

EAST PENN manufacturing co., inc.

EAST PENN POLICIES AND PROCEDURES MANUAL

Revision No.: 7

Effective Date: 5/1/01

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Change # 3270

Approved By: Robert D. Harrop

Document No.: EPPM\PERS\SEC1\10A.DOC

FAMILY AND MEDICAL LEAVE ACT POLICY

The following policy will define the policy and procedure of EAST PENN MFG., pertaining to Family Leave as required by the Family and Medical Leave Act (FMLA) of 1993.

Employees who have worked for EAST PENN MFG., for at least twelve (12) months and have at least 1,250 hours worked during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave, and for Injured Servicemember leave up to twenty-six (26) weeks of unpaid leave. A total of 12 weeks of leave is available even if an employee experiences more than one qualifying event per year. EAST PENN MFG. administers the FMLA using a calendar year of April 1 to March 31 each year. Injured Servicemember Leave is only available during a single 12-month period.

The FMLA can be used for the following reasons:

1. Birth and /or care for a child of the employee;
2. Placement of a child into the employee's family by adoption or by foster care agreement;
3. In order to care for the employee's spouse, child, or parent who has a serious health condition; and
4. A serious health condition, which renders the employee unable to perform the functions of the employee's position. (Ref: "Family Leave Condition Qualification Sheet")
5. Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Injured Servicemember Leave - In order to provide care for an employee's spouse, child, parent or next of kin who is an injured Armed Forces Servicemember.
7. Immediate family members (spouses, children or parents) or soldiers, reservists and members of the National Guard who have a "qualifying exigency" may receive up to 12 weeks worth of FMLA time. Active Duty Leave – In the event an employee's immediate family member (spouse, child, or parent) is on active duty (or has been notified of an impending active duty call or order) in the Armed Forces and has a "qualifying exigency". "Qualifying exigency," examples could include overseas assignments, recalls to active duty and troop mobilizations.

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- A. • In the case of unpaid leave for a father due to the birth of a child, up to 12 weeks will be approved. If the company employs both spouses, the combined leave shall not exceed twelve (12) weeks.
- In the case of Injured Servicemember Leave, if the company employs both spouses, the combined leave shall not exceed 26 weeks.
- B. Active Duty Leave counts as part of the 12 weeks of basic FMLA Leave available to an eligible employee, and counts as part of the 26 weeks available for Injured Servicemember Leave. However, Injured Servicemember Leave is separate from basic FMLA Leave and will not count against it.
- C. In the case of unpaid leave for serious health conditions and Injured Servicemember Leave, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Active Duty Leave also may be taken intermittently or on a reduced hours basis. If intermittent or reduced hours leave is required, the company may in its sole discretion temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.
- D. It is the responsibility of the employee to notify the company of their intent to use approved FMLA time.
- Reporting off work for an FMLA day requires the employee to follow the Guidelines for Proper Notification under East Penn policy and to call directly to East Penn's Medical Department and speak to a nurse on staff. When calling off, indicate your name, employee number, amount of time being used and indicate it is a family leave day. Any FMLA time off of three days or longer requires a doctor's note and clearance for return to work by the Medical Department in accordance with company policy. Additionally, a doctor's excuse is required if FMLA is taken the day before or after a paid holiday in order to obtain payment for that day. Employees who are required to use vacation time during the week of shutdown are not eligible to use FMLA days during the shutdown week and will receive vacation pay.
 - When approved intermittent FMLA time is foreseeable (i.e.: Doctor appointments, scheduled diagnostic tests or treatments) employees must notify their plant and the medical department prior to the day intended for leave.
 - When intermittent FMLA time is not foreseeable the employee must call off to both his/her plant call off number and the medical department number (610) 682-3253 as soon as possible. Failure to properly notify the company could result in denial of your FMLA day and/or result in disciplinary action for failure to properly call off from work.
 - Employees requesting FMLA for an out of country spouse, child or parent must personally schedule an appointment with East Penn's disability staff to review the specific need in advance of the time leave is required. Specific forms will be reviewed and given to you at this appointment. FMLA time will only be granted if the employee's presence is required for care of the family member.

