



## Human Resources

### MEDICAL CENTER HUMAN RESOURCES POLICY NO. 600

- A. SUBJECT: Leaves of Absence
- B. EFFECTIVE DATE: January 1, 2019 (R)
- C. POLICY:

The University of Virginia Medical Center provides multiple forms of leave to eligible employees, some of which are required by law, and some of which are provided as an additional employee benefit. This policy outlines the types of leave available, along with eligibility criteria and procedures for implementation.<sup>1</sup> This policy outlines the following types of leave:

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<sup>1</sup> Unless otherwise stated, definitions included for each form of leave apply only to that form of leave.

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#### D. FAMILY MEDICAL LEAVE

##### 1. POLICY:

The Family Medical Leave Act (FMLA) provides three types of leave to eligible employees:

- i. **Family Medical Leave:** The FMLA grants up to 12 work weeks of family and medical leave of absence during any 12-month period in accordance with the FMLA to Eligible Employees, as defined in this policy, who wish to take time off from work duties to fulfill family obligations relating directly to the birth of a child, adoption, and/or placement of a foster child in order to bond and care for the child<sup>2</sup>; to care for a child, spouse, or parent with a Serious Health Condition, as defined in this policy; or due to the employee's own Serious Health Condition or disability. Married employee couples are restricted to a combined total of 12 work weeks of leave within any 12 month period for childbirth, adoption, or placement of a foster child.
- ii. **Military Caregiver Leave:** The FMLA permits a spouse, son, daughter, parent, or next of kin to take up to 26 workweeks of leave during a single 12-month period to care for a Covered Servicemember, as defined in this policy, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness, as defined in this policy. The "single 12-month period" for leave to care for a Covered Servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established for other types of FMLA leave. An Eligible Employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a Covered Servicemember.) Married employee couples are restricted to a combined total of 26 work weeks of leave during the single 12-month period.
- iii. **Qualified Exigency Leave:** The FMLA permits an Eligible Employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the Medical Center for FMLA leave for Qualifying Exigencies, as defined in this policy, arising out of the fact that the employee's spouse, son, daughter, or parent is on Covered Active Duty, as defined in this policy, or has been notified of an impending call or order to Covered Active Duty.

##### 2. DEFINITIONS:

- i. **Child** – A biological, adopted or foster child, a stepchild, or legal ward, or a child of a person standing in place of the parent. The child must be under age 18, or be age 18 or older and incapable of self-care because of a mental or a physical disability.
- ii. **Covered Active Duty** – For members of a regular component of the Armed Forces, Covered Active Duty means duty during deployment of the member with the Armed Forces to a foreign country. Covered Active Duty for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during

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<sup>2</sup> See Adoption/Foster Care Placement Leave on page 9 of this policy.

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deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in the United States Code.

- iii. **Covered Servicemember** – A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A Covered Servicemember is also a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, if the veteran was a member of the Armed Forces at any time during the 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.
- iv. **Eligible Employees** – Staff and management employees who have been employed for: 1) at least 12 months; and 2) who have worked at least 1,250 hours during the 12 months before the start of the leave. Hours worked does not include time spent on paid or unpaid leave (with the exception of Military Leave).
- v. **Intermittent Leave** – Qualified FMLA leave taken periodically or as a reduction to the work week or work day.
- vi. **Next of Kin** – Used with respect to individual, means the nearest blood relative of that individual.
- vii. **Parent** – Biological parent or individual who stood in place of the parent of the employee and was charged with the duties and responsibilities of the parent.
- viii. **Qualified Exigency** – A Qualified Exigency may include:
  - Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
  - Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
  - Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
  - Making or updating financial and legal arrangements to address a covered military member's absence;
  - Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member,

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the need for which arises from the active duty or call to active duty status of the covered military member;

- Taking up to fifteen days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
  - Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
  - Any other event that Medical Center Human Resources and the employee agree is a qualifying exigency.
- ix. **Serious Health Condition** – An illness, injury, impairment or physical or mental condition that requires any of the following: (1) a period of inpatient care in a hospital, hospice, or residential treatment facility; (2) a period of incapacity of more than three consecutive calendar days that also involves treatment by a healthcare provider; (3) a period of incapacity due to pregnancy or prenatal care; (4) a chronic serious health condition that requires periodic treatment by a healthcare provider, continues over an extended period of time and may cause episodic periods of incapacity (i.e., asthma); (5) incapacity due to a permanent or long-term condition for which treatment may not be effective (i.e., Alzheimer's disease); (6) substance abuse treatment by a healthcare provider.
- x. **Serious Injury or Illness** – For a current member of the Armed Forces, a Serious Injury or Illness is one that was incurred by the Servicemember in the line of duty on active duty, or one that existed before the beginning of the Servicemember's active duty that was aggravated by service in the line of duty on active duty in the Armed Forces, that may render the Servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. For a veteran, a Serious Injury or Illness is defined as a qualifying injury or illness that was incurred by the Servicemember in the line of duty on active duty in the Armed Forces (or existed before the beginning of the Servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the Servicemember became a veteran.
- xi. **Spouse** – Husband or wife as recognized under the laws of the Commonwealth for the purpose of marriage.
- xii. **12-month period** – A rolling 12-month period measured forward from the date an employee uses any leave under this policy, except in the case of Military Caregiver Leave, in which leave to care for a Covered Servicemember with a Serious Injury or Illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established for other types of FMLA leave.

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3. PROCEDURE:

i. **Requests for Leave**

An employee requesting FMLA under this policy must provide verbal notice with an explanation to his/her immediate supervisor of the reasons for the needed leave. The employee does not need to provide a detailed explanation of personal or child/spouse/parent health conditions, but must notify his/her supervisor that a Serious Health Condition or Serious Injury or Illness does exist and the estimated time for a leave of absence. The supervisor shall then notify the Employee Relations Office of the request for FMLA leave. An Employee Relations Representative will send a written notice to the employee's home address outlining all rights, responsibilities and guidelines applicable to FMLA leave.

Eligible employees are expected to make requests for leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible (within two days) for unforeseeable events. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable explanation for the delay, the leave request may be denied until at least 30 days from the date the supervisor receives notice.

ii. **Certification of Serious Health Condition for Family Medical Leave or a Serious Injury or Illness for Military Caregiver Leave**

Employees requesting FMLA for their own serious health condition, related to the serious health condition of a child, spouse, or parent, or related to care of a Covered Servicemember with a Serious Injury or Illness will be required to submit a Medical Certification Form to the Employee Relations Office. The Medical Certification Form must be completed by the appropriate healthcare provider and shall include: the date when the condition began, its expected duration, and a statement of treatment being provided. For medical leave involving the employee's own medical condition, the Certification must also include a statement that the employee is unable to perform work of any kind or that the employee is unable to perform the essential job functions of the employee's position. For a family member or Covered Servicemember who is seriously ill, the Certification must include a statement that the individual requires assistance and that the employee's presence would be beneficial to his or her care. It is the employee's responsibility that any changes to the Certification be promptly reported to the Employee Relations Office.

If the employee requires intermittent leave or to work a reduced schedule, the Certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent or reduced schedule leave.

Certification of the serious health condition is due back to the Employee Relations Office within 15 days of the leave request. Failure to provide certification may result in the denial of leave.

