

## I. Purpose

The Family and Medical Leave Act (FMLA) includes two provisions specifically applicable to military families: military caregiver leave and qualifying exigency leave. This policy summarizes these provisions and describes the procedures to utilize them.

## II. Military Caregiver Leave

Military Caregiver Leave allows up to 26 weeks of leave in a single 12-month period to be granted to an eligible employee to provide care to an injured covered service member who is the eligible employee's spouse, son, daughter, parent, or eligible next of kin.

"Next of Kin" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority:

- Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions
- brothers and sisters
- grandparents
- aunts and uncles
- first cousins

If the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA, then that individual is deemed to be the service member's or veteran's only FMLA next of kin. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

The 26 weeks is inclusive of the 12 weeks of leave already provided under regular FMLA. This leave can be used only once and must be used within one 12-month period. Although the leave is unpaid, the employee may use available leave to remain in pay status for all or part of the absence. The employee may choose to exhaust available sick and/or vacation/bonus leave, or any portion, or go on leave without pay (LWOP) to care for an injured family member. Voluntary Shared Leave donations **can** be applied to Military Caregiver Leave.

## III. Qualifying Exigency Leave

Qualifying Exigency Leave allows up to 12 weeks of leave to be granted to an eligible employee who is the spouse, son, daughter, or parent of a service member who is placed on active duty or has been notified of an impending call or order to active duty so that the eligible employee may attend to any of the following "qualifying exigencies":

- Family preparations resulting from a short-notice of deployment
- Military events and related activities
- Child care and school activities affected by the deployment
- Financial and legal arrangements affected by the deployment
- Counseling related to the deployment
- Time with service member during rest and recuperation leave
- Post-deployment activities
- Additional activities related to the active duty or call to active duty agreed to by employee and employer

Additional details regarding eligibility under these qualifying exigencies is available on the FMLA Rules & Regulations Excerpts document (see below).

The 12 weeks available for qualifying exigency leave is used concurrent with any leave available to the employee under FMLA. Although the leave is unpaid, the employee may use available leave to remain in pay status for all or part of the absence. The employee may use vacation/bonus leave, or any portion, or go on LWOP to address issues arising because the family member is on active duty or has been called to active duty. Voluntary Shared Leave donations **cannot** be applied to Qualifying Exigency Leave.

#### IV. Procedures

In order to apply for FMLA Military Caregiver/Qualifying Exigency Leave:

- The employee must complete a Medical Leave Request form and the Medical Certification form, if applicable.
- If applying for Qualified Exigency Leave, the employee must provide a copy of the military member's orders.
- Once approved by the supervisor and second-level supervisor (as appropriate), the employee must forward the signed documents to the FMLA/Benefits Consultant, UNC System Office Human Resources, 140 Friday Center Drive, Chapel Hill, NC 27517.
- The FMLA/Benefits Consultant will review the documents for completeness and adherence to policy. If shared leave donations have been requested, the FMLA/Benefits Consultant will notify the employee and the Payroll/Leave Coordinator of any donations as they occur.

The supervisor, employee, and Payroll/Leave Coordinator shall monitor the day-to-day leave tracking for the employee and notify the FMLA/Benefits Consultant once the employee has returned to work.

#### V. Questions

If you have any questions about the policy or your benefits coverage related to medical leave, please contact the FMLA/Benefits Consultant at 919-843-5186.