first day of regular status or postdoctoral associate status employment. Sick leave accrual is based on the actual number of hours paid, up to 80 hours per pay period. A maximum of 3.69 hours is accrued each pay period. Sick leave accrual does not increase with length of service. There is no maximum limit to the amount of sick leave that regular status and postdoctoral associates may accrue or carry-over at fiscal yearend (June 30). The posting of sick leave to an eligible employee's record is done at the end of each pay period. Sick leave is accrued while the employee is receiving workers' compensation. Sick leave is not accrued when an employee is on leave without pay.

Sick leave may not be taken and is not available until posted each payday. Approval by the supervisor on a *leave request form* is required. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors forward to the Payroll Coordinator properly completed *leave request forms* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour. The minimum use is one (1) hour.

Sick leave may be used in cases of illness, injury, or scheduled medical or dental treatment of the employee or a member of the employee's immediate family (defined as child, spouse, parent, or any person living in the employee's household). Use of sick leave to care for an immediate family member is limited to no greater than three (3) days (24 paid hours maximum) per incident and a total of 48 paid hours per fiscal year. Sick leave may also be used while on an approved FMLA qualified leave as described in the FMLA policy. The 48 hour per year limitation is waived in case of certified FMLA leave to care for an eligible family member. Under an approved FMLA leave, employees may use up to 33 percent of their sick leave balance available at the beginning of the FMLA leave period to care for an immediate family member or up to 48 hours per year, whichever is greater.

A request for sick leave for a non-emergency medical or dental appointment during work hours must be made in advance. Medical and dental appointments should be scheduled so as to minimize disruption to the workplace and time away from work. If at all possible, employees must notify their supervisor within 30 minutes of the beginning of the scheduled work day on each day of absence.

Employees who are on sick leave for more than three (3) consecutive work days and require further treatment must contact the Research Foundation Human Resources Department. When an absence exceeds three (3) work days and extended medical treatment is required, employees should communicate with their supervisor and the Research Foundation Human Resources Department frequently about their health status and anticipated return to work date. For additional information on extended leave for medical reasons, see the FMLA policy.

If an employee becomes ill during the day, the supervisor must be notified before the employee leaves the work site. In case of injury requiring immediate medical treatment, the supervisor should be notified as soon as possible that the employee has been transported for medical treatment. Failure to follow procedures may result in the time missed being treated as unpaid time and result in disciplinary action. The supervisor may require a doctor's medical release to substantiate any use of sick leave.

Employees who are absent for more than three (3) consecutive work days for personal medical reasons must submit a doctor's medical release which states that they are able to return to work and specifies any medical restrictions and limitations. A supervisor may not allow the employee's return to work without this release. It is the employee's responsibility to obtain and provide specific information from their doctor regarding any restrictions and limitations on work to be performed. Employees with medical restrictions will not be permitted to return to work until it can be determined that suitable work is available within their medical restrictions.

Employees may elect to use accrued sick leave to supplement workers' compensation (see Section 5 – "Workers' Compensation/Accident Reporting"*).*

Employees who change from a leave eligible type of employment (Regular and postdoctoral associate) to a non-eligible type of employment (temporary and casual) will no longer be eligible for leave accrual. Existing sick leave balances may be retained for use until exhausted. Employees with over five (5) years employment in a leave eligible status may cash out sick leave based on provisions outlined below for termination.

Upon termination, an employee with over five (5) years employment in a leave eligible status will be eligible for payment of 25% of available sick leave hours accrued to the date of separation, up to $2,500 maximum.

OPTIONS FOR PREGNANCY LEAVE

For employees expecting a baby there may be paid leave options available for pregnancy leave. A combination of accrued sick leave, annual leave, benefits under the salary continuation (STD) program, or Leave Share Program may be utilized as appropriate, prior to entering a leave without pay status. Six weeks of recovery time following birth is the guideline the Research Foundation will apply to the use of paid sick leave, salary continuation, or leave share program paid time off for most pregnancy leave situations. Each employee's situation is reviewed based the individual's own medical condition. Some individuals can work up to time of delivery; others require medical leave prior to the delivery date. Some individuals may not be released at six weeks following birth by their treating physician and will be eligible for an extension. Please contact the Research Foundation Human Resources Department prior to your anticipated delivery date to discuss your paid time off and Family and Medical Leave Act options.

Under federal law the Family and Medical Leave Act provides for up to 12 weeks unpaid leave time for

birth, adoption, or foster placement of a child during which continued employment is guaranteed, for eligible employees.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

The Research Foundation uses the rolling back method for determining leave eligibility.