The Employee Relations Office has the right to ask for a second opinion if there is reason to question a certification for Family Medical Leave. It is the responsibility of the Medical Center to select the provider and pay for the second opinion. The Employee Relations Office will review the second certification. If it is necessary to resolve a conflict between the original certification and the second opinion, the Medical Center and the employee will

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mutually select the third health care provider and the Medical Center will pay for the opinion. The third opinion will be considered final. The employee will provisionally be entitled to leave and benefits under the FMLA, pending the outcome of the second and/or third opinion.

iii. **Certification for Qualified Exigency Leave**

Requests for Qualifying Exigency Leave must be supported by a copy of the active duty or impending call orders.

iv. **Approval or Denial of Leave Requests**

The Employee Relations Office will notify the employee and his or her immediate supervisor in writing of the approval or denial of FMLA based upon the employee's eligibility and the information provided from the Medical Certification.

v. **Intermittent Leave or Reduced Work Schedule**

Employees may use FMLA leave intermittently (take one day or more periodically when needed over the year) or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks over a 12-month period.

If the employee is taking intermittent leave, the employee must discuss with his or her immediate supervisor an intermittent or reduced schedule that will have the least amount of impact to the department. The Medical Center may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position will better accommodate the intermittent or reduced schedule. The employee is responsible for notifying his or her immediate supervisor or designee when using any FMLA leave and designate it as such. FMLA leave is not counted as an occurrence under the Medical Center's attendance policy. ([See Medical Center Human Resources Policy No. 704 "Attendance"](#))

vi. **Call-In Procedures**

Employees are expected to follow their department's call-in procedures regardless of FMLA eligibility. If the employee is scheduled to report to work, and cannot due to a reason that is qualified under FMLA, he or she is expected to call in per the department's guidelines as established in the attendance policy addendum. ([See Medical Center Human Resources Policy No. 704 "Attendance"](#)) If the employee is going to be off duty for several days or weeks, the employee must contact his or her immediate supervisor, or designee, to discuss any alternative procedures.

vii. **Benefits During Leave**

Subject to the terms, conditions, and limitations of the applicable plans, the Medical Center will continue to provide health, life and disability insurance benefits for the full period of the approved family/medical leave. Employer contributions to these plans will continue through any period of family/medical leave without pay. The employee is responsible for

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payment of employee benefit contributions throughout the leave period, to include any period of unpaid leave.

Paid time off accrual will discontinue after four full pay periods of continuous paid leave and will continue upon return to active employment. Paid time off accrual will be suspended during any leave of absence without pay and will resume upon return to active employment.

viii. **Substitution of Paid Leave**

Employees are required to use any accrued Paid Time Off (PTO) ([See Medical Center Human Resources Policy No. 315 “Paid Time Off”](#)) in conjunction with other plans, i.e., Catastrophic (CAT) leave or Short-term Disability, subject to the terms and conditions of those specific plans. The employee will receive specific information relative to payment guidelines from the Employee Relations Office once the office is notified of the need for leave. Once all accrued paid time is exhausted, the remainder of the employee’s FMLA leave is unpaid.

Employees who have suffered work-related injuries will be granted leave consistent with the requirements of the Virginia workers’ compensation laws, as appropriate. All workers’ compensation leave that also qualifies as a serious health condition will be counted against the employees’ FMLA entitlement.

ix. **Return From Leave**

Employees are expected to provide their immediate supervisor with at least two weeks advance notice of the date the employee intends to return to work. Employees returning from Family Medical Leave are required to submit a healthcare provider’s verification of their fitness to return to work. In the absence of appropriate return to work verification, the employee will not be permitted to return to work until the documentation is received.

When leave ends, the employee will be reinstated to the same position, if it is available, or to a comparable position with equivalent pay, benefits and other terms and conditions of employment, unless (1) the job has ceased to exist because of legitimate business reasons unrelated to the FMLA leave, or (2) reinstatement would cause substantial and grievous economic injury and is being sought by a “key” employee who is among the top 10% of employees in terms of pay.

x. **Failure to Return from Leave**

If an employee fails to return to work for reasons other than medical necessity or fails to notify his or her supervisor of the need for continued leave, the employee will be deemed to have abandoned his or her position and shall be administratively treated as a resignation.

**E. MEDICAL LEAVE**

1. **POLICY:**

The University of Virginia Medical Center may grant a medical leave of absence to employees who need to take time off from work duties due to personal illness or disability, and are not

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eligible for leave under the Family Medical Leave Act (FMLA) ([See “Family Medical Leave”](#)) or who have exhausted their rights under FMLA. Approval of Medical Leave is discretionary, and will only be granted to the extent that the Medical Center can do so without causing significant expense or disruption to its operations.

2. DEFINITIONS:

- i. **Serious Health Condition** – For the purpose of this policy, a Serious Health Condition is defined as an illness, injury, impairment or physical or mental condition that requires any of the following: (1) a period of inpatient care in a hospital, hospice, or residential treatment facility; (2) a period of incapacity of more than three consecutive calendar days that also involves treatment by a healthcare provider; (3) a period of incapacity due to pregnancy or prenatal care; (4) a chronic serious health condition that requires periodic treatment by a healthcare provider, continues over an extended period of time and may cause episodic periods of incapacity (i.e., asthma); or (5) incapacity due to a permanent or long-term condition for which treatment may not be effective.
- ii. **Incapacity** – Temporary inability to perform essential functions of one’s job.

3. PROCEDURE:

i. **Requests for Medical Leave**

An employee requesting leave under this policy shall notify his/her supervisor by completing a [Request for Medical Leave](#). The employee does not need to provide a detailed explanation of his/her health condition, but shall notify his/her supervisor that a Serious Health Condition does exist and the estimated time for a leave of absence. The supervisor shall approve or disapprove the absence after consulting with Human Resources.

ii. **Certification of Serious Health Condition**

Employees requesting medical leave for a Serious Health Condition shall be required to submit a Medical Certification form to Human Resources. The Medical Certification Form must be completed by the appropriate healthcare provider and shall include: the date when the condition began, its expected duration, a statement of treatment being provided and a statement that the employee is currently unable to perform work of any kind or that the employee is currently unable to perform the essential job functions of the employee’s position. Any changes in this information should be promptly reported to the Medical Center’s Human Resources Department.

Human Resources has the right to ask for a second opinion if there is reason to question a certification for Medical Leave. It is the responsibility of the Medical Center to select the provider and pay for the second-opinion.

iii. **Leave Duration**

Medical leave may be granted for up to six (6) consecutive months, including any period of Family and Medical Leave absence for the same condition. An extension of up to six (6) additional months may be granted pending approval of long term disability benefits or



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disability retirement. Employees will be required to first use any accrued paid leave time before taking unpaid leave.

iv. **Benefits During Leave**

Subject to the terms, conditions, and limitations of the applicable plans, the Medical Center will continue to provide health, life and disability insurance benefits for the full period of the approved medical leave. Employer contributions to these plans would continue through any period of leave without pay.

