


<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>	<b>Revision Date:</b> 12/28/2017	

## 1.0 PURPOSE

- 1.1 This Family and Medical Leave Act (FMLA) Policy outlines the procedures that the Company will follow in providing employees with leave under FMLA. Employees should note that the FMLA addresses many of these matters in further detail. Where there is any ambiguity, or where this Policy does not address a specific matter, the Company will follow the FMLA and applicable law.

## 2.0 RESPONSIBILITIES

- 2.1 This Policy covers all eligible employees of the Company.

## 3.0 EMPLOYEE ELIGIBILITY

- 3.1 To be eligible for FMLA leave, an employee must:
- 3.1.1 have worked for the Company for at least twelve (12) months, or fifty-two weeks, though it need not be consecutive
  - 3.1.2 have worked at least 1,250 hours during the twelve (12) months immediately preceding commencement of the leave; and
  - 3.1.3 be employed at a location where 50 or more employees are employed by the Company within 75 miles of that location, measured by available transportation by the most direct route
- 3.2 If an absence of three (3) or more days is due to an FMLA qualifying reason, the Company reserves the right to designate that leave as FMLA leave, whether or not the employee requested such designation. The Company will notify the employee of this designation within five business days of the start of the leave, absent extenuating circumstances.


## 4.0 LEAVE ENTITLEMENT

- 4.1 General Leave Entitlement. The Company will grant an eligible employee up to twelve (12) weeks of unpaid leave during any “rolling” twelve (12) month period (measured backward from the date an employee uses FMLA leave) for any of the following reasons:

**CONTROLLED DOCUMENT:** DO NOT DUPLICATE! This document was printed on 12/19/2018.

If this type appears in a color other than BLUE, this may not be the most recent version.

\\plantfile\users\EHayden\HR Stuff\Hand Book\2018 Revision\Policies\FINAL POLICIES - -2018\Final Versions 8-9-2018\Family and Medical Leave Act Policy-F 9-2018.docx


<b>Human Resources</b>	Document No.	Revision Level:	
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		

- 4.1.1 The employee’s own serious health condition (as defined by the FMLA) prevents him or her from performing the essential functions of his or her job;
- 4.1.2 Birth and care of the employee’s newborn child (leave to be taken during the newborn’s first twelve months ;)
- 4.1.3 The placement of a child under the age of 18 with the employee for adoption or foster care, and to care for the newly placed child (leave to be taken during the first twelve months after the placement of the child ;)
- 4.1.4 To care for the employee’s spouse, son, daughter, or parent (but not parent-in-law) with a serious health condition; and
- 4.1.5 Any “qualifying exigency” of an employee’s spouse, child, or parent who is a military member in the United States Armed Forces, Reserves, or National Guard on covered active duty or who has been notified of an impending call or order to covered active duty status
- 4.1.6 For the purpose of this Policy and all other policies, a “spouse” includes a same-sex spouse.

4.2 Military Caregiver Leave. The FMLA also allows an eligible employee who is the spouse, child, parent, or “next of kin” of a Covered Service member to take up to 26 workweeks of unpaid leave during a single 12-month period to care for the Covered Service member with a serious illness or injury, known as “Military Caregiver Leave” and as defined below. The single 12-month period is measured from the first day the employee takes such FMLA leave.

4.2.1 “Covered Service member” means:


4.2.1.1 A current 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 (“Current Service member”);) or

<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 <b>zippo</b> <sup>®</sup> <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		<b>Revision Date:</b> 12/28/2017

4.2.1.2 A veteran who: (1) is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; (2) was a member of the Armed Forces (including a member of the National Guard or Reserves ; ) (3) was discharged within the five-year period before the eligible employee first takes FMLA leave to care for him or her; and (4) was discharged or released from the Armed Forces under conditions other than dishonorable (“Covered Veteran”.) An eligible employee must commence leave to care for a Covered Veteran within five years of the Covered Veteran’s active duty service.

4.2.2 Maximum duration of leave in any 12-month period: The Military Caregiver Leave is applied on a per-Covered Service member, per-injury, basis such that an employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different Covered Service members or to care for the same Covered Service member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

4.2.3 FMLA Leave Where Both Spouses Employed by the Company: Spouses who are eligible for FMLA leave and who are both employed by the Company may be limited to a combined total of 12 or 26 weeks of leave, depending on the type of leave, during the applicable 12-month period. Spouses may be limited to a combined total of 12 weeks if the leave is taken for the birth of the employee’s child or to care for the child after birth, for placement of a child with the employee for adoptions or foster care or to care for the child after placement, or to care for the employee’s parent with a serious health condition. Spouses may be limited to a total of 26 weeks if the leave is either for Military Caregiver Leave, or a combination of Military Caregiver Leave and leave for other FMLA-qualifying reasons.