Military Family Leave Entitlements

Qualifying Exigency Leave - Eligible employees with a spouse, son, daughter, or parent who are current members of the armed forces or who are members of the Reserves, who are called to active duty in a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Military Caregiver Leave - FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a spouse, child, parent, or next of kin, who is a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Veterans undergoing treatment, therapy, etc. for a serious injury/illness, which was incurred or aggravated during active duty, who were discharged other than dishonorably within the five years prior to the need for the employee's care, also meet the definition of a covered service member.

This type of FMLA leave, to take care of certain family members who were injured on active duty in the military, also applies for up to 5 years after their separation from the military service and includes pre-existing serious injury or illness that was aggravated by their active-duty service in the military.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
Depending on the reason for the FMLA leave, an employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary due to the serious health condition of the employee, covered family member, or covered service member (Military Caregiver Leave). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Qualifying Exigency Leave may be taken on an intermittent basis, regardless of medical necessity.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.
Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either type of medical military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees are required to provide a medical certification and periodic recertification supporting the need for any type of FMLA leave, and are required to provide a "fit for duty" certification upon return to work if the FMLA leave was for the employee's own serious medical condition.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.
Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.
FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice.

For additional information: 1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division WHD Publication 1420 Revised January 2009

FAMILY AND MEDICAL LEAVE ACT PROCEDURES

The purpose of this procedure is to provide an effective means for administering the FMLA.

Additional Definitions

12-Month Period - is calculated starting from the date the employee begins a FMLA-approved leave. Leave to provide care for the birth, adoption, or foster care of a child must be completed within one (1) year of the birth or placement of the child. The Research Foundation uses the rolling back method to determine eligibility.

Eligible Employee – see Eligibility Requirements above.

"Covered" or "Immediate" Family Member - the employee's child, spouse, parent or any person living in the employee's household.

Child - biological, adopted, or foster child; stepchild, legal ward, or a child for whom the employee has day-to-day responsibility. The child must be under 18 years of age or, if 18 years of age or older, be incapable of self-care because of mental or physical disability.

Eligible Employee for Military Caregiver Leave – the spouse, son, daughter, parent, or next of kin of a covered service member

Next of Kin for Military Caregiver Leave – nearest blood relative other that spouse, parent, son or daughter. Unless the service member has designated a blood relative in writing, relatives qualify as next of kin in the following order: blood relatives with legal custody, siblings, grandparents, aunts/uncles, first cousins.

Spouse - the employee's husband or wife.

Parent - the person who acted as the employee's parent when the employee was a child.

Serious Health Condition – see Definition of Serious Health Condition above.

Use Of Paid Leave

When caring for an immediate family member or a covered service member, or taking leave for a Qualifying Exigency, under an approved FMLA leave, employees may use up to 33 percent of their sick leave balance available at the beginning of the FMLA leave period. When sick leave hours are no longer available, employees are required to use all annual leave before converting to leave without pay for the remainder of the 12 week period.

When on personal medical leave for an employee's own serious health condition, FMLA eligible employees are required to use all sick leave, then use all annual leave before converting to leave without pay for the remainder of the 12 week period.

Spouses Employed By the Research Foundation

If both spouses work for the Research Foundation, they are entitled to an aggregate of 12 weeks of leave per 12 month period for the birth, adoption, or foster care of a child, or to care for a sick parent. However, if leave is for a seriously ill spouse, child, or for the employee's own serious illness, the husband and wife are each entitled to a 12 week period. In the case of care for a covered service member, the husband and wife are entitled to an aggregate of up to 26 weeks of leave per 12 month period (using the 12 month roll back method).

Employee Responsibilities – See details outlined above Please note FMLA leave may be denied or delayed for employees' unjustified failure to follow notice requirements.

Medical Certification

The Research Foundation requires a request for leave due to a serious health condition be supported by a certification from the health care provider. This includes the employee's, family member's, or covered service member's health care provider. The certification should include the date on which the health condition began and its probable duration. The certification for a family member should include a statement

from the health care provider that the employee is needed to care for the family member or covered service member. The medical certification should be provided within 15 calendar days of the request to use FMLA. Failure to provide required medical certification may result in the denial of FMLA leave. The Research Foundation may require a second medical opinion, at its expense, if there is reason to question the original certification. Upon return to work, employees must provide a "fit for duty" certification to their supervisor for personal medical leave.

Intermittent Leave
Under some circumstances, an employee may take leave intermittently (take a day or days periodically when needed), or use leave to reduce the work day, or work week resulting in a reduced work schedule, if medically necessary. The supervisor must approve these variations if the employee is taking leave for the birth, adoption, or foster care placement of a child. The supervisor and employee should agree on work schedules during intermittent leaves or reduced schedule time periods.