Paid time off accrual is suspended after four full pay periods of continuous paid leave. Paid time off accruals are also suspended during any leave of absence without pay. Accruals resume upon return to active employment.

v. **Return From Leave**

So that an employee's return to work can be properly scheduled, an employee on medical leave is requested to provide the Medical Center with at least two weeks advance notice of the date the employee intends to return to work. Employees returning from medical leave shall be required to submit a healthcare provider's verification of their fitness to return to work and ability to perform the essential functions of the job. Upon return to work, an employee may be reinstated to the same position, if it is available, or to a comparable position. If reinstatement to an employee's former position is not practical because of the department's need to fill the position and another vacancy within the department does not exist, an employee may apply for other positions within the Medical Center, and that employee may be considered for reinstatement if any suitable vacancy exists. If no suitable vacancy exists the employee will be terminated from service.

vi. **Failure to Return From Leave**

If an employee fails to return to work or notify his or her supervisor of the need for an extension, the employee will be deemed to have abandoned his or her position and shall be administratively treated as a resignation.

**F. PAID PARENTAL LEAVE**

1. **POLICY:**

The University of Virginia Medical Center is committed to providing a work environment that is supportive of employees' work and personal life obligations. In demonstration of this commitment, the Medical Center has established Paid Parental Leave in recognition of the benefit to employees and their families for meaningful bonding time upon the birth or placement of a child through adoption, foster or custodial care.

Effective January 1, 2019, Paid Parental Leave is provided to eligible Medical Center employees following the birth, adoption, foster, or custodial care of a child under the age of eighteen (18).

[Note: An individual who adopts a spouse's or partner's child (ren) may also be eligible for this benefit].

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Paid Parental Leave may be pursuant to temporary arrangements made through local departments of social services with the intent of reuniting the child with such child's birth family, if possible. As is the case with all Medical Center policies, the Medical Center has the exclusive right to interpret or modify this policy.

This policy describes the circumstances in which Paid Parental Leave may be taken, procedures for taking Paid Parental Leave, documentation requirements, coordination with other types of leave, reinstatement issues and other matters related to Paid Parental Leave.

## 2. DEFINITIONS:

- i. **Adoption** - The act of legally and permanently assuming the responsibility of raising a child as one's own.
- ii. **Child** - A newborn biological child or a newly-placed adopted, foster, or custodial child under the age of eighteen.
- iii. **Custodial Care** - A placement authorized by a judgment, decree, or other order of a court providing for the legal and physical custody of a child.
- iv. **Eligible Employees** – Full-time or Flex Staff and Management employees who have been employed by the Medical Center for at least 12 consecutive months and who have worked at least 1,250 hours during the 12 months prior to the request for leave due to the birth, adoption/foster care placement of a child.
- v. **Family Medical Leave Act (FMLA)** - Provides employees up to twelve (12) work weeks of unpaid leave during a twelve (12) month period for family or medical leave and ensures employee is reinstated to the same or an equivalent position following the leave period, in accordance with FMLA regulations, subject to certain limitations.
- vi. **Full-Time Equivalent (FTE)** - The ratio of the total number of hours of a full-time position in comparison to the hours on a less than full-time position.
- vii. **Parent** - A natural parent or a new adoptive parent who is the legally recognized biological, adoptive, foster, or custodial parent.

## 3. ELIGIBILITY:

Medical Center employees must meet the following criteria, all of which must be met as of the date that the child is born or placed through adoption, foster or custodial care. Specifically, the employee is:

- i. Eligible under the Family and Medical Leave Act (FMLA) by being employed for twelve (12) consecutive months and having worked 1250 hours during the twelve (12) months immediately preceding the birth, adoption or placement of a child.
- ii. Employed in a benefits eligible position upon the birth, adoption or placement of a Child. (Note: If the adoption involves a child who is incapable of self-care because of a mental or physical disability, the age limit of eighteen (18) may be waived).

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- iii. The biological parent(s), adoptive parent(s), or foster parent(s).
- iv. Medical Center employees who are not eligible for Paid Parental Leave on the date of birth, adoption, or placement may become eligible during the following six (6) months and access Paid Parental Leave once the employee meets the eligibility requirements.
- v. Paid Parental Leave will end immediately if the employee no longer meets the criteria for eligibility. For example, if the employee voluntarily or involuntarily transfers to an ineligible position, or separates from the Medical Center while on Paid Parental Leave, Paid Parental Leave will end immediately.
- vi. If both parents are Medical Center employees and meet the eligibility criteria listed above, they are each eligible for the Paid Parental Leave benefit.

4. LEAVE AMOUNT/USAGE:

- i. Eligible Medical Center employees are to receive up to eight (8) weeks (320 hours) of Paid Parental Leave. The amount of Paid Parental Leave is prorated based on the employee's full time equivalency (FTE) at the time the leave is used.

Paid Parental Leave shall be used within six (6) months of the birth, adoption or placement of a child for any one or more of the following reasons:

1. Care or bonding with a newborn child during the period immediately following birth.
  2. Care or bonding with a child placed with the employee through adoption, foster care or a legal custodial arrangement.
  3. Supplement reduced income replacement disability benefits following the birth.
- ii. When the adoption is in the legal process, the Paid Parental Leave may begin from the point the child is placed with the eligible employee (granted custody) for the purpose of adoption. Paid Parental Leave will generally commence immediately following the adoption of a child.
  - iii. Eligible Medical Center employees shall charge Paid Parental Leave in one continuous eight (8) week period. Paid Parental Leave may not be used on an intermittent basis.
  - iv. Paid Parental Leave shall only be used once per child and only once within a rolling twelve (12) month period.
  - v. One (1) Paid Parental Leave benefit is available per employee, per birth, adoption, or placement event. Multiple births or adoptions that occur at the same time (for example, the birth or adoption of twins) does not increase the length of Paid Parental Leave provided.
  - vi. Unused Paid Parental Leave is forfeited six (6) months from the date of the birth/placement and cannot be banked for later use. In addition, unused Paid Parental Leave is not compensable if the Medical Center employee no longer meets the criteria for eligibility, set forth in Section 3 "Eligibility" or separates from employment.

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- vii. Each week of Paid Parental Leave is compensated at 100% of the employee's regular, straight-time pay (excluding overtime, shift differential, etc.). Paid Parental Leave will be paid on the Medical Center's regularly scheduled pay dates.
- viii. Paid Parental Leave terminates at the conclusion of the foster or custodial care placement or within six (6) months of the placement, whichever comes first.

5. COORDINATION WITH OTHER AVAILABLE LEAVES/BENEFITS:

i. **FMLA:**

- 1. Medical Center employees using Paid Parental Leave are afforded the remaining job protection under FMLA for an absence up to a total of twelve (12) weeks (480 hours). They may charge personal leave or take leave without pay to cover the additional absence.
- 2. Paid Parental Leave is available to eligible Medical Center employees on the date of the birth, adoption or placement of a child regardless of the start of the FMLA period.
- 3. The basis for Paid Parental Leave is limited to the birth, adoption, foster or custodial care of a child under age eighteen (18).
- 4. Paid Parental Leave shall run concurrently with the FMLA leave.
- 5. If the amount of FMLA leave available is less than the amount of Paid Parental Leave to be taken, Paid Parental Leave will still be granted as specified in this policy, without regard to the existence of the individual's available FMLA leave.

ii. **Other Medical Center Leave:**

Paid Parental Leave cannot be used concurrently with any other leave, including:

- Medical Leave
- Military Leave
- Administrative Leave
- Personal or Education Leave
- Public Service Leave
- Bereavement Leave
- Public Health Threat Emergency Leave
- Bone Marrow/Organ Donation Leave

iii. **Short-Term Disability:**

Paid Parental Leave will operate exclusively and independently of Short-Term Disability Insurance.

iv. **Other Medical Center Leaves and Benefit Accruals:**

- 1. Leave Accruals - After ninety (90) consecutive calendar days with pay,

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annual and traditional sick leave accruals cease until the Medical Center employee returns for a full pay period.

