Family and Medical Leave Policy

ABC Company, Inc. complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

**FMLA Leave Eligibility**

An *eligible employee* under the FMLA is an employee who has been employed by ABC Company for at least 12 months, who has worked at least 1,250 hours in the past 12 months, and who works at a facility in which at least 50 employees are employed by the Company either at that facility or within 75 miles of that facility.

**Reasons for FMLA Leave**

An eligible employee may take FMLA leave of up to 12 weeks per *leave year*, for any of four different reasons:

* to care for a newborn child, or a child newly placed in the employee’s custody through adoption or foster care for a period of up to one year after such birth or placement;
* to care for the employee’s spouse, child, or parent who has a serious health condition;
* because of the employee’s own serious health condition if that condition renders the employee unable to perform his or her job functions; or
* for qualifying exigency for military family leave.

An eligible employee is also entitled to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period for the following reasons:

1. To care for a seriously injured or disabled member or veteran of the Armed Forces, National Guard or Reserves if the employee is the spouse, son, daughter, parent or next of kin of the covered servicemember (“military caregiver leave”). For military caregiver leave to apply, the covered servicemember must have suffered (1) an injury or illness in the line of duty while on active duty or (2) an injury or illness that existed before the servicemember’s active duty and was aggravated by service in the line of duty on active duty. For veterans, the injury or illness may manifest itself before or after the covered servicemember became a veteran.

Because FMLA leave time is limited to a total of twelve (12) weeks per rolling year or up to twenty-six (26) weeks in a single year for military caregiver leave, an employee should coordinate his or her medical and family leave time if the employee plans to take both types of leave in the same 12-month period. Any employee who is eligible for and takes any period of family and medical leave will have that leave designated as family and medical leave and counted against his or her total allotment. Any employee who is eligible for and takes a portion of his or her twenty-six (26) weeks of military caregiver leave, but not the entire twenty-six (26) weeks forfeits the remaining portion of the leave that was not used within one (1) year.

**Serious Health Condition**

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a *serious health condition*, such a condition includes any injury, illness,

impairment, or physical or mental condition that requires either in‑patient care in a medical facility (i.e., overnight hospitalization), or continuing treatment by a health‑care provider. These terms are construed by the Company in accordance with applicable federal laws and regulations.

**Leave Year**

For the purpose of this policy, the *leave year* within which an eligible employee may take his or her 12 weeks of FMLA‑protected leave means the 12‑month period beginning on the date the employee first takes leave for any of the reasons set forth previously.

**Compensation for FMLA Leave**

Generally, FMLA leave is not paid. However, an eligible employee may elect to take any accrued paid vacation leave or, for personal medical leave, paid sick days in lieu of taking unpaid leave under the FMLA. Such paid leave will be counted towards the employee’s 12 weeks of FMLA leave granted per leave year.

**Intermittent or Reduced Hours Leave**

In the case of leave taken to care for a seriously ill spouse, child, or parent; qualifying exigency leave; or due to the employee’s own serious health condition, an employee may take leave intermittently (i.e., periodically) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee’s or family member’s health‑care provider. Otherwise, such leave is not permitted except at the sole discretion of the Company. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

**Job and Benefits Security**

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

**Continuation of Group Health Plan Coverage**

Group health plan coverage will be maintained by ABC Company during an eligible employee’s period of FMLA leave to the extent and under the same circumstances as it

ordinarily is furnished to that employee. Premium payments should be made to the Human Resources Office on the 1st and 15th of each month. The Human Resources Manager will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse ABC Company for health‑care premiums paid by the Company during the leave period.

**Employee Notice Requirements**

An eligible employee must give the Company at least 30‑days’ notice of his or her intent to take leave under the FMLA. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as practicable. Typically, this will mean giving notice to the Company within one or two working days of learning that FMLA leave must be taken. Any employee who fails to give the requisite notice may be delayed in receiving authorization for leave.

**Health‑Care‑Provider Certification**

In cases of leave to be taken to care for a seriously ill family member or due to the employee’s own serious health condition or to care for a covered servicemember , an eligible employee must provide the Company with a completed and signed health‑care‑provider certification indicating that the employee requires FMLA leave. This certification must be returned to the Company within 15 days after the employee gives notice of his or her intent to take FMLA leave, and must contain the following information:

* the date on which the serious health condition commenced;
* the probable duration of the condition;
* the treatment regimen prescribed;
* any appropriate medical facts within the health‑care‑provider’s knowledge regarding the condition;
* if applicable, a statement that the employee is needed to provide care for his or her spouse, child, or parent and an estimated duration of such need; and
* if applicable, a statement regarding the medical necessity of intermittent or reduced hours schedule leave.

Failure to return this certification in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave. Depending on the type of leave requested, other documentation may be required such as legal documentation for the adoption or foster care of a child or certification of active military orders for leave requested for a qualifying exigency.

The Company also may require, at its own expense, a second and third health‑care‑provider opinion if there is a question as to the validity of the certification provided by the employee.

An eligible employee also may be asked to furnish the Company with subsequent health‑care‑provider certifications on a reasonable basis during the employee’s leave period. An eligible employee’s failure to furnish subsequent certifications may result in termination of the employee’s right to leave.

An eligible employee on FMLA leave must submit to the Company a medical release (i.e., fitness‑for‑duty certification) indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with the Company.

**Nondiscrimination/Nonretaliation Policy Statement**

ABC Company will not:

(1) interfere with, restrain, or deny the exercise of any right provided under the FMLA;

(2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or

(3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

THIS POLICY MAY BE LEGALLY ESSENTIAL