

Family and Medical Leave

Section 1. Family and/or Medical Leave. A family and/or medical leave of absence is an approved absence and is available to employees who have worked for the employer for 12 months or longer compiling at least 1,250 hours of service during the 12 months before seeking leave under particular circumstances that are critical to the family's life and work at a facility with 50 or more employees within a 75 mile radius of the employee's worksite.

- a. Up to 12 weeks of unpaid leave may be taken for the following reasons:
 1. On the birth of a son or daughter and the decision to provide care for that infant;
 2. Because of the placement of a son or daughter with the employee for adoption or foster care;
 3. In order to care for the spouse, son, daughter or parent of an employee who has a serious health condition;
 4. Where the employee experiences a "qualifying exigency" arising out of their spouse, parent or child is on or has been called to active duty; or
 5. Because of a serious health condition of an employee that makes the employee unable to perform the essential functions of his/her job.

b. Up to 26 weeks of unpaid leave may be taken during one 12-month period for the Injured Service Member Leave as follows:

In order to care for a spouse, son, daughter, parent or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, 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.

Section 2. Employee Obligations. In any case where the need for the leave is foreseeable, including the birth or adoption of a child, or planned medical treatment, the employee must provide at least 30 calendar days' notice for a foreseeable leave, unless there is a change in circumstances. An employee must request such leave in a written form to the Human Resources Department. This form must be completed in detail, signed by the employee and submitted to the employee's supervisor for his/her approval.

In cases of illness, such as when the need for leave arises unexpectedly, the employee will give notice as soon as practical (generally this means no more than two days after learning of the need for such leave). In case of illness, the employee must provide appropriate medical certification

and recertifications, as requested. In case of illness, the employee will also be required to report periodically on his or her leave status and intent and ability to return to work.

In case of the employee experiencing a “qualifying exigency” because a spouse, parent or child has been called to or is on active duty in the armed services, the employee will be required to provide certification that the employee’s family member is on active military duty.

In the case of an injured armed services spouse, son, daughter or next of kin, certification of the service member’s health condition will be required.

Section 3. Conditions of Leave. Company will require a Health Care Provider Certification for a seriously ill child, spouse, parent, next of kin or member of the Armed Forces or leave for an employee’s own serious health condition. This form (see Department of Labor Form WH-380 Certification of Physician or Practitioner form) must be completed and signed showing that the employee requires FMLA leave. This certification must be returned to the Company within 15 days after the employee has given notice of his/her intent to take an FMLA leave and it must contain the following information:

- Date on which the serious health condition arose;
 - Probable duration of the condition;
 - Appropriate medical facts within the knowledge of the healthcare provider regarding the condition, including specifying the treatment prescribed.
- a. In addition, for purposes of leave to care for a child, spouse, parent, next of kin or member of the Armed Forces the certificate should give an estimate of the amount of time that the employee will be needed to provide this care.
- b. For purposes of leave for an employee’s illness, the certificate must state that the employee is unable to perform the functions of his or her position.
- c. In case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which this treatment is expected to be given and the duration of this treatment must be stated.
- d. In its discretion, Company may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, Company, at its own expense, may require the binding opinion of a third healthcare provider, approved jointly by Company and the employee.
- e. If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, Company may require the employee to transfer temporarily

to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent pay and benefits.

f. Spouses who are both employed by Company are entitled to a total of 12 weeks of unpaid leave, instead of 12 weeks each, for the birth or adoption of a child or for the care of a sick parent.

g. To the extent an employee's own serious medical condition is also covered by Company's short-term disability plan, the employee will receive disability pay and Company will count the leave as running concurrently for purposes of both disability leave and FMLA leave.

If an employee elects not to comply with the more stringent medical documentation (i.e. doctor's statement required within five (5) days after the leave began) and other requirements of the short-term disability leave plan, he or she will not be eligible for disability pay and the leave will be an unpaid FMLA leave.

h. An employee's FMLA leave will run concurrently with a worker's compensation absence when the injury is one that meets the criteria for a serious health condition.

i. If Company knows the reason for the leave but has not been able to confirm that the leave qualifies under FMLA, or where Company has requested medical certification which has not yet been received, or the parties are in the process of obtaining a second or third medical opinion, Company will make a preliminary designation and so notify the employee, at the time leave begins, or as soon as the reason for the leave becomes known. Upon receipt of the requisite information from the employee or of the medical certification which confirms the leave is for an FMLA reason, the preliminary designation becomes final. If the medical certification fails to confirm that the reason for the absence was an FMLA reason, Company will withdraw the designation (with written notice to the employee).

Section 4. Status of Employee Benefits During Leave.

a. Any employee who is granted an approved leave will have his or her group health plan coverage maintained during an eligible employee's period of FMLA leave to the extent and under the same circumstances as is ordinarily furnished to that employee. Premium payments should be made to the Human Resources Department by the first of each month. Eligible employees will be notified concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage. In the event that an employee elects not to return to work at the expiration of the approved unpaid leave, Company may recoup from the employee the cost of any payments made to maintain the employee's health coverage, unless the failure to return to work was for reasons beyond the employee's control.

b. Employees may be required to include accrued paid leave (which is normally used for such absences) as part of the twelve (12) weeks leave period granted for family or medical leave.

- c. Employee will be responsible for paying any premiums due under Company's insurance plan for dependent coverage.
- d. Vacation/paid time off will not accrue during FMLA leave.
- e. Employee will not receive holiday pay benefits during FMLA leave.

Section 5. Return to Work. Upon returning to work from an FMLA leave, employees are to be assigned to the same position or to one equivalent to the one held prior to the leave with equivalent pay, benefits and other terms and conditions of employment.

An employee who does not return to work at the expiration of the leave and does not request and receive an extension will be terminated the first day after the approved leave expires. Such occurrence will be considered a voluntary quit.

An employee who has been absent for medical reasons must obtain a return to work release from his/her physician. If there are return to work restrictions, such restrictions must specify the type, nature and duration of such restrictions. An employee with such restrictions will be returned to work in line with his/her medical restrictions if there are open, available jobs which the restricted employee is qualified to perform.