

FAMILY AND MEDICAL LEAVE POLICY

Under the Family and Medical Leave Act of 1993 (FMLA), as amended, employees may be eligible for a period of job-protected unpaid leave for certain family and medical reasons as described below. This policy provides an overview of employee rights and responsibilities under the FMLA as well as the Company's own policies regarding leave. The Company has posted notices of employee FMLA rights at all Company facilities. The information in those posters is incorporated into this policy by reference. Further, federal and state law regarding family and medical leave changes from time to time, and to the extent any applicable federal or state law requires benefits beyond that which is provided in this policy, the Company will fully comply with any such applicable law.

General Eligibility

In order to be eligible for FMLA Leave, an Employee must:

- (1) have been employed by the Company for at least 12 months, which need not be consecutive months;
- (2) have been employed for at least 1,250 hours of service during the 12 month period prior to the commencement of FMLA Leave; and
- (3) be employed at a worksite where 50 or more Employees are employed by the Company within 75 miles of that worksite.

If the Employee is not eligible to receive FMLA Leave from the Company, any leave taken for medical or other reasons can be taken only as permitted by the Company's other leave policies. If the Employee is not eligible for FMLA Leave under this policy but nevertheless needs leave for a medical reason or as an accomodation for a disability, the Employee should contact the Human Resources Department to discuss the situation and the Employee's options under Company policy.

Types and Duration of FMLA Leave

(a) Basic FMLA Leave and Active Duty Leave

An Employee may be eligible for up to 12 weeks of unpaid leave during a rolling 12-month period (measured backward from the date you use FMLA Leave) for the following reasons:

1. the birth of the Employee's child and to bond with the child; or for placement of a child through adoption or foster care and to bond with the newly placed child. Such leave must be concluded no later than 12 months after the birth or placement of the child with the employee;
2. to care for an immediate family member (spouse, child under 18 years old or a child 18 and over that is incapable of self-care because of a disability, or parent) with a serious health condition;

3. because of a serious health condition which renders the Employee unable to perform the functions of his or her job; or
4. because of any qualifying exigency arising out of the fact that the Employee's spouse, son or daughter (of any age), or parent, who is serving in any branch of the military (including the National Guard or Reserves), has been deployed or called to active duty in a foreign country ("Active Duty Leave").

FMLA Leave is not available to care for: (a) a parent-in-law; or (b) a child 18 years of age or older, unless the child is incapable of self-care due to a disability as defined by the Americans with Disabilities Act.

Leave taken for any purpose by an Employee who is eligible for FMLA Leave will be designated by the Company as FMLA Leave, even if the Employee has not specifically requested FMLA Leave. FMLA Leave will run concurrently with any paid leave that the Employee applies toward an FMLA absence.

The beginning and ending dates for all FMLA Leave will depend on a healthcare provider's medical verification of commencement and cessation of actual inability to perform the essential functions of the job, or actual need to care for a spouse, child or parent as described below in the sections entitled Documentation Supporting FMLA Leave and Recertification. When leave is requested to care for an immediate family member, the Company further reserves the right to require documentation of the family relationship.

(b) **Military Caregiver Leave**

An Employee also may be eligible for Military Caregiver Leave to care for a spouse, son or daughter (of any age), parent or next of kin¹ who is: (1) a current member of the Armed Forces, including the National Guard or Reserves, and 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, which is incurred in the line of duty (or for a pre-existing injury or illness which is aggravated in the line of duty) and that renders the service member medically unfit to perform the duties of his or her office, grade, rank or rating, or (2) a veteran who was a member of any branch of the Armed Forces, including the National Guard or Reserves, and who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness that occurred in the line

¹ "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA Leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

of duty (or for a pre-existing injury or illness which was aggravated in the line of duty) at any time within five (5) years preceding the treatment, recuperation or therapy. A covered service member incurs a serious illness or injury for purposes of this paragraph when one of the following occurs:

- The injury or illness makes the service member medically unfit to perform the duties of his or her office, grade, rank or rating;
- The injury or illness causes the service member to have a VA Service Disability Rating which is 50% or greater;
- The injury or illness is a mental or physical condition which substantially impairs the service member's ability to obtain gainful employment; or
- The VA enrolls the Employee in the Department of Veteran Affairs Program of Comprehensive Assistance for Family Caregivers.

