



NABHOLZ POLICY DOCUMENT

Policy Name: Family Medical Leave Act

Classification: Policy

Policy Updated: January 5, 2023

Contents

Policy Statement [Edit]	2
General Information	2
Eligibility for Leave	2
Certification	5
Benefits During Family and Medical Leave	6
Returning From Family or Medical Leave	6
Failure to Meet Policy Requirements	7
NOTE:	7

Policy Statement

Nabholz is committed to providing employees with all leave required by applicable state and federal law. If an employee qualifies for state and federal FMLA leave, the Company will count leave under both laws to the extent permitted by applicable law.

General Information

Under federal law, eligible employees may be entitled to 12 work weeks of unpaid leave. Leave may be taken for the serious health condition of the employee; the serious health condition of the employee's child, spouse or parent; the birth, adoption or foster care placement of a child; or for qualifying reasons arising out of a family member's call to active service. Eligible employees may take additional leave (up to a total of 26 weeks) to care for a family member who becomes ill or injured in the line of duty.

If an employee suffers a work-related injury that qualifies as a serious health condition, the leave available under the federal FMLA will run during any work-related absence.

Normally, the federal and state leave entitlements will be administered on a 12-month basis. Leave to care for a family member who becomes ill or injured in the line of active duty will be administered on a 12-month basis, beginning on the first date of leave taken for this purpose.

The Company will determine when employees are eligible for FMLA leave and will designate leave, which qualifies as FMLA leave. To the extent permitted by applicable law, employees may choose to or be required to use available accrued paid leave during any otherwise unpaid FMLA leave.

Employees are expected to comply with applicable call-in procedures unless they are medically unable to do so or it is unreasonable under the circumstances. Employees must notify their supervisor or Employee Services at least 10 days before any foreseeable leave. In the event of an emergency, notice must be provided as soon as possible.

The use of FMLA leave will not be used as a negative factor in any employment decision.

Employees on leave because of their own serious health condition may not work for another employer or engage in other work for pay.

Eligibility for Leave

Employees who have been employed for at least 12 months, and have worked at least 1,250 hours in the last 12 months, may be eligible for family and/or medical leave under federal law.

FMLA leave may be taken for the following reasons:

A. Birth or Placement of a Child

FMLA leave may be taken for the birth or placement (through adoption or foster care) of a son or daughter. Leave may be taken on an intermittent or reduced schedule basis during the 16

weeks before and after a birth or adoption. If an employee takes leave in less than full day increments, the employee will receive compensation consistent with the hours the employee actually works.

The entitlement to leave for the birth or placement of a child ends 12 months after the birth or placement. An employee may use any accrued paid leave, including vacation, during otherwise unpaid leave. To the extent permitted by applicable law, the Company requires that employees use paid leave during any period of unpaid leave under this Policy. This paid leave will not be available to the employee later.

B. Medical Leave

Eligible employees may take medical leave for their own serious health condition or to care for a child, spouse, or parent with a serious health condition. A serious health condition generally occurs when the patient receives in-patient care at a hospital, hospice or nursing home, or receives outpatient care which requires a schedule of continuing treatment by a health care provider.

Medical leave may be taken all at once, or in smaller increments, on an intermittent or reduced leave schedule if medically necessary. If leave is taken in smaller increments, the employee may be transferred temporarily to another job. Employees requesting intermittent or reduced schedule leave for planned medical treatment must make a reasonable effort to schedule leave so it does not unduly disrupt the Company's operations.

Employees may use accrued paid leave during an otherwise unpaid leave. To the extent permitted by applicable law, the Company requires that employees use available paid leave during any unpaid leave under this Policy. This paid leave will not be available to the employee later.

When an employee is allowed to take leave in less than one day increments, the employee will receive reduced compensation consistent with the hours the employee actually works.

C. Qualifying reasons arising out of a call to active military duty

Eligible employees may take leave for qualifying reasons relating to a covered family member's active duty or call to active duty in the Armed Forces. This leave is available to eligible employees whose spouse, child, or parent has been called to active duty. This leave may be taken in a continuous period or on an intermittent or reduced leave basis. Eligible employees may be able to take leave for any of the following reasons:

1. Short-notice deployment.

Up to 7 days of leave may be taken when a family member receives notice of 7 days or less of an impending call or order to active duty.

2. Military events and related activities.

Leave may be taken to attend official ceremonies, programs, or events sponsored by the military and relating to the call to active duty. Leave also may be taken to attend support or assistance programs or informational briefings sponsored by the military, a military service organization, or the Red Cross, provided that the briefings or programs are related to the call to active duty.

3. Child care and school activities.

Leave may be taken to arrange for alternative child care necessitated by the call to active duty or to provide urgent or immediate care on a short-term basis to the child of a covered member of the military. Leave also may be taken to attend school or daycare meetings or conferences concerning a child of a covered member of the military.

4. Financial and legal arrangements.

Leave may be taken to make legal or financial arrangements relating to the call to active service, including situations in which the employee acts as the representative of a covered member of the military.

5. Counseling

Leave is available to attend counseling which is directly related to and arising from the call to active duty.

6. Rest and recuperation.

Up to 5 days of leave is available to be with a covered military member who is on a short-term, temporary leave for purposes of rest and recuperation.

7. Post-deployment activities.

Leave is available for activities relating to the termination of active duty status. These activities include reintegration briefings and events, official ceremonies or programs scheduled by the military during the first 90 days following the termination of active status.

8. Other activities relating to the active duty.

Leave may be available for additional purposes provided the leave is related to the active duty of a covered military member.

D. Illness or Injury of a family member in the Armed Forces

Eligible employees may take FMLA leave to care for a spouse, child, parent or next of kin who is a service member and has suffered an illness or injury while on active duty. This leave, in combination with all other FMLA leave, may not exceed 26 weeks of leave in a single 12-month period.

The next of kin of a covered service member is the nearest blood relative other than the service member's spouse, child, or parent. If the service member has designated, in writing, a particular

person as his/her nearest blood relative, that designation is determinative. If not, leave is available for other relatives in the following order of preference:

Blood relatives who have been granted legal custody of the service member by court decree or operation of law.

- Siblings.
- Grandparents.
- Aunts and uncles.
- First cousins.

To qualify for this leave, eligible employees must document their relationship to the covered service member.

This leave may be taken on an intermittent basis or through a reduced leave schedule. Employees taking leave on an intermittent or reduced schedule basis may be transferred to another position, temporarily, which better accommodates their need for leave.

Certification

Employees requesting FMLA leave for their own serious health condition, the serious health condition of a family member, the care of a covered service member, or qualifying reasons relating to a call to active duty must provide certification of the need for leave. Employees must return a complete and sufficient certification to Employee Services Department within 15 calendar days after the Company requests a certification, unless that deadline is not practicable under the circumstances. An unjustified failure to return a complete and sufficient certification within 15 days can result in the delay or denial of a request for leave.

A. Medical Certification of a serious health condition

Employees who request FMLA leave for a serious health condition, either their own or that of an eligible family member, must provide a Health Care Provider Certification completed by the patient's treating health care provider. This document must be provided to the Employee Services Department within 15 days after it is requested, unless additional time is requested and approved. Medical certification forms are available from the Employee Services Department.

After receiving a complete Health Care Provider Certification, the Company may require that an employee see a health care provider of the Company's choosing. The Company will pay the cost of this examination. If the results of this second examination differ from the original certification, the Company may require a third examination, again at its expense, by a health care provider who is mutually agreeable to the Company and the employee. Both the Company and the employee are obligated to cooperate in selecting a suitable health care provider. The results of this third examination will be final and binding on the employee and on the Company.

When an employee takes leave because of his or her serious health condition, the Company may require that the employee submit to additional certifications periodically during the leave.

B. Certification of leave relating to a call to active duty

Employees who request FMLA leave for qualifying reasons relating to a call to active duty for a spouse, child, or parent must provide a complete and sufficient certification of the need for leave. The certification should be returned within 15 calendar days after it is requested, unless additional time is requested and approved. The failure to return a timely certification can result in the delay or denial of a request for leave. Certification forms are available from Employee Services Department.

C. Certification of leave to care for an ill or injured service member

Employees who request leave to care for an ill or injured service member must provide a complete and sufficient certification of the need for leave. The certification should be returned within 15 calendar days after it is requested, unless additional time is requested and approved. The failure to return a timely certification can result in the delay or denial of a request for leave. Certification forms are available from Employee Services Department.

Benefits During Family and Medical Leave

During an approved family or medical leave, the Company will continue to make available the same insurance benefits which are available to employees who are not on leave. It is the employee's responsibility to continue to contribute his or her portion of the cost of any employee-paid premium during leave. If the employee is paid during the leave, the premium will be deducted from the pay available. During any unpaid period of leave, the employee may elect to make payments during the period of leave or the premium payment will be deferred until the expiration of the leave or the employee's return to work, whichever occurs first. The failure to make timely premium payments can result in the loss of benefits.

No employee will lose any accrued seniority or benefits while on leave. Additional seniority and benefits will not accrue during any unpaid family or medical leave. Employees on leave will not accrue greater employment rights than they would have if they had not taken leave.

During a period of intermittent leave, the Company may transfer an employee to an alternate position. This position will better accommodate the need for intermittent leave. In such a position, the employee will be paid at the rate he/she enjoyed prior to leave, with the same benefits.

Returning From Family or Medical Leave

Employees returning from family or medical leave should, where possible, give the Company at least 2 weeks' written notice of their return if the leave has been longer than one month. Regardless of the length of leave, employees must provide at least 2 work days' notice.

Any employee who returns from family or medical leave within 12 weeks, or whatever amount of leave was available, will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, the Company cannot

guarantee reinstatement to employees whose leave extends beyond their entitlement of FMLA leave, except to the extent necessary to comply with applicable state or federal law or Company policy.

If an employee is on leave for more than 3 days because of the employee's own serious health condition, the Company may require that the employee provide a fitness-for-duty certificate before returning to work. If an employee fails to provide a certificate by the end of any medical leave, the employee may not be eligible for reinstatement. Fitness-for-duty certificates should be coordinated with the Employee Services Department.

Failure to Meet Policy Requirements

If you fail to meet the requirements of this Policy, your request for leave may be denied or delayed until the requirements are met. Any period of absence not covered by this Policy will be administered under the Company's Attendance Policy or any other applicable policy. If you have any questions regarding the operation or interpretation of this policy, please contact the Employee Services Department.

NOTE:

In the event there is a conflict between any statement contained in this policy and any requirements set forth in the actual FMLA regulations, the regulations will control.