

MODEL POLICY: FAMILY AND MEDICAL LEAVE

General Provisions

It is the policy of THE COMPANY to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). Additional time may be available through the Connecticut FMLA. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. For purposes of this policy, the 12 month period for the federal FMLA and for the Connecticut FMLA is based on the first day leave is taken for 12 or 24 month period going forward.

Eligibility

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

- 1) The employee must have worked for THE COMPANY for 12 months.
- 2) The employee must have worked at least 1,250 (1,000 for Connecticut FMLA) hours during the twelve-month period immediately before the date when the leave is requested to commence.
- 3) The employee must work at THE COMPANY or in an office or worksite where 50 or more employees are employed by THE COMPANY or within 75 miles of that office or worksite.

Reasons for Leave

In order to qualify as FMLA leave under this policy, the employee must be taking 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 for adoption or foster care, and to care for the newly placed child;
- 3) to care for a spouse, child, or parent with a serious health condition; or
- 4) the serious health condition (described below) of the employee.

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5) a “qualifying exigency” (defined below) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition which requires continuing care by a licensed health care provider. Continuing treatment by a health care provider is defined as:

- a) Any period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (1) In-person treatment visit two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or (2) In-person treatment visit by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. The first (or only) in-person treatment visit must take place within 7-days of the first day of incapacity.
- b) Any period of incapacity due to pregnancy, or for prenatal care.
- c) Any period of incapacity, or treatment for such incapacity, due to a chronic serious health condition. (A chronic serious health condition involves periodic visits, at least twice a year, to a health care provider for treatments, continues over an extended period of time and may cause episodic periods of incapacity such as occurring with diabetes, asthma, and epilepsy.)
- d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (*i.e.*, Alzheimer's disease).
- e) Any period of absence necessary to receive multiple treatments by a health care services provider under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

A qualifying exigency is defined as a non-medical activity that is directly related to the covered military member's active duty or call to active duty status, for one or more of the following qualifying activities: (1) Short-notice deployment; (2) Military events and related Activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and, (8) Additional activities that arise out of the covered military member's active duty of call to active duty status provided that the employer and employee agree that such

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leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An eligible employee can take up to 12 weeks of leave under this policy during any 12-month period. The company will measure the 12-month period as a 12-month period measured forward from the date an employee uses any FMLA-qualifying leave.

Additional Leave Entitlement for Military Caregiver

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. The “single 12-month period” for military caregiver leave begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date.

Employee Benefits During Leave

While an employee is on leave, the company will continue the employee's group health insurance during the leave period at the same level and under the same conditions as if the employee had continued to work.

Under THE COMPANY'S current policy, the employee pays a portion of the health care premium. While on paid leave, THE COMPANY will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the 15th day of each 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. THE COMPANY will provide 15 days notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member, THE COMPANY may require the employee to reimburse the company the amount the company paid for the employee's health insurance premium during the leave period.

Employee Status After Leave

An employee who takes leave under this policy will be able to return to the same position or a position which is substantially similar.

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The company may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave

If the employee has accrued or earned paid leave the employee must use paid leave first and take the remainder of the twelve weeks as unpaid leave. The company will notify the employee that the leave is designated as FMLA leave.

An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation and AFW time prior to being eligible for unpaid leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in consecutive weeks, may use the leave intermittently, or under certain circumstances may use the leave to reduce the workweek or workday, resulting in a reduced work schedule as required under law. In all cases, the leave may not exceed a total of 12 workweeks over a 12-month period, or 26 weeks in a single 12-month period where all or a portion of the leave is to care for a covered military servicemember who is recovering from a serious illness or injury sustained while on active duty, unless extended by state law.

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.

Certification of the Serious Health Condition

THE COMPANY may ask for a health care provider's certification of the serious health condition. Failure to provide certification may result in a denial of leave. Medical certification may be provided by using the Medical Certification Form available from the company.

Procedure for Requesting Leave

All employees requesting leave under this policy must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, and

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otherwise comply with THE COMPANY'S usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

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 is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order 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 are requested to report periodically to the company regarding the status of the medical condition, and their intent to return to work.

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