



## LEAVE OF ABSENCE OVERVIEW (For Family and Medical, Military, and Personal Leave Requests)

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### **Introduction**

Metromont recognizes the need for associates to take time away from work for certain eligible medical, family, military, and personal leave situations. This overview contains the statutory criteria of the FMLA as well as Metromont's policy regarding leaves of absence.

### **What is defined as a leave of absence?**

A leave of absence is defined as an absence from work lasting at least three (3) regularly-scheduled work days.

### **How do I request a leave of absence?**

In the event the leave is foreseeable (i.e., birth or placement of a child, planned medical care of you or an eligible family member, call to active duty of an eligible family member, etc.), at least thirty (30) days advance notice of the need to take a leave of absence must be provided. If the need for leave is not foreseeable, as much notice as practicable (generally either the same or next business day) should be given.

Proper absence notification procedures must be followed for all leave requests. If an associate fails to give the required notice for a foreseeable leave without reasonable excuse, Metromont reserves the right to deny or delay the start of the leave until adequate notice is received.

Under no circumstance will Metromont grant any type of leave so that an associate can work or seek employment with any other entity, including self-employment. In addition, associates are prohibited from working any supplemental or secondary job, including within Metromont, during any type of leave.

### **What information must I provide to request a leave of absence?**

An **Application for Leave of Absence** must be completed and returned to the Benefits Department at least thirty (30) days prior to the start of the leave (if the leave is foreseeable, or as soon as practicable if not).

If the leave is for medical reason for either you or your eligible family member, a **Certification of Health Care Provider Form** must also be completed and returned within fifteen (15) days of the medical leave request. Documentation to verify the relationship of your family member may also be required.

Please contact your Human Resources representative to request for leave paperwork to be sent to you.

If there is reason to doubt the validity of the medical certification, a second opinion (at the expense of Metromont) related to the serious health condition may be required. If the original medical certification and the second opinion differ, a third opinion (at the expense of Metromont) may be required. The opinion of the third health care provider, which Metromont and the associate jointly select, will be the final and binding decision.

### **What is FMLA?**

The Family and Medical Leave Act (FMLA) of 1993 was designed to allow eligible associates to balance work and family life by taking reasonable unpaid, job-protected leave for specified family, medical, and military reasons.

### **Am I eligible for leave under the FMLA?**

To be eligible for leave under the FMLA, you must:

- 1) Have worked for Metromont for at least 12 months;
- 2) Have worked at least 1,250 hours over the previous 12-month period; and
- 3) Work at a location where Metromont employs at least 50 associates within 75 miles.

### **What are the allowable reasons to take leave under the FMLA?**

#### **Basic Leave**

An associate may take up to 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- For the birth and care of your newborn child;
- For placement with you a son or daughter for adoption or foster care;
- To take medical leave when you are unable to work because of your own serious health condition (see definition of Serious Health Condition below); or
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.

#### **Military Family Leave**

Eligible associates whose family member (spouse, child, or parent) is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. FMLA also includes a special leave entitlement of up to 26 workweeks of leave to care for a covered service-member during a 12-month period. For more information on Military Family Leave entitlement, please contact your Human Resources representative.

In the event when a husband and wife both are associates of Metromont and wish to request leave under the FMLA, they are eligible for a combined 12 workweeks of unpaid Basic or Military Family Leave (depending on the qualifying event), or a combined 26 workweeks of unpaid Military Family Leave.

### **What is a “serious health condition”?**

A serious health condition, as defined by the FMLA, refers to an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- A period of incapacity requiring absence of more than 3 calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- Any period of incapacity due to pregnancy, or for prenatal care;
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than 3 consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

### **What happens to my health insurance during my FMLA leave?**

During an approved FMLA leave, your health care coverage under Metromont's group insurance plans will continue. Metromont will defer the associate contribution for your medical, dental, and/or vision coverage during the period of your leave. Upon your return to work, Metromont will take an additional deduction from your pay until your deferred balance is repaid in full.

Metromont's obligation to maintain your health care coverage under the FMLA ceases if and when you inform Metromont of your intent not to return to work prior to or at the end of the leave period, or if you fail to return to work once your FMLA eligibility is exhausted. Also, if you do not return to work at least thirty (30) days after the expiration of your FMLA leave, Metromont reserves the right to recover any premiums paid to maintain coverage for you during your leave period. Please refer to the applicable plan documents if you have any additional questions concerning the continuation of health and other insurance coverage during a period of FMLA leave.

An associate will not be deprived of any employment benefit accrued prior to taking FMLA leave. However, Metromont is under no obligation to allow an associate to accrue seniority or other employment benefits during FMLA leave. The FMLA does not entitle associates to any rights or benefits other than those to which the associate would have been entitled had the associate not taken the leave.

### **Will I be paid during my leave?**

You are permitted to use your available paid time off during any portion of your FMLA leave. Paid time off will not automatically be applied – you must notify the Benefits Department if you wish to use your paid time off during your leave.

Short-term disability pay may also be available if your need for leave is due to your own medical reason. Application for short-term disability must be made to, and eligibility for benefits will be determined by, Lincoln. If approved, short-term disability will be paid in accordance with Metromont's regular payroll schedule.