Eligible Employees are entitled to a total of 26 weeks of unpaid Military Caregiver Leave during a single 12-month period. This single 12-month period begins on the first day an eligible Employee takes Military Caregiver Leave (as long as it is within five (5) years of the covered service member's active duty) and ends 12 months after that date.

The leave entitlement described in this paragraph applies on a per-covered service member, per-injury basis. However, no more than 26 weeks of leave may be taken within a single 12-month period by any covered Employee. Even in circumstances where an Employee takes other leave covered by the federal FMLA under numbers 1-4 in the Basic FMLA Leave and Active Duty Leave section above, the combined leave shall not exceed 26 weeks during that 12-month period. For example, if an Employee takes 10 weeks of FMLA Leave due to his or her own serious health condition, the Employee may take only up to 16 weeks of Military Caregiver Leave during that same 12-month period.

Definitions

- (a) A “serious health condition” referenced in numbers (2) and (3) of the Basic FMLA Leave and Active Duty Leave section above means an illness, injury, impairment, or physical or mental condition that involves:
- (i) in-patient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacity or any subsequent treatment in connection with such in-patient care);
 - (ii) a period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves (i) treatment two (2) or more times by a health care provider or under the supervision of a health care provider within 30 days of the start of the incapacity, or (ii) treatment by a health care provider on at least one (1) occasion within seven (7) days of the start of the incapacity which results in a regimen of

- continuing treatment under the supervision of a health care provider;
- (iii) any period of incapacity or treatment due to pregnancy, or for prenatal care;
 - (iv) any period of incapacity or treatment due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
 - (v) a period of incapacity or treatment which is permanent or long-term due to a condition for which treatment may not be effective, during which the Employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
 - (vi) any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
- (b) A “qualifying exigency” referenced in number (4) of the Basic FMLA Leave and Active Duty Leave section above refers to the following circumstances:
- (i) short-notice deployment: to address issues arising when the notification of a call or order to active duty is seven (7) days or less;
 - (ii) military events and related activities: to attend official military events, family assistance programs, or briefings;
 - (iii) childcare and school activities: for qualifying childcare and school related reasons for a child, legal ward or stepchild of a covered military member;
 - (iv) care of the covered military member’s parent if the parent is incapable of self care;
 - (v) financial and legal arrangements: to make or update financial or legal affairs to address the absence of a covered military member;
 - (vi) counseling: to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
 - (vii) rest and recuperation: to spend up to fifteen (15) days for each period in which a covered military member is on a short-term rest leave during a period of deployment; or
 - (viii) post-deployment activities: to attend official ceremonies or programs sponsored by the military for up to ninety (90) days after a covered military member’s active duty terminates or to address issues arising from the death of a covered military

member on active duty.

Employees with questions or concerns as to whether a specific condition or treatment would be covered by the FMLA should contact [name of Company Contact Representative] before scheduling an absence.

- (c) The term “spouse” means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the Employee resides, including common law marriage and same sex marriage.

When Spouses Work Together

- (a) Basic FMLA Leave

Employees who are married and both work for the Company are eligible for a combined 12 weeks of unpaid leave for Basic FMLA if the leave is taken for the following reasons:

1. the birth of a child or to bond with the child after birth;
2. the placement of a child through adoption or foster care or to bond with the newly placed child; or
3. to care for a parent with a serious health condition.

This limitation does not prohibit either Employee from taking additional Basic FMLA Leave for which he or she may be eligible, such as leave to care for a child with a serious health condition or because of a serious health condition of the Employee.

- (b) Active Duty Leave

Employees who are married and both work for the Company are eligible for a combined 12 weeks of unpaid leave as discussed in the Active Duty Leave section above.

- (c) Military Caregiver Leave

Employees who are married and both work for the Company are eligible for a combined 26 weeks of unpaid leave as discussed in the Military Caregiver Leave section above.

Notice of Need for FMLA Leave

When the leave is not foreseeable, an employee who wants to take FMLA Leave must follow normal call-in policies and notify the person an employee would normally notify for an unexpected absence. Failure to adhere to normal Company call-in procedures can result in discipline, as with any other type of leave.

If the leave is foreseeable (including birth or placement of a child, planned medical care, leave due to active duty of immediate family member, etc.), the Employee must provide thirty (30) days advance notice to [name of Company Contact Representative]. If circumstances prevent providing the thirty (30) days advance notice, the Employee should provide notice to [name of

Company Contact Representative] as soon as practicable after learning of the need for leave. For an extension of requested leave, the Employee must inform his or her supervisor of the reason for the extension as soon as practicable after learning of the need for the extension. Employees should make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the Company.