2. Paid Parental Leave shall not be counted against an eligible employee's annual leave accruals.

v. **Group Health Insurance:**

The Medical Center will continue to pay its share of the cost of an eligible employee's group health insurance during a Paid Parental Leave. The Employee's share of the premium will be deducted from the employee's pay in accordance with normal practice.

6. CERTIFICATION OF ELIGIBILITY FOR PAID PARENTAL LEAVE:

- i. Documentation of the birth, adoption or placement is required prior to approval of Paid Parental Leave. Official documents that will be considered, but not limited to, are:
  - Report of Birth
  - Birth Certificate
  - Order of Parentage
  - Adoption Order
  - Certified DNA test results
  - Custody Order
  - Foster Care Placement Agreement.
- ii. Documents provided should show date of birth, adoption or date of placement, if adoption or placement was other than the date of birth.
- iii. Upon receiving a request for Paid Parental Leave and documentation of the birth, adoption or placement, the Medical Center employee must be notified of the employee's eligibility status as soon as administratively possible.

7. REINSTATEMENT:

- i. Except as provided in the following paragraph, the Medical Center employee will be reinstated to the same position the employee held when Paid Parental Leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the employee can perform the essential functions of the position.
- ii. The Medical Center's obligation to restore the Medical Center employee to the same or an equivalent position ceases if and when:
  1. The employment relationship would have terminated if the Medical Center employee had not taken Paid Parental Leave.
  2. The employee informs the Medical Center of his or her intent not to return to work at the expiration of the Paid Parental Leave.

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3. The Medical Center employee fails to return to work at the expiration of the Paid Parental Leave.
  - iii. If Paid Parental Leave is due to the birth of a child, the birth mother must obtain a return-to-work statement from her health care provider and present it to her supervisor or Human Resources upon returning to work. The statement must specify whether the Medical Center employee is able to work and any physical or other restrictions on the employee's ability to work. Reinstatement may be delayed until the employee submits the statement.
8. EMPLOYEES RESPONSIBILITIES:
  - i. Eligible Medical Center employees are strongly encouraged to plan in advance for when they expect to use Paid Parental Leave, and communicate such plans to their supervisor so as to facilitate the necessary departmental work planning.
  - ii. Employees must complete all required HR forms and provide all documentation as required to substantiate the request for Paid Parental Leave.

9. CONFIDENTIALITY:

All medical information relating to Paid Parental Leave, whether verbal or written, including FMLA medical documentation, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical statements and FMLA medical certifications must be maintained within the Human Resources department, in confidential, secure files separate from personnel files.

10. COMPLIANCE WITH POLICY:

- i. Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant Medical Center policies.
- ii. Medical Center employees must comply with all leave request procedures, absent unusual circumstances. Failure to do so may be grounds for delaying or denying an employee's request for Paid Parent Leave.

**G. MILITARY LEAVE**

1. POLICY:

The University of Virginia Medical Center shall grant a Military Leave to employees who are absent from work for active duty or military training in the Uniformed Services<sup>3</sup> in accordance with federal and state law. The employee is entitled to return to the position previously held, to a position of similar status, pay and location, or to another position as required by law.

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<sup>3</sup> As defined by Uniformed Services Employment and Re-employment Rights Act (USERRA).

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## 2. PROCEDURE:

### i. **Eligibility**

Employees who perform service in the uniformed services are eligible to take Military Leave. *Service in the uniformed services* means duty performed on a voluntary or involuntary basis in a uniformed service, including active duty, inactive and active duty training, full-time National Guard duty, any time spent undergoing fitness-for-duty examinations, funeral honors duty, and duty performed by intermittent employees of the National Disaster Medical System in training exercises or in response to public health emergencies. *Uniformed services* include the armed forces and reserves, the Army National Guard and Air National Guard, the Commissioned Corps of the Public Health Service, and any other category of persons designated by the present in time of war or emergency. Employees who serve as intermittent disaster response appointees of the National Disaster Medical System and are federally activated or attending authorized training are considered to be engaged in service in the uniformed services.

### ii. **Notice**

Thirty (30) days advance notice of military service is expected, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

### iii. **Leave Duration**

Eligible employees may be granted Military Leave for the duty indicated in their military orders up to a cumulative maximum of five (5) years. The Uniformed Services Employment and Re-employment Rights Act (USERRA) lists eight categories of service which are exempt from the five-year limitation. These are:

- service to complete an initial period of obligated service;
- service from which the employee through no fault of his/her own cannot obtain a release within the five year limit (e.g., a service member on deployment at sea when the five year limitation expires);
- required training for reservists and National Guard members;
- service under an involuntary order for active duty during domestic emergency or national security related situations;
- service on active duty because of a war or national emergency declared by the President or Congress (other than training);
- active duty by volunteers supporting “operational missions” for which Reservists have been ordered to active duty without their consent (other than for training);
- service by volunteers ordered to active duty in support of a “critical mission or requirement” in times other than war or national emergency and when no involuntary call up is in effect; and

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- federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States.

**iv. Pay During Leave**

Regular full-time, part-time and flex staff employees will be granted up to 15 workdays (120 hours) of Military Leave with pay in a federal fiscal year (October 1 – September 30) while engaged in active military duty or state or federally funded military training. In addition, the employee will be paid up to eight (8) hours for pre-induction and other physical examinations required for military service. Employees may elect to use all or part of their available Paid Time Off (PTO) leave balance, or be placed on Leave Without Pay (LWOP) for the portion of any Military Leave in excess of 15 workdays.

Employees who have completed their probationary period and are called to active duty military service in the Armed Forces of the United States and on Military LWOP are eligible to receive Active Military Supplement pay if their gross military salary plus allowances is less than their Medical Center base salary. The employee will receive payment of the difference.

**v. Benefits During Leave**

Subject to the terms, conditions, and limitations of the applicable plans, the Medical Center will continue all benefit plans during a period of Military Leave with pay or Military Leave Without Pay (Military LWOP). Employees on active military duty who are on Military LWOP, including those who are receiving Active Military Supplement Pay, will be offered Extended Coverage health insurance benefits for themselves and their covered family members via COBRA for up to 24 months. Employer premium contributions towards health insurance continue during the Extended Coverage for a maximum of 24 months. Beyond the 24-month period, conversion to non-group coverage is available.

The Medical Center will continue to pay premiums for continued employer-paid group life insurance coverage for a maximum of 24 months from the date Military LWOP begins. Additional employee-paid life insurance coverage may continue 24 months provided the employee pays any premium which is normally deducted from his/her paycheck. After 24 months, an employee may convert to an individual life insurance policy. Life insurance benefits will resume upon the employee's return to active employment.

Upon return from military leave, employees are eligible to receive any missed employer contributions towards the Medical Center Retirement Plan. The Medical Center's disability plans are suspended during a military leave.

