

## Federal Family and Medical Leave Policy

This policy summarizes your rights and responsibilities under the federal Family and Medical Leave Act (FMLA). There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy. Please help us process your leave request by complying with our leave procedures. If you have any questions, please contact the Human Resource Department. Be aware that state law or other company policies may also apply.

### **Eligibility**

You are eligible for FMLA leave if:

- At least 50 employees are employed by us within 75 miles of your work site;
- You have worked at least 12 months for us;
- You have worked at least 1,250 hours for us in the 12-month period before the date your leave starts; and
- You have FMLA leave time remaining.

### **Reasons for FMLA Leave**

The FMLA covers leave for the following reasons:

- Birth and care of your newborn child within 12 months after the date of birth;
- Placement of a child with you for adoption or foster care within 12 months after the date of placement;
- To care for your spouse, child or parent with a serious health condition;
- When your own serious health condition prevents you from performing one or more of the essential functions of your job;

**Married couples** In cases where a married couple is employed by the same company, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period.

### **Military Family Leave**

There are two types of Military Family Leave available.

**Qualifying exigency leave** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Attending certain military events;
- Arranging for alternative childcare;
- Addressing certain financial and legal arrangements;
- Periods of rest and recuperation for the servicemember (up to 5 days of leave)
- Attending certain counseling sessions;
- Attending post-deployment activities (available for up to 90 days after the termination of the covered servicemember's active duty status);

- Other activities arising out of the servicemember's active duty or call to active duty and agreed upon by the company and the employee.

**Leave to care for a covered servicemember** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

When both the husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.

### **Length of FMLA Leave**

For most types of leave, an eligible employee may take up to 12 workweeks of unpaid FMLA leave in a 12-month period. Military FMLA leave is outline above.

For all other types of FMLA leave, the 12-month period is a rolling 12-month period. Measured backward from the date the employee uses any FMLA leave. If you are also entitled to leave under state law and /or company policy, your FMLA leave will run at the same time as these other leaves.

### **Notice of Leave Required**

If you know in advance that you will need leave, you must complete a written "Request for Leave" form at least 30 days before leave begins, stating why you need leave. This form is available from the Human Resource Department and must be returned to the Human Resource Manager.

If 30 days' notice is not possible, you must tell us why you need leave as soon as you can. For emergency leave, you must comply with our call-in policy. If you are unable to give us notice yourself, a responsible person, such as your spouse or a family member must call and speak with the Human Resource Manager. It is essential that you explain where you can be reached. As soon as possible, you must complete a "Request for Leave" form and other forms the company sends to you so we can process your leave request.

If you need to extend your leave, you must request an extension in writing before your FMLA leave is scheduled to end. Please submit your request to extend leave to the Human Resource Manager.

### **Leave Certification**

If you need FMLA leave because of your own or a family member's serious health condition, or because of a military servicemember's serious injury or illness, we may require medical

certification from a health care provider. We may also require a nonmedical certification if you are taking leave because of an urgent need due to a family member's call to active duty in the National Guard or Military Reserve. After you request leave we will inform you whether a certification will be required.

We will give you a certification form for the health care provider or other necessary party to complete. If you don't have a form, you may obtain a copy from the Human Resource Department.

Please return the completed certification form as soon as possible but *no later than 15 calendar days* after we ask you for it. If you need more time, you must contact the Human Resource Manager. Extensions will be given only when circumstances prevent you from providing the certification within 15 days.

If you fail to return the certification on time, you may lose your protections under the FMLA and could be subject to discipline, up to and including termination, for any unexcused absences.

### **Intermittent or Reduced-Schedule Leave**

We will grant intermittent or reduced-schedule FMLA leave if a health care provider certifies that it is medically necessary, or if you have an urgent need for leave due to a family member's call to active duty in the National Guard or Military Reserve.

### **Use of Paid Leave or Accrued Vacation**

If you are eligible for paid leave or paid vacation under company policy, you may use it at the same time as your unpaid FMLA leave. If you choose to use paid leave or accrued vacation, you must contact the Human Resource Manager. If you are already receiving workers' compensation time-loss payments you cannot use paid vacation to supplement payments being received. If you are receiving temporary disability payments you may only supplement paid leave up to your current salary, in no case can the substitution of paid leave time or accrued vacation for unpaid leave time result in the receipt of more than 100 percent of your salary.

### **Continuation of Group Health Plan Coverage**

We will continue to provide group health plan coverage during FMLA leave on the same basis as if you were working, if you and your dependents are enrolled in the company's group health plan on the day before FMLA starts.

If you normally pay a portion of the medical premium for yourself and/or your dependents, we will continue to pay our portion during FMLA leave as long as you continue to pay your portion. Information on your specific payment schedule and the amount you must pay while on FMLA leave will be provided to you. You have the option of prepaying your portion of the premium before your FMLA leave. If you choose not to prepay, then your payment will be due on *regular paydays*. If you have questions about payment schedule, contact the Human Resource Department.

If you fail to pay your portion of the health insurance premium, you may lose coverage. If you do not promptly return to work at the end of your FMLA leave or if leave extends beyond your FMLA entitlement, you and your dependents may be eligible for extended coverage under the

federal Consolidated Omnibus Budget Reconciliation Act (COBRA) as explained in the Summary Plan Description for your medical plan.

If you do not return from FMLA leave, you may have to reimburse us for the payments we made to continue your group health plan coverage during your FMLA leave, unless your reason for not returning was due to circumstances beyond your control.

### **Call in Policy**

Our call-in policy applies to FMLA leave. If you need unforeseeable leave, you must follow the call-in policy. While you are on leave, you must periodically contact the Human Resource Department about your status, including your intent to return to work. A call-in schedule will be arranged after you tell us you need leave. Failure to call in under company policy will result in discipline, up to and including termination.

### **Reinstatement**

When you return from FMLA leave, in most cases you will be reinstated to your same job or to a job with equivalent pay, benefits and working conditions. Please note, however, that you have no greater right to a job when you return than if you had continued to work during the leave period. We may deny you reinstatement if you are considered a key employee; you will be notified at the time you request leave whether you are considered a key employee.

### **Other Policies**

You may not work for another employer or be self-employed during your FMLA leave. We will cancel your leave and take discipline action if you violate this policy.

You should not engage in activities during your leave that are inconsistent with your need for leave as stated in the leave certification. If your activities are inconsistent with the leave certification, we will take appropriate steps to reevaluate your need for FMLA leave. If we determine that you have abused your FMLA leave, you will be subject to disciplinary action up to and including loss of job reinstatement and termination of employment.

We will continue to apply our usual company policies and procedures to your FMLA leave except where they conflict with the FMLA. If you have any questions about your leave of absence, please contact the Human Resource Department.