

Definitions Relating to Family Leave:

Term	Definition
Child:	<p>Employee's biological, step, adopted, foster, son or daughter, a legal ward, or a child to whom employee stands in loco parentis (someone who stands in place of a parent).</p> <p>State Family Leave provision: There is no age limit for a "Child" whom can be covered under the State Family Leave law. Under State law, it does not recognize "in loco parentis."</p> <p>Federal FMLA provision:</p> <ul style="list-style-type: none"> ➤➤ FMLA leave for reasons other than military caregiver leave or qualifying exigencies: "Child" must be under the age of 18 years; or a son or daughter 18 years or older who is incapable of self-care due to a mental or physical disability. ➤➤ FMLA leave for military caregiver leave or qualifying exigencies: There is no age limit for a "Child" whom can be covered.
Employer:	Research Corporation of the University of Hawaii
Health Care Provider:	<p>a) A doctor of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctor practices; or</p> <p>b) Any other person determined by the Secretary to be capable of providing health care services</p> <ul style="list-style-type: none"> ➤➤ Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; ➤➤ Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; ➤➤ Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; ➤➤ Any other health care provider defined in the Federal Family and Medical Leave Act of 1993.
Parent:	<p>Definition of "Parent" varies with State and Federal Family Leave laws.</p> <p>State Family Leave provision: "Parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, a grandparent, or a grandparent-in-law.</p> <p>Federal FMLA provision: "Parent" means a biological mother or father, or individual who stood in loco parentis (someone who stood in place of a parent) to an employee when employee was a child. Under the Federal FMLA, this term does not include parents "in-law".</p>
Spouse, Civil Union Partner:	Spouse as defined or recognized under State law. Civil Union Partner (and Reciprocal Beneficiaries) as defined by State law. "Civil Union Partners" and "Reciprocal beneficiaries" are covered under the State Family Leave law, but not the Federal Family and Medical Leave Act.

Definitions Relating to Family Leave

<p>Serious Health Condition: (In accordance with Family and Medical Leave Act of 1993)</p>	<p>a) A serious health condition is an illness, injury, impairment, or physical/mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider.</p> <p>b) Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive <u>full</u> calendar days, combined with (a) at least two in-person visits to a health care provider, or (b) one in-person visit to a health care provider and a regimen of continuing treatment. Incapacity due to pregnancy, incapacity due to a chronic condition, and other conditions may also meet the definition of continuing treatment.</p>
<p>Next of Kin (applies to Military Family leave)</p>	<p>A blood relative who has been designated in writing by the covered service member as his/her next of kin, or is the nearest blood relative of the covered service member (other than a spouse, parent, son or daughter) in the following order or priority: blood relatives granted legal custody of the covered service member, siblings, grandparents, aunts and uncles, and first cousins.</p>
<p>Serious Health Condition of a Covered Service member</p>	<p>Under the Federal FMLA provision, a Service member must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Be 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 a temporary disability retired list, for a serious injury or illness; OR a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. <p> (“Outpatient status” means the status of a member of the Armed Forces assigned to either (a) a military medical treatment facility as an outpatient; or (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients).</p> <ul style="list-style-type: none"> <input type="checkbox"/> With regard to current members of the Armed Forces, serious injury or illness means an injury or illness that renders the service member medically unfit and was incurred in the line of duty while on active duty or that existed prior to active duty and was aggravated by service in the line of duty on active duty. <input type="checkbox"/> A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
<p>Covered Active Duty or Call to Covered Active Duty:</p>	<p>“Covered Active Duty” for members of the REGULAR Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.</p> <p>“Covered Active Duty” for members of the RESERVE components of the Armed Forces (members of the U.S. National Guard, Reserves, and retired members of the Regular Armed Forces or Reserves who retired after completing at least 20 years of active service) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.</p>

Definitions Relating to Family Leave

Contingency Operation:	A military operation that is 1) designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or 2) results in the call or order to, or retention on, active duty of members of the uniformed services or any other provision of law during a war or during a national emergency declared by the President or Congress.
Key Employee	A salaried employee who is amongst the highest-paid 10% of all employees within 75 miles of your worksite.
Qualifying Exigency:	<p>The qualifying exigencies for which Military Family Leave may be taken include the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Short-notice deployment of a military family member (maximum 7 days of leave beginning on the date the military member is notified of an impending call or order to covered active duty); <input type="checkbox"/> Attending certain military events and related activities; <input type="checkbox"/> Arranging for alternative childcare, providing childcare on an urgent, immediate need basis, enrolling or transferring to a new school or daycare facility, or attending school meetings for children of the military family member when it is necessitated by or arises from a covered active duty or call to covered active duty status; <input type="checkbox"/> Addressing certain financial and legal arrangements caused by the military family member's covered active duty or call to covered active duty status; <input type="checkbox"/> Attending certain counseling sessions; <input type="checkbox"/> Spending time with the military family member who is on short-term rest and recuperation leave (maximum 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation Leave); <input type="checkbox"/> Attending post-deployment activities such as addressing issues that arise from the death of the military family member or attending reintegration briefings for a period of up to 90 days after termination of the military family member's covered active duty status; or <input type="checkbox"/> Providing care on an urgent, immediate need basis for, arranging to provide alternative care for, admit to or transfer to a care facility, or attending meetings regarding the parent of the military member who is incapable of self-care when it is necessitated by or arises from the covered active duty or call to covered active duty status.
Week:	<p>One (1) week of family leave shall be equal to the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> For full-time, salaried employees at 100% FTE, one (1) week shall be equal to 40 hours. <input type="checkbox"/> For part-time (less than 100% FTE), one (1) week shall be equal to 40 hours multiplied by the FTE%.
12-month calendar year period:	<p>For both the State Family Leave and Federal FMLA, Family Leave is based on a 12-month period measured on a calendar year (January through December) with the exception of the FMLA Military Caregiver Leave.</p> <p>Each time an employee takes FMLA, the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the 12-month calendar year. Every January 1, Family Leave entitlements are recharged.</p>