**vi. Reinstatement**

Requests for reinstatement must be made to the Medical Center either orally or in writing and should state that as a former employee, the person is seeking reinstatement to employment upon return from military service. Returning employees should be directed to Human Resources to submit applications. Reinstatement requests should include



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certificates or release orders that confirm satisfactory completion of military service and provide the date of discharge.

Employees must *request reinstatement* within 90 calendar days of the day after release from active duty. Employees remain on Military LWOP during the permitted period of time between discharge from active military duty and reinstatement to active Medical Center employment.

Employees are to be reinstated within a reasonable period of time after notification to the employer, normally considered to be within 5 to 10 workdays. However, circumstances may require longer periods.

The employee will be reinstated to his/her previous position or to a comparable position with respect to pay, status, and location if he/she meets the minimum qualifications for the position. If the employee no longer meets the minimum qualifications of his/her former position because of changes in job duties, he/she must meet the changed requirements within a reasonable time after re-employment, or be offered positions requiring skills comparable to those required in former jobs with like status, pay, and location.

Before being placed in another position, the employee should be offered training to increase his/her ability to perform the jobs, if such training would have been available to him/her if no military service had occurred.

The employee will be treated as if he/she were continuously employed for purposes of determining benefits based on length of service.

## **H. ADMINISTRATIVE LEAVE**

### **1. POLICY:**

The Medical Center provides regular full-time, part-time, flex staff and management employees, time off with or without pay (consistent with [Medical Center Human Resources Policy No.502 “Work Hours and Schedules”](#)) as determined by Medical Center Human Resources for approved absences related to one of the following:

#### **i. Jury Duty**

Employees are eligible for paid Administrative Leave when they are summonsed to serve on a jury. The employee must present the Jury Duty notice to his/her supervisor upon receipt so that staffing can be arranged during the required absence. An employee who reports for Jury Duty but is not selected to serve on that occasion is expected to return to work. If court duty is completed before the end of the employee’s normal work schedule, the employee must return to work for the remainder of the shift or the additional time shall be deducted from the employee’s PTO balance. Administrative Leave covers only the actual time away from work for jury duty and reasonable travel time to and from the court.

Employees who appear and serve on jury duty for four or more hours, including travel time, shall not be required to start any work shift that begins on or after 5:00 p.m. on the day of appearance for jury duty or begins before 3:00 a.m. on the day following the day of appearance for jury duty.

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Note: Fees given to jurors by the court are considered reimbursement for expenses. Therefore, payments for expenses such as meals, mileage, parking, etc., may be retained by the employee.

ii. **Training or Emergency Missions with Civil Air Patrol**

The Medical Center shall grant Administrative Leave to employees who are volunteer members of the Civil Air Patrol to engage in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or to respond to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year. Human Resources shall determine whether the leave shall be paid or unpaid. Employees are not required to exhaust any other leave to which the employee is entitled prior to such leaves of absence.

The employee requesting leave must provide certification that the employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and verification from the Civil Air Patrol of the emergency need of the employee's volunteer service.

iii. **Other Court or Litigation/Prosecution Related Appearances**

Administrative Leave shall be granted to employees to appear as a crime victim or as a witness in a court proceeding or deposition as compelled by a subpoena or summons, or to accompany the employee's minor child when the child is legally required to appear in court. Human Resources shall determine whether Administrative Leave shall be paid or unpaid.

Administrative Leave shall **not** be granted for use by an employee:

- who is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony,
- who has received a summons to appear in traffic court (except as a witness), or
- who is a party to a civil case, either as plaintiff or defendant, or who has any personal or familial interest in the proceedings.

The Medical Center shall allow an employee who is a victim of a crime to be present at all criminal proceedings relating to the crime against the employee, provided the employee has provided his or her supervisor a copy of the standardized form provided to crime victims by the applicable law enforcement agencies and an official notice of the scheduled criminal proceeding. Paid Administrative Leave shall only apply when the employee's presence at such criminal proceedings is compelled by subpoena or summons. The Medical Center may limit the paid or unpaid leave provided to an employee who is a victim of a crime if the employee's absence creates an undue hardship for the Medical Center.

Administrative Leave shall be paid at the employee's current base rate of pay for any regularly scheduled time lost from work due to these appearances. The employee must

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present the subpoena, summons or other documentation of the court appearance to his or her supervisor to receive approval for Administrative Leave.

If the court appearance is completed before the end of the employee's normal work schedule, the employee must return to work for the remainder of the shift or the additional time shall be deducted from the employee's PTO balance. Paid Administrative Leave covers the actual time away from work for approved court appearances, as well as reasonable travel time to and from the court.

Reimbursement from a party to the litigation of daily expenses such as meals, mileage, parking, etc., may be retained by the employee. Employees using paid Administrative Leave for a court appearance or deposition as an expert or fact witness may not retain payments for services rendered. Under such circumstances, employees must either submit such payments to Medical Center Payroll or charge the absence to his/her Paid Time Off (PTO) balance.

If an employee is subpoenaed to serve as a witness in his or her role at the Medical Center, the absence will be considered hours worked and not Administrative Leave. ([See Medical Center Human Resources Policy No. 502 "Work Hours and Schedules"](#))

**iv. Pending Completion of Investigation for Alleged Misconduct or Criminal Conduct**

If an investigation is being conducted regarding an employee accused of misconduct or a crime which is related to work performance, or is accused of a crime that is of such a nature that to continue the employee in the assigned position would neglect the Medical Center's duties to the public or to other employees, the employee may be temporarily reassigned to different duties or placed on Administrative Leave pending the completion of the investigation. The decision to grant Administrative Leave will be based on the seriousness of the allegation and the facts initially established, and may be changed in light of facts revealed during the investigation.

Human Resources shall determine whether leave will be paid or unpaid. If the investigation substantiates serious misconduct or criminal conduct on the part of the employee, Administrative Leave may be revoked and the employee may be terminated, suspended or disciplined, as determined to be appropriate ([See Medical Center Human Resources Policy No. 701 "Employee Standards of Performance and Conduct"](#)).

**v. Work-Related Issues**

Paid Administrative Leave may be provided to employees who are seeking assistance or resolution for a work-related problem through the Grievance Procedure, the Human Resources Department, the Office for Equal Opportunity and Civil Rights, the Faculty and Employee Assistance Program or the University Ombudsman. A reasonable period of time may be approved by these offices for employees who have meetings, interviews or hearings with the above mentioned services provided that coverage of the employee's work responsibilities has been coordinated and approved by the supervisor.

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vi. **Unemployment Insurance and Workers' Compensation Claim Hearings**

An employee may be granted Administrative Leave for any regularly scheduled time lost from work to attend workers' compensation hearings or unemployment insurance hearings as a witness under subpoena, or regarding a personal worker's compensation claim. Human Resources shall determine whether leave shall be paid or unpaid.