<b>Human Resources</b>	Document No.	Revision Level:	 <b>zippo</b> <sup>®</sup> <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		<b>Revision Date:</b> 12/28/2017

## 5.0 COMPUTATION OF LEAVE (OTHER THAN MILITARY CAREGIVER LEAVE)

5.1 Except for Military Caregiver Leave as described above, leave will be granted during a “rolling” twelve (12) month period. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months. Two examples are set forth below.

5.1.1 If an employee has taken eight (8) weeks of FMLA leave during the past twelve (12) months, four (4) weeks of leave remain.


5.1.2 If an employee used four (4) weeks of FMLA leave beginning February 1, four (4) weeks beginning June 1, and four (4) weeks beginning December 1, the employee would not be entitled to any FMLA leave until the following February 1 (assuming he or she was otherwise eligible.)

## 6.0 NOTICE AND MEDICAL CERTIFICATION

6.1 Except where leave is unforeseeable, whenever practicable, all employees requesting leave under this Policy must submit their request in writing to the Human Resources department thirty (30) days before the leave is to commence.

6.2 Where the need for leave is not foreseeable, or when it is not otherwise practicable for the employee to provide notice 30 days in advance, the employee must submit a written request as soon as is practicable (normally no later than the next business day after learning of the need for leave.)


6.3 Employees seeking FMLA leave will be required to complete and submit a completed FMLA certification form to the Human Resources department in a situation where the employee is seeking leave due to a serious health condition (either of the employee or of a covered family member as described above.) The employee must ensure the Company receives the completed form within fifteen (15) calendar days after the Company provides the original form, except when that is not practicable (in which case the employee must ensure the Company receives the completed form as soon as practicable.)

<b>Human Resources</b>	Document No.	Revision Level:	 <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		

- 6.4 In certain situations, the Company may request additional information regarding the employee’s request for leave, including additional information from the employee, a recertification or possibly an opinion from a second healthcare provider.
- 6.5 The Company’s “Returning from Absence Procedures” Policy will apply when the employee returns to work.
- 6.6 If it becomes necessary for an employee to take more leave than originally planned, the employee is obligated to give the Company the same amount of notice, under the same conditions, as described above.
- 6.7 While on leave, employees must periodically report to the Company the status of their medical condition and their intent to return to work. If an employee gives unequivocal notice of intent not to return to work, the Company’s obligation to restore the employee to employment ceases.
- 6.8 The Company’s “Outside Employment” Policy continues to apply when an employee is on FMLA leave.
- 6.9 When leave is needed to care for a covered family member or the employee’s own illness, and is for planned medical treatment, the employee must attempt to schedule treatment as much as reasonably possible so as to minimize disruption to the Company’s operations. Employees should consult with the Company prior to scheduling the treatment in order to arrange a schedule that best suits the needs of the employee and the Company, except when that would not be reasonably possible.

## 7.0 INTERMITTENT LEAVE

- 7.1 When medically necessary, an employee may take leave intermittently (a few days or a few hours at a time,) or on a reduced leave schedule, for their own serious health condition, to care for an immediate family member with a serious health condition, to care for a Covered Service member with a serious injury or illness, or when necessary for “qualifying exigency” leave.

<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		

7.2 Medically necessary means that there must be a medical need for the leave and the medical need can best be accommodated through an intermittent or reduced leave schedule. An employee taking intermittent leave, or leave on a reduced leave schedule, may be required to transfer temporarily to a position for which the employee is qualified, with equivalent pay and benefits that better accommodates recurring periods of leave.

7.3 The Notice and Medical Certification procedures above apply to intermittent and reduced schedule leave, except as provided below in this paragraph. After the Company has designated leave as FMLA-qualifying, the employee will not need to provide an additional FMLA certification for the calendar year at issue (although the Company may request a recertification in certain situations.) After the employee has provided the original notice of the need for leave, if the scheduled leave dates change or if the employee needs to take leave on additional dates, the employee must notify the Human Resources department as soon as reasonably possible (and, when reasonably possible, at least 30 days in advance.)

