

Family and Medical Leave Act

A. General Provisions

It is the policy of the Company to grant up to 12 weeks of unpaid family and medical leave during a designated 12 rolling-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (“FMLA”). The Company will measure the 12 rolling-month period forward from the first date an employee’s FMLA leave begins. The FMLA does not affect the Company’s short-term disability policy, which provides paid leave. However, if an employee requests a leave for a reason that is covered by both the short-term disability policy and the unpaid leave provisions of the FMLA, the employee is required to use the applicable short-term disability benefit, with the paid leave being subtracted from the 12-week allowance authorized by the FMLA. After the available paid leave is exhausted, remaining leave will be unpaid.

B. Eligibility

In order to take family and medical leave under this policy, an employee must have been employed by the Company for at least 12 months over the previous 7 years **and** must have worked at least 1,250 hours during the 12 rolling-month period immediately before the leave would begin.

C. Type of Leave Covered

In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child with the employee for adoption or foster care.
3. To care for a spouse, child or parent* with a serious health condition.
4. A serious health condition which makes the employee unable to perform the functions of his or her position.
5. Active Duty Leave

*For purposes of this leave, “parent,” “child” and “spouse” are all terms defined by the FMLA.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health provider. Initial visit to healthcare provider must occur within the first 7 days of incapacity with a total of at least 2 visits to a healthcare provider within 30 days.

This policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, results in a period of incapacity of more than three calendar days, would be considered a serious health condition. Periodic visits for treatment of condition by a healthcare provider must be at least twice a year.

The Company may require an employee to provide a doctor’s certification of the serious health condition. The certification process is outlined in Section G.

FMLA leave for the birth, adoption, or foster care of a child must be taken and completed within one year of the birth or placement of the child. If a husband and wife both work for the Company, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may only take a **combined** leave of 12 weeks.

Military Leave Entitlements. Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave to address certain qualifying exigencies. Qualifying Exigencies may include attending military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain non-medical counseling sessions, R & R with service member home on leave (up to 5 days per leave) and attending post-deployment reintegration briefings.

FMLA also includes leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12 month calendar year. A covered servicemember is a current member of the Armed forces, including a member of the National Guard or Reserves, who has a serious injury or illness that was incurred in the line of duty, while on active duty, that requires medical treatment, recuperation, or therapy, or is in outpatient status, or is on temporary disability retired list.

Employees covered under the FMLA, may be required to use vacation or other paid leave days concurrently for time not paid by short-term disability benefits during their FMLA leave based on each subsidiaries' company policy. If your company does not require the use of vacation or paid leave days, you still have the option to take the paid days concurrently with your FMLA leave.

D. Employee Status and Benefits During Leave

While an employee is on leave covered by either the FMLA or the Company's short-term disability policy, the Company will continue the employee's medical and dental benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Health/dental benefit premiums will still need to be paid by the employee to ensure proper coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the Company may require the employee to reimburse the Company the amount it paid for the employee's medical and dental insurance premiums during the leave period.

If the employee carries dependent insurance coverage, the Company will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments either in person or by mail on or before the same day that the payroll deductions for such premiums are made. If an employee's premium payment is more than 30 days late, coverage may be discontinued.

E. Employee Status After Leave

An employee who takes leave under this policy typically will be able to return to the same job or a job of equivalent status, pay, benefits, and other employment terms. However, use of FMLA leave does not bestow upon an employee any greater right to reinstatement or to other benefits and conditions than if the employee had been continuously employed during the leave period. If the employee would not otherwise have been employed by the time of anticipated reinstatement, the Company may deny reinstatement. The Company may also deny reinstatement in other circumstances as permitted by law.

F. Intermittent Leave or a Reduced-Work Schedule

The FMLA specifies that if an employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee may take FMLA leave in 12 consecutive weeks, or may use the leave intermittently. For example, take a day periodically when needed over the year or, under certain circumstances, use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12 rolling-month period.

In the case of intermittent leave or a reduced-work schedule, the employee will be required to obtain certification of the medical necessity of the leave as discussed in Section G.

The Company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced-work schedule.

G. Certification of the Serious Health Condition

If the leave is due to a serious health condition of the employee or family member, the Company normally asks for a medical certification of the serious health condition. (Medical certification forms are available in the Human Resources Department and will be provided to the employee when leave is requested). The employee should respond to such a request within 15 days of the request. Failure to provide certification may result in denial or delay of leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the physician's certification must also include a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the physician's certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial and desirable.

If the employee plans to take an intermittent leave or work a reduced schedule, the physician's certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The Company has the right to ask for a second or third opinion, at its own expense, if it has reason to doubt the certification.

A statement by the employee's health care provider releasing the employee to return to work will be required upon the completion of the FMLA leave.

H. Procedure for Requesting Leave

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the Human Resources/Payroll Department.

When an employee plans to take a leave under this policy, the employee must give the Company 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practical. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the operations of the Company.

If the employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied in part or in full, depending on the circumstances.

While on leave, employees are requested to report periodically to the Company regarding the status of the medical condition and their intent to return to work.