An employee whose duties require attendance at these hearings will have that time considered hours worked.

vii. **Donating Blood or Blood Products**

An employee shall be granted paid Administrative Leave for time lost from work to donate blood or blood products at a donation site on the Medical Center campus. The absence must be approved in advance by the employee's supervisor and should be limited to the time necessary to complete the donation.

viii. **Disaster Relief Services**

For purposes of this policy, a disaster is defined as an event or condition, natural or man-made, which renders a jurisdiction or geographic region of the United States in need of emergency services resulting in:

1. a declaration of a state of emergency by the Governor of Virginia or the governor of another state; and/or
2. a declaration by the President of the United States of a major disaster within a jurisdiction or geographic region of the United States

An employee may be granted Administrative Leave for a maximum of 40 hours per year to provide disaster relief services where:

1. public officials at the site of the disaster have requested from federal or state officials the assistance of individuals with specialized skills or training; and
2. the employee possesses the requested skills or training; and
3. such skills and training are related to the employee's current position or profession

Each request for absence will be considered on a case by case basis and shall require the approval of the area operations chief and the Chief Human Resources Officer. The area operations chief and the Chief Human Resources Officer shall determine whether this leave shall be paid or unpaid.

ix. **Leave for Victims of Disaster**

An employee may be granted paid Administrative Leave for a maximum of 40 hours per year for time lost from work due to sustained severe or catastrophic damage to or loss of his or her primary personal residence or when the employee has been ordered to evacuate that

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residence as a result of a natural or manmade emergency or disaster. This does not include vacation or second homes, nor property owned but not occupied by the employee.

x. **Interviews for Positions Within the University of Virginia**

An employee may be granted paid Administrative Leave by Human Resources to interview for and to take employment tests for positions within the University of Virginia, provided that coverage of the employee's work responsibilities has been coordinated and approved by the supervisor. The employee may use Administrative Leave only for the actual time away from work for interviewing and testing.

Use of Administrative Leave to interview for University of Virginia positions outside the Medical Center is limited to three occurrences per calendar year; however, there is no limit for employment interviews within the Medical Center unless the employee's absence creates an undue hardship for the department.

xi. **Furlough Approved for Infection Control Issues**

If an employee is exposed to a communicable disease which poses a threat to patient safety, the employee may be granted Administrative Leave by Human Resources once the case is reviewed by Employee Health and Infection Control. The procedure will be as follows:

1. Exposure at home or in the community

i. Incubation Period

- a. The employee will be serologically screened, if appropriate, by Employee Health to ascertain if he/she is susceptible to the disease/illness.
- b. If susceptible, the employee will be placed on Administrative Leave during the incubation period, or if approved by Infection Control, he/she may be permitted to work in an alternative assignment that would not pose a threat to co-workers or patients.
- c. In cases in which employees have been instructed to submit verification of immunity or receive immunization and have not done so by specified time frames, and are later exposed, and then must be furloughed, employees shall not receive Administrative Leave but will be subject to leave without pay or may use PTO.

ii. Manifestation (Showing signs of illness)

- a. The employee will be removed from duty or if approved by Infection Control, he/she may be permitted to work in an alternative assignment that would not pose a threat to co-workers or patients.
- b. The employee will use accrued PTO/Catastrophic Leave for time confined from work and apply for short-term disability if applicable.

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- c. The employee will be cleared by Employee Health before being permitted to return to duty.

2. Exposure in the Medical Center

i. Incubation Period

- a. The employee will be serologically screened, if appropriate, by Employee Health to ascertain if he/she is susceptible to the disease.
- b. If susceptible, the employee will be placed on Administrative Leave during the incubation period, or if approved by Infection Control, he/she may be permitted to work in an alternative assignment that would not pose a threat to co-workers or patients.
- c. In cases in which employees have been instructed to submit verification of immunity or receive immunization and have not done so by specified time frames, and are later exposed, and then must be furloughed, employees shall not receive Administrative Leave but will be subject to leave without pay or may use PTO.

ii. Manifestation

- a. The employee will be removed from duty or if approved by Infection Control, he/she may be permitted to work in an alternative assignment that would not pose a threat to co-workers or patients.
- b. The employee may be placed on Workers' Compensation Leave if the disease manifests and if he/she is confined from work. ([See Medical Center Human Resources Policy No. 512 "Workers' Compensation"](#))
- c. The employee will be cleared by Employee Health before being permitted to return to duty.
- d. Employee Health will provide notice of approval of Administrative Leave to the employee and his/her manager. If notice of approval is not received following an absence for infectious illness, the absence should be charged to the employee's Paid Time Off (PTO) balance.

xii. **Suspension of Operations During a Declared Emergency Event**

An employee who reports to work for a scheduled shift and is subsequently sent home due to the suspension of Medical Center operations during a declared emergency event ([see Medical Center Human Resources Policy No. 510 "Emergency Event Declarations"](#)) may be eligible for paid Administrative Leave as required to ensure regular pay for the first two hours of the shift. The use of Administrative Leave for an event must be approved at the Chief level, in coordination with the Chief Operating Officer or Incident Commander as appropriate.

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## **I. PERSONAL OR EDUCATIONAL LEAVE**

### **1. POLICY:**

The University of Virginia Medical Center provides leaves of absence with or without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations, or to pursue course work that is applicable to their role with the Medical Center. Full-time, part-time and flex staff and management employees are eligible to request leave as described in this policy.

### **2. PROCEDURE:**

#### **i. Leave Requests**

As soon as eligible employees become aware of the need for Personal or Educational Leave, he/she should complete a Request for Personal/Educational Leave form and submit it to the supervisor for approval. Leave will not be granted until an employee has used any available Paid Time Off (PTO). Personal or Educational Leave with or without pay may be granted for up to twelve consecutive months.

Requests for leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

#### **ii. Benefits During Leave**

Subject to the terms, conditions, and limitations of the applicable plans, the Medical Center will continue to provide health, life and disability insurance benefits for the full period of approved paid Personal or Educational Leave. If the absence includes a period of leave without pay, the employee will be responsible for paying the entire cost of these benefit plans. PTO accrual is suspended after four full pay periods of continuous paid leave. PTO accrual is also suspended during any period of leave of absence without pay. PTO accrual resumes upon return to active employment. Personal or Educational Leave absences will not count toward completion of the 12 months of employment required under [Medical Center Human Resources Policy No. 301 "Educational Assistance"](#).

#### **iii. Return From Leave**

When a personal or education leave of absence ends, reasonable effort will be made to return the employee to the same position, if it is available, or to a comparable vacant position for which the employee is qualified. However, the Medical Center cannot guarantee reinstatement.

#### **iv. Failure to Return From Leave**

If an employee fails to report to work or notify his or her manager of the need for an extension at the expiration of the approved leave period, the employee will be deemed to have abandoned his or her position and shall be administratively treated as a resignation.

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## **J. PUBLIC SERVICE LEAVE**

### 1. POLICY:

As part of the Medical Center's commitment to the communities it serves and the advancement of education at all levels, it encourages employee involvement in schools and other service organizations. All regular full-time, regular part-time, flex staff and management employees may receive approval from their supervisor for up to 8 hours of paid Public Service Leave per calendar year to attend school functions or to perform volunteer work for a school or organizations specified below. Leave not taken under this policy will not be carried forward to the next year. There will be no payout for unused Public Service Leave.