## 8.0 PAY DURING LEAVE

8.1 FMLA leave is unpaid, except as follows:

8.1.1 Nothing in this Policy prevents an employee from applying for Workers' Compensation or Disability Benefits.

8.1.2 Where vacation, personal, or sick days are used to receive pay during FMLA leave, those days will be counted as part of the 12 weeks of FMLA leave (*i.e.*, the two forms of leave will run concurrently.)


## 9.0 MAINTENANCE OF HEALTH BENEFITS

9.1 The Company will maintain group health insurance benefits for employees on FMLA leave on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. Arrangements will be made for employees to pay their share of the group health insurance premiums while on FMLA leave.


**CONTROLLED DOCUMENT:** DO NOT DUPLICATE! This document was printed on 12/19/2018.

If this type appears in a color other than BLUE, this may not be the most recent version.

\\plantfile\users\EHayden\HR Stuff\Hand Book\2018 Revision\Policies\FINAL POLICIES - -2018\Final Versions 8-9-2018\Family and Medical Leave Act Policy-F 9-2018.docx

<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 <small>MANUFACTURING COMPANY</small>
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		

- 9.2 If an employee’s premium payment is more than thirty (30) days late, his or her group health insurance benefits may be terminated and the employee will be extended continuing coverage opportunities in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA.)
- 9.3 If the Company pays the employee’s share of any missed premium payments, the Company reserves the right to recover the full value of those payments made in any manner permitted by law.
- 9.4 An employee on approved FMLA leave will be subject to any changes in the Company’s group health plan that occur while he or she is on FMLA leave (e.g., changes in coverage, premiums, deductibles.)
- 9.5 For all periods when an employee elects to use paid leave (such as sick time or vacation time) concurrently with FMLA leave, benefits that are accumulated on an earned basis (e.g. personal or sick time) will continue to be earned. No earning of paid time off (sick or personal time) will occur during any unpaid portion of leave.
- 9.6 If an employee gives unequivocal notice of his or her intent not to return to work, the Company’s obligation to continue group health insurance benefits will cease, subject to COBRA.
- 9.7 An employee on approved FMLA leave who fails to return to work at the end of his or her leave will be required to reimburse the Company for all premium payments expended by the Company on the employee’s behalf during the period of unpaid FMLA leave, unless the reason the employee does not return is due to:
- 9.7.1 The continuation, recurrence, or onset of a serious health condition of the employee or the employee’s spouse, son, daughter, or parent;
  - 9.7.2 The serious injury or illness of a spouse, son, daughter, or parent, or next of kin, who is a Covered Service member; or
  - 9.7.3 Other circumstances beyond the employee’s control.
- 9.8 Employees are not entitled to accrue any additional benefits while on unpaid FMLA leave (except as provided below with regard to Job Restoration.)

<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 MANUFACTURING COMPANY
<b>Description: FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		


## 10.0 JOB RESTORATION

- 10.1 Upon return from FMLA leave, an employee will be restored to the position he or she held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless the employee's employment was, or would have been, terminated for reasons unrelated to the leave (i.e., reorganization, lay off, etc.)
- 10.2 Under specified and limited circumstances, the Company may refuse to reinstate certain highly paid "key" employees after using FMLA leave. The determination will be made in accordance with applicable law.
- 10.3 After exhausting the FMLA leave entitlement, an employee must return to work or, if applicable, request additional unpaid leave as an accommodation (with the understanding that it will depend on the circumstances whether the employee will be entitled to additional leave.) An employee that fails to return to work after exhausting his or her FMLA leave and fails to request and obtain additional leave, will be terminated from employment.
- 10.4 If an employee takes leave because of his or her own serious health condition, the employee is required to provide a medical certification that he or she is fit to return to work.

## 11.0 REFERENCES

- 11.1 Employee Handbook
- 11.2 Family and Medical Leave Act



<b>Human Resources</b>	<b>Document No.</b>	<b>Revision Level:</b>	 MANUFACTURING COMPANY
<b>Description:</b> <b>FAMILY AND MEDICAL LEAVE ACT POLICY</b>	<b>Issuer:</b>		
	<b>Revised By:</b>		

**12.0 APPROVAL AUTHORITY**

WRITTEN / REVISED BY	APPROVED BY	APPROVAL (Initials/Signature)	DATE
	<b>Bruce Gallagher</b>		
	<b>Bunny Comilla</b>		

**13.0 REVISION HISTORY**

REV. #	REV. DATE	SCN No.	REVISED BY	CHANGES