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- E. During absence due to family leave, the company will continue to pay its portion of the health insurance premiums. The employee must continue to pay their weekly contribution toward their health insurance premium while they are on unpaid Full Time FMLA. Payment must be made each month in order to maintain coverage. Payment arrangements must be made with the East Penn Benefits Department, prior to the leave. If the employee decides not to return to work for reasons other than a continued serious illness, the company will require the employee to reimburse the company the amount it paid for the health insurance premium during the leave period. This condition does not apply to situations where FMLA is run concurrent with Personal Disability or Workers Compensation.
- F. An employee taking **intermittent** leave under this policy must first use available days in the listed order as part of their FMLA period: 1. EE days, 2. DH days, 3. Five vacation days in each FMLA year (April 1-March 31). An employee may choose to use a vacation day prior to EE and DH if requested. An employee **on full-time** leave must first use available days in the listed order as part of their FMLA period: 1. EE days, 2. DH days in each FMLA year (April 1-March 31). Full time leave is defined as a period of time of 3 consecutive working days or more.
- G. The company uses a third party administrator to certify the FMLA. Periodic re-certification may be required. If the Family Leave is independent of a disability and/or workers compensation claim, the "Family Leave Claim Form" must be completed. The employee will be notified of their FMLA claim status. Approved Personal Disability and Workers Compensation total disability absences will automatically apply to FMLA.
- H. Employees requesting leave under this policy must report their request to the Medical Department. When an employee plans to take leave under the policy, a 30-day notice is required. If the 30-day notice is not made, and there is no reasonable excuse for the delay, the leave can be denied until 30 days from the date that the Medical Department receives the notice. If the need for a leave is not foreseeable, an employee should give notice to the Medical Department of the need for FMLA leave as soon as practical under the facts and circumstances of the particular case. It is expected that an employee will give notice to the Medical Department within no more than two working days of learning of the need for the leave, except in extraordinary circumstances where such notice is not feasible. The employee or person providing notice will be expected to provide the balance of information needed to support a leave request as soon as practical given the circumstances.
- I. When an employee returns to active employment, he/she will return to the same or an equivalent position with equivalent employee benefits and compensation and other conditions of employment. Equivalent is defined as substantially the same but not exactly equal.
- J. Generally, an employee may not work for any other employer during FMLA leave. If an employee obtains or continues to work for another employer while the employee is on FMLA leave from East Penn Manufacturing, the employee must notify East Penn's Medical Department immediately. Violation of this policy will be deemed falsification of the reason for leave and subject to disciplinary action up to and including termination.

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- K. The company reserves the right to require periodic medical updates. Furthermore, the company also reserves the right to require recertification no more often than once every 30 days. If the original certification is for more than 30 days, no recertification may be required until the initial certification period expires. Requests for recertification may be more frequent if the employee requests an extension of the leave, if conditions have significantly changed or if information arises which casts doubt on the stated reason for the absence. The employee must provide recertification within 15 calendar days after the company requests it. If the employee's healthcare provider fails to cooperate by completing the Certification of Healthcare Provider form, or fails to complete the form on a timely basis, the employee is expected to find a healthcare provider who will meet the deadline. If the employee never provides the Certification of Healthcare Provider form, the Company may refuse to designate or may remove its conditional designation of the leave as Family and Medical Leave.

1. I have read and understood and received a copy of the East Penn Family and Medical Leave Policy.
2. While I am out of work on Family Leave, I will account for all absences by contacting the Medical Department and my plant. The Medical Department number is 610-682-3253.
3. It is my responsibility to provide the necessary documentation from my physician for time taken under my approved intermittent FMLA.

Family Leave Contacts:

Cindy Swan RN Disability Claim Coordinator ext. 2880

Laurie Heagy RNBS Medical Services Manager ext. 2485

Odaliza Ullola ext. 2636

Record of Revisions

Revision #	Revision Date	Description
2	11-10-11	Change Number 1480 updated header and footer and information
3	11-12-12	Change Number 1751 update Military information
4	6-13-13	Change number 1892 update to letter F regarding utilizing days
5	4-11-14	Change #2038 update regarding utilizing days on full-time leave
6	11-14-16	Change # 3231 Contacts for Family Leave addition
7	12-9-16	Change #3270 Updated/clarified signature/receipt page

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Certification of Receipt

I, _____, have read and received a copy of the FMLA policy. As stated in line item J, I understand that I may not work for another employer during my FMLA with East Penn Mfg. I also understand that I must inform East Penn Mfg if I am currently working for another employer or if I obtain another position with a different employer while out of work on a full-time or intermittent basis for FMLA.

Employee Signature: _____ Date: _____

East Penn Verification: _____ Date: _____

Additional comments made by employee:
