

<b><i>EAST PENN MANUFACTURING CO., INC.</i></b>			
<b>EAST PENN POLICIES AND PROCEDURES MANUAL</b>			
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Approved By: Robert D. Harrop		Document No.: EPPM\PERSON\ADMIN.DOC	

## **Covid-19 Policy Concerning FMLA/Disability and other Leave Issues**

As of April 1, 2020, East Penn Manufacturing (EPM) has contracted with Absence One (Sedgwick) to act as a 3rd party administrator for approving/disapproving FMLA and/or short-term disability leaves for employees. Due to the spring 2020 COVID-19 pandemic situation, EPM has outlined below specific policy issues pertaining to the special circumstances.

### Self Illness or caring for a sick family member with COVID-19:

An employee who is sick or whose family members are sick may be entitled to leave under the FMLA and/or Disability Leave under certain circumstances. The FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave in a designated 12-month leave year for specified family and medical reasons. This may include COVID-19 where complications arise that creates a "serious health condition" as defined by the FMLA. Employees on FMLA leave/Disability Leave are entitled to the continuation of group health insurance coverage under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Workers who are ill with COVID-19 or have an immediate family member with COVID-19, need to stay home to minimize the spread of the pandemic at work. Appropriate FMLA or short-term disability leave will be provided to affected employees upon approval from Absence One. Note: Employees may receive Disability/FMLA for themselves; and only FMLA to care for a family member. Employees who do not have any known exposure or symptoms of COVID-19 and take a test as a precautionary measure would not be eligible for disability or leave if the test results are negative, and should return to work immediately. **As of November 29, 2020, employees will be limited to one occurrence of paid disability leave for quarantine reasons unless the quarantine is mandated by the company due to work exposure.**

### Staying home to prevent potential exposure to COVID-19:

Absences taken by an employee for the purpose of **preventing potential exposure** to COVID-19 **would not** be protected under the FMLA and/or short-term disability. If an employee is NOT ill or experiencing any symptoms, the employee will be required to report to work as scheduled or utilize excused days granted from the company such as Vacation Days and Personal Holidays.

### Caring for healthy family members:

There is currently no federal law covering employees who take off from work to care for healthy children or for caring for dependents who have been dismissed from school or child care. East Penn will allow employees to use all their available days to excuse absences due to child care issues including vacation days, personal holidays, deer hunting days and employee excused days. Additionally the company will provide up to 5 "excused by manager" days to assist employees with more time to get appropriate care in place. After all days are exhausted, the employee will be expected to either return to work or resign.

### Quarantined Employees:

**Quarantined by EPM due to potential work exposure:** Employees who have been identified as potentially exposed to COVID-19 at work will be sent home for 10 calendar days and **placed administratively on short-term disability leave and/or FMLA if applicable**. After 10 calendar days and if the employee is symptom free, they will return to their regular job and benefits. IF the employee has

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symptoms after 14 calendar days, they will continue on short-term disability leave and/or FMLA as long as medically substantiated.

**Quarantined by EPM due to exposure outside of work from a person positive for COVID-19:**

Employees who have been identified as potentially exposed to COVID-19 will be sent home for 10 calendar days and placed administratively on short-term disability leave and/or FMLA if applicable with proof of positive COVID-19 test results. After 10 calendar days and if the employee is symptom free, they will return to their regular job and benefits. IF the employee has symptoms after 14 days, they will continue on short-term disability leave and/or FMLA as long as medically substantiated. Employees who are quarantined due to being exposed with proof of valid test results of this exposure, will only be paid disability pay for up to 2 occasions in a 6 month period.

Travel:

As of May 22, 2020, East Penn will no longer require employees to report travel (business or personal) to the Medical Department for quarantine reasons unless the employee begins to experience any symptoms. East Penn will only quarantine employees due to travel reasons if the person is experiencing symptoms of COVID-19 or tests positive. (With exception of any state related mandate exceptions)

PA State Travel Ban as of 11/20/20 Procedures:

If an employee discloses to Medical or Personnel that they traveled out of state from 11/20/20 onward, we are following the guideline below:

- Employee needs to get a test ASAP and report result to Medical to return. Any days off waiting for a result will be coded as EM without pay. If the employee does not work the day before and after the holiday, they will not be paid holiday pay
- IF the employee cannot get tested because they are refused a test due to no symptoms: medical will determine the number of days off work to quarantine. These days will not qualify for disability pay.
- Employees will be required to use available time off (including up to 5 vacation days, EE days and DH days) to cover any days missed from work due to this mandate (consistent with our current FMLA intermittent leave policy). If an employee does not have available days to use, the days will be excused and not paid.
- Anyone with a negative result should drop the result off at Medical to be cleared to return to work
- The Personnel department reserves the right to request proof of travel for any employee requesting to quarantine vs. getting a test.
- The first day of quarantine (if necessary) will start with the employee's first day back in the state of PA (Medical will verify this date and report it to the appropriate plant).

High Risk Employees:

At the beginning of the COVID-19 pandemic in March 2020, employees who self-identified and were medically confirmed as "high risk" (*The following is from the CDC website which has defined "high risk" as "older" adults (65+) and people who have serious medical conditions such as: congestive heart failure, coronary artery disease, diabetes, neurological conditions that weaken the ability to cough, weakened immune system, current or recent past chemotherapy or radiation for cancer, sickle cell anemia, chronic kidney disease requiring dialysis, cirrhosis of the liver, lack of spleen or a spleen that doesn't function correctly, chronic lung disease/asthma, extreme obesity (body mass index BMI greater*

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*than or equal to 40) and people who are pregnant)* were administratively put on disability leave by the company in lieu of layoff. Some of these cases may not have followed the normal protocol for certification by Absence One.

East Penn has implemented the recommended safety precautions, therefore, the eligibility standards and protocols of the EPM short-term disability leave program will be applied to any new requests, or extension of existing approvals. Eligible employees and/or their treating medical professional must:

- show complete inability to perform any and every duty of the employees occupation or of a similar occupation for which they are reasonable capable, and
- be continuously treated by a physician, with objective medical findings/documentation provided

An Attending Physicians Statement will be provided, and must be completed in its entirety with as much detail as possible for all new and approval extension requests. The form will be provided by AbsenceOne upon request for a new disability leave or extension

**AbsenceOne should be made aware of any issues obtaining the necessary medical certification for new claims or extensions as soon as possible. AbsenceOne will work with employees and their medical provider to ensure accurate and timely processing.**

#### Return to work:

If an employee is diagnosed with COVID-19, they are required to provide a doctor's note and validation of being symptom free, before being allowed to return to work. This note must be provided to the EPM Medical department and AbsenceOne.

#### Lay-off vs. FMLA/Disability Leave:

If an employee is covered and eligible under FMLA and is needed to care for a spouse, daughter, son, or parent who has a serious health condition, then the employee is entitled to up to 12 weeks of job-protected, unpaid leave during any 12-month period. Some states may have similar family leave laws. In those situations, covered employers must comply with the federal or state provision that provides the greater benefit to their employees. If an employee is approved for FMLA/Disability Leave and work is otherwise available for the employee, the employee MAY NOT apply for unemployment compensation. East Penn will report to the state UC that work was available but not for the disability situation for the employee in these cases.

Under FMLA, employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. In addition, employees are required to provide to Absence One:

- medical certification supporting the need for leave due to a serious health condition affecting the employee or a spouse, son, daughter or parent, including periodic re-certification;
- periodic reports during FMLA leave regarding the employee's status and intent to return to work; and
- a fitness for duty certification, if requested

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Under the Americans with Disabilities Act, qualified individuals with disabilities may be entitled to unscheduled leave, unpaid leave, or modifications to the employer sick leave policies as “reasonable accommodations.” These are modifications or adjustments to jobs, work environments, or workplace policies that enable qualified employees with disabilities to perform the essential functions (i.e., fundamental duties) of their jobs and have equal opportunities to receive the benefits available to employees without disabilities. Employees requesting accommodations should contact the Medical Department to schedule a meeting to discuss the interactive process.

#### **Record of Revisions**

<b>Revision #</b>	<b>Revision Date</b>	<b>Description</b>
1	12/4/2020	Updated the quarantine timeframe, disability leave, travel ban procedures as well as adhering to state regulations. Change #5444