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FAMILY AND MEDICAL LEAVE ACT SUMMARY – COMPREHENSIVE

Policy:

It is our policy to grant up to 12 weeks of family or medical leave during any 12 month period, as defined in this policy, to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in Use of Paid and Unpaid Leave section of this policy.

Eligibility:

In order to qualify to take family or medical leave under this policy, the employee must meet ALL of the following conditions:

- The employee must have worked for the Company for at least 12 months, or 52 weeks. The twelve months, or 52 weeks, will not need to have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on approved leave during the week.
- The employee must have worked for the Company for at least 1250 hours during the twelve month period immediately before the date when the leave would begin.
- The employee must work in the Company's office or worksite where 50 or more of the Company's employees are employed within 75 miles of that office or worksite.

Type of Leave Covered:

In order to qualify as FMLA "family leave under this policy," the employee must be taking the leave for reason one or two listed below:

1. the birth of a child or to care for that child; or
2. the adoption of a child or placement of a child for foster care;

In order to qualify as FMLA "medical leave" under this policy, the employee must be taking the leave for reason three or four listed below:

3. to care for a spouse, child, or parent with a serious health condition (described below); or
4. the serious health condition (described below) of the employee.

FAMILY AND MEDICAL LEAVE ACT SUMMARY – COMPREHENSIVE (CONT.)

An employee may be eligible to take medical leave because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical facility, or a condition which requires continuing care by a licensed health care provider.

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 which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Employees with questions about what illnesses are covered under this FMLA policy or under the Company's sick leave policy are encouraged to consult with their immediate supervisor or the Human Resource Department.

For "medical leave", reasons three (3) and four (4) above, employees will be required to provide a doctor's certificate of the serious health condition. The certification process is outlined in Certification of the Serious Health Condition section.

An eligible employee can take up to 12 weeks of leave under this policy during a 12 month period. The Company will measure the twelve month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. This measurement will not go back before August 5, 1993. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

Employee Status and Benefits During Leave:

While an employee is on approved FMLA leave, the Company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee has continued to work. This means that the employer will continue to pay its share of an employee's health premiums the same as if the employee was working during the FMLA leave period. The employee, however, will remain responsible for payment of the employee's share of his/her health insurance premiums just as if the employee was working during the FMLA leave period.

If the employee chooses not to return to work for reasons other than a continued health condition or an approved extension of their leave of absence, the employer may require the employee to reimburse the employer for the amount it paid for the employee's health insurance premium during the leave period.

FAMILY AND MEDICAL LEAVE ACT SUMMARY – COMPREHENSIVE (CONT.)

Under current Company policy, the employee pays a portion of the health care premium. If the employee is using paid vacation or sick leave during all or part of the employee's FMLA leave, the employer will continue to make payroll deductions to collect the employee's share of the premium.

If the employee's FMLA leave is all unpaid leave, the employee must continue to make his/her portion of the premium payment, either in person or by mail. The payment for next month's premiums must be received by the Human Resource Department at the Company's office, by the last day of the current month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave or the employer may recover the payments at the end of the leave period in a manner consistent with the law.

Employees on approved FMLA leave, under some circumstances, may be ineligible to accrue all or some benefits while on leave. All questions about benefit status while on leave should be directed to the Human Resource Department.

Employees found violating the purpose of the leave such as working elsewhere or locating another position, may be subject to disciplinary action, up to and including termination.

Employee Status After Leave:

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Employer reserves the right to exempt certain key employees from this requirement and not return them to the same or similar position. Employees will be notified at the time of request if they are deemed to be key employees for the purposes of FMLA and if there is any possibility that their reinstatement may be denied.

Use of Paid and Unpaid Leave:

If the employee has accrued vacation leave, the employee must use vacation leave as part of his/her FMLA leave and take the remainder of the twelve weeks of FMLA leave as unpaid leave.

Additionally, an employee who is taking FMLA leave "medical" or "family leave" must use all accrued and/or accumulated sick or disability leave (if applicable) as a part of his/her FMLA leave and take the remainder of the twelve weeks of FMLA leave as unpaid leave, provided that the Company's sick and/or disability leave policy will allow the employee to take sick and/or disability leave for the reason underlying the FMLA "medical leave" or "family leave."

FAMILY AND MEDICAL LEAVE ACT SUMMARY – COMPREHENSIVE (CONT.)

Intermittent Leave or a Reduced Work Schedule:

The employee may take FMLA leave in 12 consecutive weeks, **or if the leave is "medical leave,"** may, under certain circumstances, use the leave intermittently (take a day periodically when needed over the year), or use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12 month period.

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 schedule.

"Family leave" must be taken within one year of the birth or placement of the child and cannot be taken on an intermittent or reduced schedule without prior approval from the employer.

Certification of the Serious Health Condition:

The Company will require certification of a serious health condition of an employee or parent, child, or spouse and may require recertification as deemed appropriate by the Company. The employee shall respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification in a timely manner or provide a reasonable explanation for the delay may result in a postponement of the start of the leave or denial of continuation of leave.

If the employee plans to take intermittent leave or work a reduced schedule as part of his/her "medical leave," the 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, in appropriate cases, reserves the right to ask for a second opinion. The Company will pay for the employee to get a certification from a second doctor, which the Company will select.

If necessary to resolve a conflict between the original certification and the second opinion, the employer may require the opinion of a third doctor. The Company and the employee will jointly select the third doctor, and the Company will pay for the opinion. This third opinion will be considered final.

The Company will require an employee on FMLA "medical leave" due to the employee's own serious health condition to obtain a fitness to return to duty slip before returning to work at the end of the FMLA leave period.

FAMILY AND MEDICAL LEAVE ACT SUMMARY – COMPREHENSIVE (CONT.)

Procedure For Requesting Leave:

All employees requesting leave under this policy must complete an application for leave of absence. The Human Resource Department will assist you in compiling the necessary information.

When an employee plans to take 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 practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Company's operations.

If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the Company receives notice.

While on leave, employees may be required to report periodically to the Company regarding the status of their situation, and/or their intent to return to work.