



8.8 Family and Medical Leave

To balance the demands of the business and the family needs of employees, the Company provides leaves of absence to eligible employees for certain family and medical reasons. This policy is intended to comply with a federal law known as the Family and Medical Leave Act of 1993 (FMLA).

1. Eligibility: You are eligible to request FMLA leave if have worked for the Company, as of the date the requested leave is to begin: i.) for at least 12 months, and, ii.) for at least 1,250 hours during the previous 12 months prior to the date the leave begins, and work at or report to a worksite which has 50 or more employees or is within 75 miles of Company worksites that taken together have a total of 50 or more employees.

The 12 months that an employee must have been employed by the Company to be eligible for FMLA leave need not be consecutive. Except in certain limited circumstances relating to military leave, any period of employment with the Company prior to a break in service of seven years or more will not be counted in computing 12 months' service requirement.

2. You may request FMLA leave for the following reasons:

- a. Parenting Leave. You may take this type of leave to care for a new son or daughter. This includes your new children by birth, by adoption, or foster care placement.
- b. Family Medical Leave. You may take this type of leave to care for the serious health condition of your spouse, child or parent.
- c. Employee Medical Leave. You may take this type of leave for your own serious health condition, if the condition renders you unable to perform your job functions.
- d. Military Family Leave. You may take this type of leave for your own "Qualifying Exigency" arising out of the fact that your spouse, son, daughter or parent is on active duty in the Armed Forces. More information on State Military Family Leave (SMFL) can be found in the Military and Military Family Leave Policy.
- e. Military Caregiver Leave. You may take this type of leave to care for a spouse, child, or parent who is a covered service member who is recovering from a serious illness or injury incurred or aggravated in the line of duty on active duty in the Armed Forces. A covered service member includes:
 1. A member of the armed forces (including National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list for a Serious Injury or illness suffered in the line of duty; or
 2. A veteran who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or illness suffered in the line of duty and who was a member of the armed forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation, or therapy.

3. Qualifying Exigencies include:

- a. *Short-notice deployment.* The eligible employee can take leave to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty seven or fewer calendar days prior to the date of deployment.

- b. *Military events and related activities.* The eligible employee can take leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty of the covered military member and to attend family support or assistance programs and information briefings.
- c. *Childcare and school activities.* Leave can be taken to arrange for alternative childcare when the active duty or call to active duty necessitates a change in the existing childcare arrangement for a child of the military member; to provide childcare on an urgent, immediate need basis (as opposed to a regular or everyday basis); to enroll or transfer a child to a new school or day care facility; and to attend school and daycare meetings.
- d. *Financial and legal arrangements.* Leave can be taken to make or update financial or legal arrangements to address the covered military member's absence while on active duty. Such leave includes preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, and preparing or updating wills or living trusts. In addition, this leave covers time off to act as the military member's representative to obtain, arrange, or appeal military service benefits.
- e. *Counseling.* The eligible employee can take leave to attend counseling sessions for the military member or his child if the need for counseling arises from the member's active duty or call to active duty status.
- f. *Rest and recuperation.* Up to fifteen days of leave can be taken to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment.
- g. *Post-deployment activities.* The eligible employee can take time off to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for up to 90 days following the termination of the covered military member's active status. In addition, leave can be taken to address issues arising from the death of the military member.
- h. *Additional activities.* If the employer and employee agree, the eligible employee also can take leave for any other events that arise out of the military member's active duty or call to active duty.

4. Serious Health Condition: A serious health condition is defined as one that requires either in-patient care or continuing treatment by a health care provider. Included are most conditions requiring surgery, other conditions that require extensive therapy or treatment, and pregnancy, childbirth and recovery from childbirth.

The FMLA and its interpretive regulations define terms and establish rules for each of these types of leave. For example, you may only take Parenting Leave during the 12-month period that begins on the date of birth, adoption or placement. In addition, for purposes of Family Medical Leave, a parent means your biological parent or an individual who stood in the place of your parent when you were a child. The term parent does not include parents-in-law. Son or daughter, means your biological, adopted or foster child, your stepchild or legal ward, or a child for whom you stand in the place of the child's parent, who is either under age 18 or is over age 18 and incapable of self-care because of a mental or physical disability.

5. Duration of Leave: If eligible, you are entitled to a total of 12 workweeks of leave, based on your normal hours per week, during a 12-month period. A 12 month-period, for purposes of FMLA leave, is a rolling 12-month period measured backward from the date you use FMLA leave other than Military Caregiver Leave. For Military Caregiver Leave, eligible employees are entitled to up to 26 workweeks of leave in a single 12-month period. For purposes of Military Caregiver Leave only, the "single 12-month period" is the 12-month period measured forward from the first date of Military Caregiver Leave.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's FMLA leave entitlement. An employee may not combine forms of leave to exceed the maximum entitlement under the law. In other words, an employee is only eligible for a total of 12 or 26 weeks a year, as applicable, depending on the reason for the leave.

Spouses who both work for the Company will be limited to a combined total of 12 weeks of FMLA leave per Leave Year for the birth, adoption, or foster placement of a child, or to care for a parent with a Serious Health Condition. Spouses who both work for the Company will likewise be limited to a combined total of 26 weeks of FMLA leave during the single 12-month period to care for a covered servicemember.

6. Substitution of Paid Leave: Generally, FMLA leave is unpaid. If, however, you also have accrued paid time off of other types from the Company, and if your leave request is approved, you will receive these benefits at the same time as you are receiving FMLA leave benefits.

7. Intermittent or Reduced Schedule Leave: Under certain circumstances, you may take intermittent or reduced schedule leave in increments of no less than one hour. Intermittent leave generally means leave taken on an occasional basis for such reasons as medical treatments. Reduced schedule leave means a temporary, but regular, change in your usual number of work hours per day or hours per week. If you take Parenting Leave, you are not entitled to take leave intermittently or on a reduced schedule. For Family Medical, Employee Medical or Military Caregiver Leave, you may take intermittent or reduced schedule leave if it is medical necessary.

You must provide certification to the Company that a medical need for leave exists, and that the medical need can be best accommodated through an intermittent or reduced schedule leave. In this case, you must attempt to schedule your leave so as not to disrupt the Company's operations. In addition, if you request intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Company may require that you transfer temporarily to an available alternative position, with equivalent pay and benefits, for which you are qualified and which better accommodates intermittent or reduced schedule leaves.

8. Request and Notification Requirements: You must notify the Company of your desire to take FMLA leave at least 30 days before the date FMLA leave is to begin, by requesting and completing a *Request for Leave Form* (except in cases of medical emergency or unexpected changed circumstances, in which case, you must give notice as soon as practicable after you are aware that you need to take FMLA leave.) Request for Leave Forms can be obtained from the Human Resources Department. At the time you obtain a Request for Leave Form, you will be provided with a Leave Notice explaining certain rights and responsibilities you will have regarding FMLA leave.

If you request a Family Medical, Employee Medical or Military Caregiver Leave, you must submit a medical certification from your, or your family member's, health care provider within 15 days after you have been furnished the Leave Notice and Request for Leave Form. In the case of a request for intermittent or reduced schedule leave, the certification must also notify the Company of the reason why the intermittent or reduced schedule leave is necessary and of the schedule for treatment, if applicable. Employees requesting Military Family Leave must also submit certification of the qualifying exigency within 15 days after the Company's written request.

If you fail to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, the Company may deny FMLA leave until at least 30 days after the date you provide notice of the need for FMLA leave. After you submit a medical certification, the Company may require you to obtain a second opinion from a provider of the Company's choice and at its expense. In some cases the Company may require a third opinion from a provider selected jointly by you and the Company.

During FMLA leave, you will be required to report periodically on your status and intent to return to work. When on a Family or Employee Medical Leave, you may also be required to submit medical recertifications periodically during the leave period subject to the same rules as the initial medical certification. Medical recertifications may also be required under certain specific circumstances, for example, (1) when you request an extension for a leave, (2) when circumstances under an initial certification have significantly changed, (3) when there is information which casts doubt on the current medical certification, or (4) if you are unable to return to work after FMLA leave.

Upon the conclusion of an Employee Medical Leave, you must present certification to the Company from your health care provider that you are able to return to work. Unless and until you provide this fitness-for-duty certification, you will not be able to return to work.

9. Continuation of Benefits: As a general rule, FMLA leave is unpaid leave. The Company, however, will maintain your coverage under the Company Health Care Plan on the same conditions during FMLA leave as if you had been employed continuously during the FMLA leave period. If there is a required premium, you may continue to pay your share of the premiums during the FMLA leave period to maintain coverage, or you may choose not to continue coverage. Alternatively you may choose to pay your required premiums for the period of the FMLA leave once you return to work, over a period not to exceed 3 months.

If you do not continue health coverage during FMLA leave, the Company will restore regular coverage if you return to work. Coverage under other insurance plans that require an employee to be actively at work will be suspended during your FMLA leave.

10. Right to Job Restoration: Upon return from FMLA leave, employees will generally be restored to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Certain salaried, key employees (as defined by the FMLA) of the Company may be denied restoration if their reinstatement would cause substantial and grievous economic injury to the Company. If, during FMLA leave, a layoff or other event occurs that would have changed, or even eliminated, your job had you not taken leave, you will have no greater rights than if you had been continuously employed during the FMLA leave. The Company will determine whether an employee will be restored to the same position or to an equivalent position.

If you choose not to return to work after your FMLA leave expires, the Company may recover its share of health insurance premiums paid on your behalf during the period of FMLA leave. The Company will seek to recover those premiums unless you fail to return because of:

- a. The continuation, recurrence, or onset of a serious health condition that would otherwise entitle you to FMLA leave; or
- b. Other circumstances beyond your control.

11. Fraudulent use of FMLA Leave: Fraudulent use of FMLA leave will be grounds for employment termination.

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