If an Employee fails to give the required notice for foreseeable leave with no reasonable excuse, the Employee may be denied the taking of leave until the Employee provides adequate notice of the need for the leave. Failure to provide the required notice will constitute a violation of the Company's attendance policies, without statutory protection, unless the Employee was unable to immediately contact the Company due to an emergency.

If FMLA applies or is believed to apply, the employee will be required, thereafter, to contact Human Resources to complete a request for leave. The employee will be required to have prescribed forms completed to request leave.

Intermittent FMLA Leave

FMLA Leave may be taken intermittently or in the form of a reduced leave schedule under certain circumstances. Intermittent leave is FMLA Leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an Employee's usual number of working hours per workweek or hours per workday.

Intermittent leave may be available for an Employee's serious health condition or an Employee's immediate family member's serious health condition under certain circumstances and when the need for intermiten or reduced schedule leave is certified by a healthcare provider. Military Caregiver Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Active Duty Leave may also be taken on an intermittent or reduced leave schedule. Intermittent or reduced schedule leave is not available for the birth or placement of a child unless agreed to by the Company.

Employees who take foreseeable intermitten or reduced schedule leave must attempt to schedule their intermitten or reduced schedule leave so as not to disrupt the operations of the the Company and, in some instances, the Company may require employees taking foreseeable intermittent or reduced schedule leave to transfer temporarily to an alternate position for which the employee is qualified and which better accomodates the employee's leave schedule. Pay and shifts would not be affected by a change to an alternate position. Time worked in the alternate position would not count towards the employee's FMLA Leave entitlement.

Employees taking intermittent leave must follow the Company's standard call-in procedures absent unusual circumstances.

Documentation Supporting FMLA Leave

An employee requesting leave for a serious health condition must provide a completed FMLA Certification of Health Care Provider Form supporting the need for the leave. This form is available from [Name of HR Department or Contact Person]. A request for reasonable documentation of family relationship verifying the legitimacy of a request for FMLA Leave may

also be required.

The Employee will have fifteen (15) days in which to return a completed FMLA Certification of Health Care Provider Form following receipt of the form from the Company. If the Employee fails to provide timely certification after being required to do so, covered leave may be delayed moving forward until the certification form is finally submitted. Absences counted against the Employee for a late certification will not be reversed absent exceptional circumstances. If the Employee never returns the completed certification form, FMLA Leave will be denied and the absences will be unprotected. If the certification form is incomplete or insufficient, the Employee will be given written notification specifying the reasons why the certification is incomplete or insufficient and what information is needed to cure any such incompleteness or insufficiency. The Employee will have seven (7) days after receiving such notice to provide the necessary information to the Company.

In some circumstances, a second opinion related to the health condition may be required at the Company's expense. If the original certification and the second opinion differ, a third opinion, at the Company's expense, may be required. The opinion of the third health care provider, which the Company and the Employee jointly select, will be the final and binding decision.

A request for Active Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the covered service member's active duty orders. A request for Military Caregiver Leave must be supported by the Certification for Serious Injury or Illness of Covered Service Member form or Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave form, as well as any necessary supporting documentation.

Once the Company has received a complete and sufficient certification form from the Employee, the Company will advise the Employee whether he or she has been approved or denied FMLA Leave.

Recertification

In the following circumstances, the Company may, in its sole discretion, require recertification of the qualifying reason for FMLA Leave: (1) where the Employee needs more leave than the original certification justified; (2) where circumstances and facts cast doubt on the Employee's need for FMLA Leave; or (3) when the need for FMLA Leave extends beyond six (6) calendar months. In these situations, the Employee will have fifteen (15) days in which to provide a completed Recertification form.

Substitution of Paid Leave

Employees must substitute all accrued paid leave for unpaid FMLA Leave. Leave for the birth of a child and for an Employee's own serious health condition, including workers' compensation (to the extent that it qualifies), will be designated as FMLA Leave and will run concurrently with FMLA Leave. Employees will not be required to substitute paid leave for leave which is subject to wage replacement benefits under workers' compensation, pregnancy disability, or other policies. Employees will not be entitled to earn any form of compensation tied to performance,

production, or actual hours worked during a period of FMLA Leave. Employees are not entitled to greater benefits than they would have received if FMLA Leave had not been taken.

Benefits During FMLA Leave

Healthcare benefits will be maintained while an Employee is on FMLA Leave, subject to the payment of premiums explained in this section. Employees on paid FMLA Leave (because they are concurrently exhausting a paid leave benefit) will continue to have their premium payments deducted from their paycheck as if they were on non-FMLA paid leave. Employees on an unpaid FMLA Leave (for which no paid leave is substituted or after all paid leave has been exhausted) will need to make premium payments in order to maintain the benefits they received prior to commencement of the leave. If the payment is not received on the due date or thereafter, the Company will provide the Employee written notice of non-payment and provide fifteen (15) days to make the payment. If the payment is not made within the fifteen (15) day window, and at least thirty (30) days have passed from the due date, then coverage under the benefit plan will lapse, retroactively to the original due date.

If an Employee fails to pay his or her portion of the premium payments for benefit coverage, and the Company elects to make the Employee's portion of the premium payments to keep benefit coverage in effect during a period of paid or unpaid FMLA Leave for medical and dental benefits, and/or a period of unpaid FMLA Leave for other benefits, the Company may recover the amount of the premium payment from the Employee regardless of whether the Employee returns to work. The Company may recover its own share of the premiums paid for maintaining an Employee's medical and dental benefits during any period of unpaid FMLA Leave if the Employee fails to return from leave after entitlement has expired, provided the failure to return to work is for a reason other than: (a) the continuation, recurrence or onset of a serious health condition; or (b) other circumstances beyond the Employee's control. Decisions to remain with a family member who no longer requires the Employee's care or to remain at home following the birth or placement through adoption or foster care of a child who does not have a serious health condition will not be considered beyond the Employee's control.

Job Restoration

It is expected that following an FMLA Leave, Employees will return to work. Employees on FMLA Leave must notify their supervisor, at least two (2) business days in advance, of their status and intent to return to work. Employees returning from FMLA Leave must be able to assume all of the essential functions of their last regular position upon return. As a condition to restoring the Employee whose FMLA Leave was based on the Employee's own serious health condition, the Employee must provide certification from the Employee's health care provider, at the Employee's own expense, stating that the Employee is able to return to work and to perform the essential functions of his or her last regular position. This return to work statement is required for all serious health conditions unless the Employee has previously provided one for that condition within the past year. If safety issues exist, the Company may require a return to work statement every thirty (30) days.

Unless otherwise required by law, an Employee who fails to return to work at the expiration of an approved FMLA Leave will no longer have protected absences. Further absences will count

against the Company's attendance policies. If the Employee is unable to return to work and perform the essential functions of his or her last regular position at the end of the FMLA Leave due to a disability, the Employee should inform the Company prior to expiration of the FMLA Leave, and the Company will investigate the possibility of extending a reasonable accommodation.

Generally, Employees returning from FMLA Leave within twelve (12) weeks will be returned to the position that they held when they went on FMLA Leave, or a substantially similar position. However, if the Employee would have lost his or her position even if he or she had not taken FMLA Leave, then there exists no reinstatement right. For example, if the Employee's position is eliminated because of a reduction in force, then no reinstatement right exists.

Offices Not Covered By FMLA

The Family and Medical Leave Act does not apply to Employees in offices which have fewer than 50 Employees within a 75 mile radius of another office. In such offices, the Company will address and administer leave issues in accordance with other Company policies and in relation to the circumstances in that office at the time of the leave request. The provisions of the FMLA as set forth above, however, are not required to be applied, but may, to the extent practicable in the discretion of the Company, be utilized in whole or in part. The unique business needs of the office will be considered when evaluating any requests for leave.

Interaction with State Leave Laws

Certain states require employers to provide greater or different job-protected leave. When applicable, the Company complies with all such leave laws. When leave provided under one of these laws is covered under the federal FMLA, it also shall count toward the employee's federal FMLA Leave entitlement and as FMLA Leave under this policy. These leave laws vary by state, and the employee should contact Human Resources with any questions.

The sample forms provided as part of this presentation are intended merely for informational purposes. No representation is made as to the enforceability of these forms in any jurisdiction, and the materials should not be relied upon or construed as legal advice, or as a substitute for obtaining legal advice from an attorney licensed in the applicable jurisdiction(s).