

- N. If, at the expiration of the family and/or medical leave without pay period, an employee fails to report for duty, and no extension of the leave without pay has been granted, then the failure to report is deemed a resignation.
- O. Periods of paid leave and periods of leave without pay count towards the FMLA 12 week entitlement. This includes Workers' Compensation leave and shared leave and will run concurrently.
- P. Job Restoration: Most employees granted leave will be returned to the same position held prior to the FMLA leave or one that is equivalent in pay, benefits, and other terms and conditions of employment. Certain highly compensated salaried employees (key employees) are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.
- Q. Military Caregiver Leave: THE FMLA Act provides an eligible employee with up to 26 weeks of unpaid leave within a "single 12 month period" to care for the serious injury or illness or a spouse, child, parent or next of kin who is a member of the Armed Forces, including National Guard or Reserves. Military caregiver leave also allows an eligible employee who is the spouse, son, daughter, parent, or "next of kin" of a covered veteran with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to provide care for the veteran.
- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he or she: was a member of the Armed Forces (including a member of the National Guard or Reserves); was discharged or released under conditions other than dishonorable; and was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.
- R. A serious injury or illness is defined as an injury or illness that the service member incurred in the line of duty, while on active duty, that renders them medically unfit to perform the duties of their office, grade, rank or rating. The "single 12 month period" for Military Caregiver Leave begins on the first day the employee takes leave for this reason and ends 12 months later. Documentation and certification requirements can be found at the following links: <https://www.dol.gov/whd/regs/compliance/whdfs28mb.pdf> and <https://www.dol.gov/whd/regs/compliance/whdfs28ma.pdf>.
- S. Qualifying Military Exigencies include but are not limited to short notice deployment (seven or less days of notice prior to deployment, military events and related activities, making financial and legal arrangements, post-deployment activities, any other event that the employee and County agree is a qualifying military exigency.
- T. Grievance Procedure: It is the policy of Currituck County not to discharge or discriminate against any employee exercising his/her rights under the FMLA.