If no paid time off is available or should you not qualify for short-term disability pay, the time spent on leave will be unpaid.

### **What else may be expected of me during my leave?**

Under certain circumstances, Metromont may require re-certification of the serious health condition or of the need for leave if it extends beyond the original requested leave period. Metromont may also request re-certification on an annual basis in which leave is taken on an intermittent or reduced schedule basis under the FMLA.

While on leave, you may also be required to furnish Metromont with periodic updates on your status and your intent to return to work. The frequency of these updates will be detailed to you in your leave designation notification.

### **Returning to Work**

Associates returning from medical leave that was taken due to their own serious health condition will be required to present a Fitness for Duty report from their treating physician identifying any restrictions related to performing their job duties, and may also be required to have a medical examination completed. This report must be provided to their Human Resources representative prior to being permitted to return to work.

Upon return from FMLA leave, an associate must be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to our operations, Metromont may refuse to reinstate certain highly-paid "key" associates after using FMLA leave.

### **Other Types of Leave**

#### **FMLA Intermittent or Reduced Schedule Leave**

Intermittent leave or reduced-schedule leave may be available under the FMLA when medically necessary due to an associate's own serious health condition, the serious health condition of an eligible family member, or for qualifying Active Duty and Military Caregiver Leave events. Intermittent or reduced-schedule leave under the FMLA for the birth or placement of a child for adoption or foster care may be taken only with approval from the Corporate Human Resources

Department. Intermittent leave is not permitted for non-FMLA qualifying events without the approval of the Corporate Human Resources Department.

During an approved intermittent leave, associates should make every reasonable effort to schedule medical treatment so as to not disrupt the ongoing business operations of Metromont. Further, if the need for leave is foreseeable based on planned medical treatment, Metromont reserves the right to temporarily transfer the associate to an alternate position with equivalent pay and benefits for which they are qualified if the transfer better accommodates the requested leave.

### Personal Leave

A personal leave of absence of up to 12 weeks in a 12-month period may be granted if an associate does not meet the eligibility criteria of the FMLA. Personal leave may be granted for conditions such as an associate's own personal illness, the illness of the associate's immediate family member (spouse, child, or parent), or for compelling personal, non-medical reasons. Personal leaves are granted at Metromont's sole discretion. A physician's statement or other supporting documentation may be required before personal leave can be granted, and may be required throughout the duration of the personal leave.

During a personal leave, all available paid time off must be used before unpaid leave may be granted. The associate will be responsible for all contributions required to maintain their benefits under Metromont's health care plans. Other benefits, such as vacation and/or sick pay, do not accrue for an associate who is on an unpaid leave. Similarly, holidays that occur while that associate is on unpaid leave will not be paid.

An associate returning from personal leave that was taken due to his/her own serious health condition will be required to present a Fitness for Duty report from their treating physician identifying any restrictions related to performing the associate's job duties, and also may be required to have a medical examination completed. This report must be provided to their Human Resources representative prior to being permitted to return to work.

Upon return to work from a personal leave, Metromont may attempt to place you in your position that was held prior to your personal leave provided that you are qualified to perform this job and that the position is vacant. However, if your previously-held position is not available or you are not qualified to perform this job, Metromont may attempt to place you in an available position for which you are qualified. If no position for which you are qualified is available, your employment with Metromont may be terminated. An associate who refuses a job offer will be considered to have voluntarily quit.

### Workers' Compensation Leave

An associate may be entitled to receive Workers' Compensation benefits if they incur a work-related injury or illness. Associates must report any work-related injury and/or illness to their supervisor, Human Resources representative, and/or Safety Manager immediately but no later than 24 hours after the injury/illness occurs. If the injury requires medical treatment,

the associate should be seen by a panel physician or other treatment provider of Metromont's choosing.

Associates with lost time due to a work-related injury or illness that has been approved for Workers' Compensation will be placed on a Workers' Compensation Leave. Workers' Compensation Leave and FMLA will run concurrently. Leave under this policy which exceeds the 12 weeks of FMLA is subject to Metromont's policy for other associates who have exhausted FMLA leave but need additional time away from work.

#### Military/Uniformed Services Leave

Associates may have certain rights, benefits, and/or obligations related to service in the uniformed services pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) or related state laws. It is Metromont's intent to comply with the requirements provided by USERRA with respect to leaves of absence, re-employment rights, continuation of health coverage, and other related matters. If the associate is a member of the uniformed services, they should discuss with their Human Resources representative any questions or concerns they may have regarding rights and obligations pertaining to leave for service, notice thereof, benefits during a leave during uniformed service, or related issues. Leaves during periods of uniformed service are without pay and the associate is requested to notify their supervisor of the need for military leave as far in advance as possible.

Certain states provide greater or different job-protected leave to family members of persons in the military. When applicable, Metromont complies with all such military state Military Leave laws. When leave provided under one of these laws is covered under the FMLA, it also shall count towards an associate's FMLA entitlement and as FMLA Leave under this policy. Military Family Leave laws vary by state – please contact your Human Resources representative for details.

Questions regarding leaves of absence may be directed to the Benefits Department at (864) 605-5006.