### 2. PROCEDURE:

Employees must provide sufficient notice to meet their department's advance notice requirement for a scheduled absence. All Public Service Leave must be approved by the manager responsible for the employee's work area. Public Service Leave may be granted for the following activities:

- i. **Service Organizations** – Organizations that are community based or that have extensions of their organizations within a community, that provide services through voluntary efforts of citizens in the following ways:
  1. Relief to physically or mentally challenged persons;
  2. Health services, emergency relief and shelter, transportation and preparation or delivery of meals;
  3. Other direct health or welfare services for the economically disadvantaged; or
  4. Community services which assist residents, including child and youth development.

Examples of eligible organizations include volunteer rescue squads, volunteer fire departments, the American Red Cross and Habitat for Humanity.

- ii. **Eligible Agencies** – A public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs. Excluded is service provided through a church where the only recipients of the service are the constituents of the church (e.g. painting and maintenance of church buildings, yard work, serving on the church Board, etc.).

Note: Activities involving political campaigns, political groups or causes, or service at polling places do not qualify for use of this leave.

- iii. **Pre-school** – An early childhood program that serves children for more than nine hours per week, at any time from their birth until their eligibility to enter elementary school. While a preschool program may be home-based, like all other such programs, it must be registered, licensed or certified by the Virginia Department of Social Services, unless it is exempt from licensure under §63.2-1715 of the Code of Virginia.



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- iv. **School** – Schools for which this leave may be granted include any public or private preschool, elementary, middle or high school.
- v. **School Assistance** – Participation in school activities including meeting with a teacher or administrator of a public or private preschool, elementary school, middle school, or high school concerning an employee’s child, step-child, or children for whom the employee has legal custody; attend a school function in which such children are participating; perform volunteer work approved by any teacher or school administrator to assist a public preschool, elementary school, middle school, or high school.
- vi. **Home Schooling** – Assisting in the education of an employee’s child (step-child or child for whom the employee has legal custody) in state-approved home education curricula, including, meetings with local school board officials and required field trips.
- vii. **Volunteer** – A person who performs or gives services of his/her own free will. A person who renders aid, performs service, or assumes an obligation voluntarily without monetary compensation. In accordance with this policy, volunteer opportunities can occur in the following ways:
  1. **Volunteer Fire Departments and Rescue Squads** – Members of volunteer fire departments and rescue squads, or auxiliary units thereof, may be granted paid leave under this policy in accordance with §2.2-2821.2 of the Code of Virginia.
  2. **Other Volunteer Service Activities** – Employees may be granted paid leave under this policy to provide voluntary service as part of an organized service project sponsored by a community, national or other service organization such as those represented in Commonwealth of Virginia Campaign, Points of Light Foundation, etc. Examples may include the following:
    - a. Participate in Day of Caring activities;
    - b. Deliver meals to the elderly or to needy community citizens through an organization such as Meals on Wheels;
    - c. Attend non-profit boards and committee meetings (Scouts, Big Brother/Big Sister, Red Cross, etc.);
    - d. Participate in activities directly related to non-profit fundraising (e.g., set up/take down, registration, answering phones; recruiting/organizing/training volunteers);
    - e. Perform yard work, painting, cleaning, maintenance through a non-profit organization, or volunteer for Scouts, Big Brother/Big Sister, or other non-profit organizations.

## **K. BEREAVEMENT LEAVE**

### 1. POLICY:

The Medical Center provides regular full-time, part-time, flex staff, and management employees time off with pay in the event of a death of an Immediate Family Member.

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2. DEFINITIONS:

**Immediate Family Member** – For the purpose of absences due to a death: a) parents, including step-parents, in-laws and in loco parentis (a person who stood in place of parent); b) spouse; c) children, including step-children, foster children, sons-in-law, daughters-in-law; d) siblings, including step-siblings, siblings-in-law; e) grandparents and grandchildren; f) any person living in the employee's household.

3. PROCEDURE:

- i. Requests for Bereavement Leave shall be made to the employee's immediate supervisor as soon as the employee is aware of the need for leave.
- ii. Employees may take up to two shifts (a maximum of 24 hours) paid Bereavement Leave for days they are scheduled to work in the event of an Immediate Family Member's death. Example: An employee who works 8 hours per shift shall be compensated a maximum of 16 hours for Bereavement Leave. An employee who works 12 hour shifts shall be compensated a maximum of 24 hours for Bereavement Leave.
- iii. Bereavement Leave is paid at the employee's base hourly rate, not to include shift differential or any other variable pay amounts.
- iv. Full-time employees are paid their typical scheduled time per shift, up to 12 hours per shift. Part-time and part-time flex employees are paid according to their assigned classification. Example: A part-time flex employee assigned as a .5 flex shall be compensated for 4 hours per day, a maximum of 8 hours for Bereavement Leave.
- v. Employees shall take the paid Bereavement Leave within seven (7) calendar days of death or the funeral/memorial service of an Immediate Family Member.
- vi. Bereavement Leave is not deducted from Paid Time Off (PTO) balances.
- vii. Bereavement leave is not considered an occurrence, as defined in the Medical Center Attendance Policy ([Medical Center Human Resources Policy No. 704 "Attendance"](#)).
- viii. An employee may take additional time for bereavement with the approval of his/her immediate supervisor. Any additional time approved beyond the first two shifts of Bereavement Leave shall be compensated from the employee's accrued Paid Time Off (PTO) hours, if available, or from Catastrophic Leave if accruals are available and the 48 hour calendar year maximum has not been exhausted. ([See Medical Center Human Resources Policy No. 315 "Paid Time Off"](#))
- ix. An immediate supervisor may request supporting documentation to verify the relationship of the deceased to the employee.
- x. If Bereavement Leave should fall during an employee's pre-approved time off, a portion of the time off as outlined will be considered Bereavement Leave. For example, if an employee requests 80 hours of PTO and while on vacation, an Immediate Family Member dies, the employee should receive the appropriate amount of Bereavement Leave.

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- xi. Medical Center Pool, Unit-Based Pool and temporary employees may request time off without pay in the event of the death of an Immediate Family Member.

## L. PUBLIC HEALTH THREAT EMERGENCY LEAVE

### 1. POLICY:

The University of Virginia Medical Center protects the health of Medical Center employees and the public while providing continuity of services during times of pandemic illness or communicable disease outbreak.

This policy permits and requires eligible employees, including management employees, to attend to the medical needs of self and immediate family members by providing up to 80 hours of paid leave per Rolling Calendar Year when Communicable Disease of Public Health Threat conditions as defined in *VA Code* §§ 32.1-48.06, *et. seq.* have been declared by the State Health Commissioner and Governor.

Use of this policy is intended for illness directly related to the declared communicable disease threat.

The Medical Center's [Emergency Operations Plan \(EOP\)](#) will be used as a guide during a declared emergency.