For leave related to an employee's serious health condition, or to care for a covered service member, the supervisor's consent is not required when an employee needs to use intermittent leave that is medically necessary. Employees are responsible for providing proper notice to the supervisor. The supervisor may request medical certification to verify the actual hours or days missed were medically necessary.

Medical certification for intermittent leave should include the expected dates for, and the planned duration of the medical treatment, as well as a statement confirming the necessity for intermittent leave. The employee may be reassigned to an alternative position that could better accommodate the use of an intermittent leave schedule.

Benefit and Job Protection
The Research Foundation will continue to provide coverage under its group plans during the leave period at the same level and conditions as if the employee had continued to work. The Research Foundation will continue to pay its portion of the health, dental, vision, life and LTD premiums. Sick and annual leave do not accrue while on unpaid FMLA leave.

All applicable insurance premiums that employees are required to pay are due to the Research Foundation by the first of the month for the current month's coverage. Failure to make payment within 30 days will result in termination of coverage.

In most circumstances, an employee who returns from leave under the FMLA will be returned to their same job, or a job with equivalent status and pay, as required by applicable law.

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Reasonable Break Time For Nursing Mothers

Break time may be provided, for up to one year after a child's birth, each time an employee who is nursing needs to express milk.

The Research Foundation willingly complies with requests, from female employees who are nursing, for the provision of a private, shielded place, other than a restroom, in which they may express breast milk.

DOMESTIC VIOLENCE LEAVE

Reasonable leave from work will be provided to employees by the Foundation, upon request, for time to receive medical attention and psychological counseling in connection with domestic violence, to obtain social services, to relocate, to seek legal assistance, and to participate in legal proceedings. To take these leaves of absence, employees must first exhaust all annual or vacation leave and sick leave.

BEREAVEMENT LEAVE

Regular status employees and postdoctoral associates are granted leave of absence with pay not to exceed three (3) working days upon death of an immediate family member.

For purposes of Bereavement Leave, the "immediate family" is defined as the current husband or wife, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, daughter-in-law, grandparent, grandparents-in-law, grandchild or grandchild-in-law of the employee or the employee's spouse, or any person living in the employee's household.

Employees must request bereavement leave by contacting their supervisor before going on leave. The supervisor may require an employee to submit an obituary and other evidence of relationship to the deceased along with the request for bereavement leave or upon return to work. Approval by the supervisor on a *leave request form* is required. All leave used must be recorded on a *leave request form* and indicated on the employee's time sheet, if required. Supervisors are to forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour.

CIVIL LEAVE

Regular status employees and postdoctoral associates are granted a paid leave of absence for required jury duty or for any other required appearance before a court in regard to a matter in which they are not a party. Employees must submit a *leave request form* with a copy of the witness/jury duty summons or other court process attached. For jury duty, employees must submit a statement of time(s) served. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred. Leave use is recorded in hourly increments rounded to the nearest quarter hour.

Employees must give their supervisor advance notice of the need for time off for jury duty. If employees are dismissed from jury duty before the end of the workday, they must report to their supervisor for instructions on whether to return to work for the rest of the workday.

Regular status employees and postdoctoral associates are paid their normal salary for time spent serving on a jury or for other qualified appearances. Other employees will be on leave without pay. Employees may keep jury pay.

MILITARY LEAVE

An employee is eligible for Military Leave when he or she

- Is called to required military training,
- Is called into state or federal active military service,
- Is called up by the Governor under the Code of Virginia to respond to natural or man-made disasters, or
- Voluntarily enters active service in any branch of the United States military, the Commonwealth's Militia, or the National Defense Executive Reserve

Military Physicals

Employees are paid up to 8 hours per federal fiscal year for pre-induction and other physical examinations required for military service in addition to the 15 days discussed above.

Military Leave may be with pay or without pay as described within this Handbook. After exhausting the 15 days for training or active duty plus 8 hours for a physical examination, employees on military leave may remain in paid status by using all or part of their accrued annual leave.

Regular status employees and postdoctoral associates who are members of a United States military unit, the National Guard, or Armed Forces Reserves are entitled to leave of absence without loss of service credit, pay, or benefits for such time as they are in active military service or reserve duty, to a maximum of 15 work days in any one calendar year.

Eligible employees must submit a *leave request form* with a copy of the active duty order **prior** to duty. Employees ordered to emergency duty, must supply supportive documentation upon return to work to verify the use of military leave. Supervisors forward to the Payroll Department properly completed *leave request form* by the due date published for the payroll period in which it occurred.

