

# Family and Medical Leave Policy

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## Introduction

In accordance with the federal Family and Medical Leave Act (“FMLA”), and corresponding state family and medical leave laws, the Company, including any of its subsidiaries (collectively “the Company”), provides family and medical leaves of absence to eligible employees. Although the federal and state laws sometimes have different names, the Company refers to these types of leaves collectively as “FMLA Leave.”

## Scope

An employee is eligible if he or she has worked for the Company for at least 12 months (does not have to be consecutive months), worked 1,250 hours in the 12 months preceding the need for leave, and works at a location where at least 50 employees are employed by the Company within 75 miles. For the purpose of this policy, employment with another company that was acquired by the Company, or any of its subsidiaries, will count toward the 12-month eligibility requirement.

## Description

The Company provides family and medical leaves of absence to eligible employees.

## Policy

### FMLA Leave

In accordance with FMLA, eligible employees are entitled to a combined total of 12 weeks unpaid, job-protected leave for the following reasons:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee’s spouse<sup>1</sup>, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee’s spouse<sup>1</sup>, child, or parent is a covered military member on covered active duty<sup>2</sup> or called to active duty status; or
- twenty-six weeks of unpaid, job-protected leave to care for a covered service member with a serious injury or illness<sup>3</sup> if the eligible employee is the service member’s spouse<sup>1</sup>, child, parent, or next of kin (military caregiver FMLA leave).

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<sup>1</sup> Definition of spouse, under FMLA, expressly includes individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state. Some states laws extend spousal rights or coverage to other individuals, such as civil union partners, domestic partners, etc.

<sup>2</sup> The definition of covered active duty includes a foreign country deployment requirement.

<sup>3</sup> The FMLA definition of “serious injury or illness” for covered service members is distinct from the FMLA definition of “serious health condition” and includes pre-existing conditions aggravated in the line of duty while on active duty.

Spouses who are both employed by the Company are eligible to take a total of 12 weeks each of FMLA Leave to care for a child after birth or placement in their care through adoption or foster arrangements.

State laws may provide employees with leave for additional reasons or for different time periods. In any case, employees will be eligible for the most generous benefits available under applicable law.

### Qualifying Exigencies for Service Member FMLA

Eligible employees whose spouse, child, or parent in the Armed Forces, National Guard or Reserves on covered active duty or who has been called to covered active duty status, may use their 12-week leave entitlement to address certain qualifying exigencies, such as those described below:

- short-notice deployment: leave is permitted for up to 7 days from the date of notification if the military member receives 7 days or less notice of a call to active duty;
- military events and related activities;
- certain childcare arrangements;
- financial and legal arrangements;
- activities related to the care of a military member's parent who is incapable of self-care wherein those activities arise from the military member's covered active duty;
- attending counseling;
- rest and recuperation during deployment: Leave is permitted up to 15 days while the service member is on temporary rest and recuperation leave;
- attending post-deployment activities; or
- any other event that the employee and employer agree is a qualifying exigency.

### Military Caregiver FMLA

Eligible employees can take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Military caregiver leave is subject to the following provisions:

- leave can be taken continuously, intermittently, or on a reduced schedule;
- employees with more than one covered service member are limited to 26 weeks;
- if combining Military Caregiver Leave with other Service Member or Family/Medical leaves, a combined total of 26 weeks leave is available and only 12 of the 26 weeks may be used for a FMLA-qualifying reason not related to care for the covered service member;
- 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 incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his/her military duties; 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 has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the individual became a veteran.

### Leave Request Procedure

- Employees may apply for FMLA by calling the Company's Leave of Absence Reporting Center at 877-576- 8149;
- employees must provide 30 days' advance notice of the need to take FMLA Leave when the leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable;

- employees must provide the appropriate documentation and/or physician certification form within 20 calendar days;
- employees on intermittent leave must follow their normal absence notification procedures;
- the 12-week period is calculated on a rolling 12-month period measured backward from the date the employee first begins covered leave;
- the 26-week period for Military Caregiver FMLA begins on the first day the employee takes leave and ends 12 months after that date;
- leave under federal and state law will run concurrently to the extent permitted by law;
- employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Company's business operations; and
- employees using FMLA for a continuous period due to their own medical condition must provide a note from their physician releasing the employee to return to work, with or without accommodation. This should be done 2 weeks in advance of the return to work date so that the Company can properly schedule work for the employee.

Certification forms are available from the Company's Leave of Absence Reporting Center. At the Company's expense, the Company has the right to ask for a second opinion regarding an employee's own serious health condition. If required, the Company will select the physician. If the original certification and the certification from the second physician differ, the Company will require an opinion from a third physician at the Company's expense. The third physician will be jointly approved by the Company and the employee. The third opinion will be considered final.

Absent unusual circumstances, failure to comply with the Company's notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work upon the leave's expiration and has not obtained an extension of the leave, the Company may presume that the employee does not plan to return to work and has voluntarily terminated his or her employment.

### Leave on Intermittent or Reduced Schedule

FMLA Leave does not need to be taken in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary (for the employee's own care or that of a family member). Leave due to military exigencies may also be taken on an intermittent basis. Requests for intermittent leave to care for a new child will be reviewed on a case-by-case basis by the manager and the Company's Leave of Absence Reporting Center.

If an employee's request for intermittent leave is approved, the Company may later require employees to obtain recertification of their need for leave, as permitted by law. For example, the Company may request recertification if it receives information that casts doubt on an employee's report that an absence qualifies for FMLA Leave.

In accordance with applicable law, the Company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate an intermittent or reduced schedule when the time off involves planned medical treatment.

### Pay and Benefits During Leave

Generally, FMLA Leave is unpaid. Employees are permitted, but not required, to use their vacation or sick time, during FMLA Leave. FMLA Leave runs concurrently with benefits, such as Short Term Disability ("STD") and workers' compensation, as applicable, and in accordance with state laws.

Subject to the terms, conditions, and limitations of the applicable plans, the Company will continue to provide health insurance benefits for the full period of the approved FMLA Leave under the same

conditions as before the FMLA Leave. The employee remains responsible for his/her share of the premium.

### Job Restoration

Upon return from FMLA Leave, employees will be restored to their original or equivalent position with equivalent pay, benefits and other employment terms, unless the position has been eliminated or replaced due to business necessity. Employees will not lose any employment benefit that was earned or to which the employee was entitled prior to using FMLA Leave.

If an employee fails to return to work on the agreed upon return date, the Company will assume, unless otherwise required by law, that the employee has resigned. Key employees (salaried employees who are among the highest paid 10% of all employees employed by the company within 75 miles of the employee's worksite) may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence.

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated by the Company as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

An employee who fraudulently obtains Family and Medical Leave from the Company is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, the Company will take all available appropriate disciplinary action against such employee due to such fraud.

The Company reserves the right to modify this policy at any time, without prior notice, and at its sole discretion. Nothing in this policy is intended to create a contract, nor is it to be construed to constitute contractual obligations of any kind or a contract of employment between the Company and any of its employees. The Company is an employment-at-will company.

### Questions

If you have any questions about this Policy, please contact your local Human Resources representative.

### Reference Documentation

NONE