### 2. DEFINITIONS:

- i. **Acceptable Medical Authority** – Doctors of Medicine and Osteopathy, Interns and Residents, Physician Assistants, and Nurse Practitioners licensed to practice in Virginia by the State Boards of Medicine or Nursing.
- ii. **Affected Area** – Any part or the whole of the Commonwealth, which has been identified as where persons reside, or may be located, who are known to have been exposed to or infected with or who are reasonably suspected to have been exposed to or infected with a Communicable Disease of Public Health Threat.
- iii. **Emergency Operations Plan** – An emergency response plan that addresses the continuity of the Medical Center's operations and the security of their customers and employees in the event of an emergency.
- iv. **Communicable Disease of Public Health Threat** – An illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected, or is known to be readily transmitted, directly or indirectly, from one individual to another, and has been found to create a risk of death or significant injury or impairment as described in *VA Code* § Section 32.1-48.06.
- v. **Designated Employees** – Designated employees are exempt and non-exempt employees who are required to work during an authorized closing because their positions have been designated by their managers or their designees as essential to agency operations during emergencies. Designated employees may be required to work during times they are not regularly scheduled to work. The Medical Center may designate different employees as

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essential for different situations, at different times and to serve different functions. Managers will determine Designated Employees and communicate that designation to employees in advance of an Exceptional Circumstance. Designated Employees will be expected to work in the event of an Exceptional Circumstance unless they can demonstrate they are unable to work due to their own illness or that of an immediate family member. A designated employee for purposes of this policy is not necessarily the same as a designated employee for purposes of [Human Resources Policy No. 510 “Emergency Event Declarations”](#) and it is therefore the Manager’s responsibility to designate and inform employees appropriately for the circumstances presented.

- vi. **Exceptional Circumstances** – When one or more persons within the Commonwealth are known or are reasonably expected to have been exposed to or infected with a Communicable Disease of Public Health Threat as described in *VA Code* §32.1-48.05.
  - vii. **Immediate Family Member** – Immediate family includes parents, step-parents or persons who stood in place of the parent and performed parental duties and responsibilities; a spouse as defined by laws of the Commonwealth; children, including step-children, foster children, and legal wards. Immediate Family Members must reside within an Affected Area.
  - viii. **Public Health Official** – Public Health physicians under the supervision and management of the State Health Commissioner who are licensed to practice medicine in the Commonwealth and have expertise in public health duties, epidemiology, sanitary science and/or environmental health, including Public Health physicians at all clinical sites administered by local health departments.
  - ix. **Rolling Calendar Year** – on any given day, that day and the 364 calendar days which precede that day.
3. PROCEDURE:

Upon the State Health Commissioner’s determination of the existence of Exceptional Circumstances relating to one or more persons within the Commonwealth who are known to have been exposed to or infected with a Communicable Disease of Public Health Threat, but prior to any formal declaration or emergency office closing decision, the Medical Center will apply the following procedures:

- i. The Medical Center shall remain open for business. All employees are expected to report to work as usual.
- ii. The Medical Center Administrator on call shall review the Medical Center’s Emergency Operations Plan and revise it as necessary in anticipation of widespread staffing deficiencies caused by a Communicable Disease of Public Health Threat. This Administrator will revise the Plan, as necessary, and communicate the Plan to be implemented to all Medical Center employees.
- iii. All employees shall be designated as essential or non-essential. This designation shall be based on the employee’s role, continuity of care and his/her impact on operations. Employees must be reminded by their managers of their designations and related performance expectations during Exceptional Circumstances and during a declaration of

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Communicable Disease of Public Health Threat. Managers must also advise employees that designations may change from time to time during either an Exceptional Circumstance or declaration of Communicable Disease of Public Health Threat as circumstances require.

- iv. The Medical Center shall communicate with employees in a clear and timely manner to ensure that employees are aware of the status of public health concerns, the Medical Center's Emergency Management requirements, Virginia Department of Health and Medical Center efforts to reduce the spread of, or exposure to, infection, and applicable human resource policies.
- v. Employees shall be compensated according to established compensation policies and overtime regulations.
- vi. Telecommuting work agreements may be executed for employees who can work at alternative locations to further promote social distancing. Those with approved telecommuting work agreements may be encouraged to work off site to reduce the risk of exposure while considering business needs to ensure that services to customers of the Medical Center are not disrupted.
- vii. The Medical Center may temporarily reassign employees to minimize critical staffing deficiencies. The reassignment must be consistent with employees' qualifications and training. Assignments may change from time to time based upon changing circumstances and staffing needs.
- viii. Employees who become ill prior to a formal declaration of Communicable Disease of Public Health Threat are subject to existing Medical Center leave policies. Managers shall encourage these employees to use existing leave to attend to their medical needs.
- ix. The Medical Center will implement measures that reduce the spread of communicable diseases in the workplace as recommended by the Virginia Department of Health, the Centers for Disease Control, and related Workers' Compensation policies and laws. This includes, but is not limited to, formally advising employees of precautionary measures that apply to the workplace and home, including the provision of community health or online resources that offer information and assistance on communicable disease prevention, respiratory manners, signs and symptoms of the disease, and when to seek medical attention, actively encouraging employees to independently take proactive steps to protect themselves and their families.
- x. Upon declaration and within the period of a Communicable Disease of Public Health Threat, all Management employees and all Regular Full Time, Regular Part Time and Flex staff employees are eligible for up to 80 hours of paid leave per rolling calendar year to attend to their own medical condition and/or to care for immediate family members residing in an Affected Area. To qualify for paid Public Health Emergency Leave, an employee must submit the required Medical Center leave request form to his/her immediate supervisor or to the supervisor's designee. The request form shall be submitted in a timely manner no later than the employee's return to work or upon an absence of 80 hours. The employee's primary care provider, a Public Health Official, or an Acceptable Medical Authority will be required to confirm the diagnosis of a communicable disease of public threat that requires isolation and/or medical attention for an employee or their immediate family member for a specified period of time. In the event that the diagnosis is for the

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employee himself or herself, medical release from one of the above noted providers, to return to work shall be required.

- xi. Upon declaration of a Communicable Disease of Public Health Threat, Medical Center Managers will direct ill employees to leave the workplace and attend to their medical needs. Time away from the job site to comply with this directive shall be applied toward the 80 hours of pre-authorized Public Health Emergency Leave. These employees are subject to the same leave request process as all other employees who request leave for illness. An employee's refusal to leave the workplace under these circumstances shall result in disciplinary action.
- xii. Recovering employees whose illness and/or isolation extends beyond 80 hours must use existing leave and/or disability policies to cover the remainder of their absences.

#### **M. BONE MARROW/ORGAN DONATION LEAVE**

##### 1. POLICY:

The University of Virginia Medical Center provides paid leave for up to 30 days within a 12 month period for approved absences due to the donation of bone marrow and/or organs. Employees must also be approved for Family and Medical Leave for the absence. The purpose of this policy is to describe the leave benefits available to eligible employees.

##### 2. DEFINITIONS:

**Eligible employees** – Full-time, Flex Staff and Management employees who have been employed by the Medical Center for at least 12 consecutive months and who have worked at least 1,250 hours during the 12 months prior to the request for leave due to organ donation.

##### 3. PROCEDURE:

- i. The employee must complete a Request for Bone Marrow/Organ Donation Leave form and submit it to his/her supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. The supervisor will provide a copy of the request to the Employee Relations Office.
- ii. The employee must also request FMLA and provide a Medical Certification Form to the Employee Relations Office. The Medical Certification Form must be completed by the appropriate healthcare provider and shall include a statement that the employee is unable to perform work of any kind, or that the employee is unable to perform the essential job functions of the employee's position for a specific period of time due to bone marrow or organ donation.

The Medical Certification form is due to the Employee Relations Office within 15 days of the FMLA leave request.

- iii. Any changes to the duration of the approved leave period must be promptly reported to the Employee Relations Office.

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Approved by Chief Executive Officer