The employee may elect to take annual leave or leave without pay and keep their military pay; or may relinquish their military pay to the Research Foundation and receive their normal pay from the Research Foundation. Payment of an employee's share of insurance premiums will continue to be the employee's

responsibility. **Employees anticipating in military leave should contact the Research Foundation Human Resources Department to discuss their pay options**.

USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases a comparable job, in accordance with applicable law.

You have the right to be free from discrimination and retaliation if you are a past or present member of the uniformed service; have applied for membership in the uniformed service; or are obligated to serve in the uniformed service. Then an employer may not deny you initial employment; reemployment; retention in employment; promotion or any benefit of employment because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g. pre-existing condition exclusions) except for service –connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance infilling a complaint, or for any other information on USERRA, contact VETS at 1-86604-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation. You may also bypass the VETS process and bring a civil action against your employer for violations of USERRA.

EMERGENCY / DISASTER / PUBLIC HEALTH EMERGENCY LEAVE

Regular status employees and postdoctoral associates who are eligible for paid leave may be granted up to 80 hours of paid leave annually if they are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster. This policy also permits up to 80 hours of paid annual leave annually to employees who are victims of disasters. This policy also provides eligible employees up to 80 hours of paid leave per year to attend to their own and immediate family member medical needs when Communicable Disease of Public Health Threat conditions as defined in Section 32.1-48.06 *et. Seq Code of Virginia* have been declared.

The Research Foundation will not pay for expenses related to providing emergency services, such as travel, food, or lodging, or pay for expenses incurred by the employee in recovering from the personal effects of a disaster, or on leave for a public health emergency.

An approved eligible employee shall continue to receive his or her normal salary and benefits for up to 80 hours while using approved Emergency/Disaster/Public Health Emergency leave. For details or to obtain required approval contact the Human Resources Department. Criteria shall be as established by the Commonwealth of Virginia Human Resource Policy 4.17 Emergency / Disaster Leave and by Policy Number 4.52 Public Health Emergency Leave.

LEAVE WITHOUT PAY

Leave without pay (LWP) may be granted in emergency situations when all other leave has been exhausted or when you are not eligible for other types of leave. In exceptional circumstances, an employee may be

granted leave without pay and be allowed to retain his/her earned leave balances with the approval from the Human Resources Department. If an employee takes leave without pay for personal reasons, he/she can continue to get health insurance benefits by paying the group premiums, both the employer and employee portions. The FMLA requires that eligible employees be given up to 12 weeks of job protected leave for certain reasons. If an employee takes leave that is covered by the Family and Medical Leave Act, the employee only pays his/her employee portion of the health insurance premiums. (See FMLA in this section.) Leave without pay requests must be coordinated with your supervisor and the Research Foundation Human Resources Department. No paid leave of any type accrues during leave without pay status.

VOLUNTARY ADMINISTRATIVE LEAVE OF ABSENCE

Except for a qualified FMLA situation, a voluntary administrative leave of absence without pay is an option offered only when it is determined that granting such a leave will be of significant benefit to the Research Foundation and the requesting employee. Employees should contact their supervisor to request consideration. A leave of absence without pay requires approval of the supervisor, the Research Foundation Executive Director, and the Research Foundation Human Resources Department. An employee must use all accrued annual leave prior to taking leave without pay. Sick leave balances will remain on the books. In exceptional circumstances, an employee may be granted leave without pay and be allowed to retain his/her annual leave balances with the approval from the Human Resources Department.

LEAVE SHARE PROGRAM

The Research Foundation offers regular status employees and postdoctoral associates who have been continually employed by the Research Foundation for six (6) months a leave share program. The program permits one Research Foundation employee to voluntarily donate their **annual leave** to another Research Foundation employee who may need additional leave as a result of a qualifying medical condition in four (4) hour increments.

To be eligible for donated leave, the medical condition of the employee (or a qualifying dependent) requires physician certification and approval of the Research Foundation. The program requires the employee, as a result of the medical condition be absent from duty **without pay** (the employee must exhaust all sick and annual leave) for a prolonged period of time. It is the responsibility of the employee to provide the required physician's certification and projection of the expected duration of the medical condition.

Employees seeking donated leave must initiate a formal request by contacting the Research Foundation Human Resource Department and complete the *leave share recipient application form*. Upon receipt of a completed application form and the physician's certification, the Research Foundation will communicate an approved request to all regular employees. The Research Foundation makes no assurances that all possible donors will receive the communication nor are there any assurances that there will be employees willing to donate their annual leave.

Employees wishing to donate annual leave to a specific employee should contact the Research Foundation Human Resource Department to obtain and complete the approved *donor form*. Donors may donate any number of hours, in four (4) hour increments, until their own annual leave balance reaches zero.