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MODEL FAMILY AND MEDICAL LEAVE ACT POLICY

Under the Family and Medical Leave Act of 1993, as amended (FMLA), eligible employees may be granted up to a total of 12 weeks of unpaid leave per 12-month period, as determined below, for any of the following reasons:

- (a) the birth of employee's child and to care for the newborn child;
- (b) placement with the employee of a child for adoption or foster care;
- (c) care for employee's parent (in-laws not included), spouse, or child (under age 18, or age 18 or older and incapable of self-care because of a disability) with a serious health condition;
- (d) serious health condition that renders employee unable to perform the job; or
- (e) any qualifying exigency arising from the fact that employee's spouse, child, or parent is on, or has been notified of an impending call to, covered active duty status in the National Guard or Reserves, or a regular component of the Armed Forces (or as a retired member of the regular Armed Forces or Reserves) during deployment to a foreign country ("Active Duty Leave"). The following reasons may constitute qualifying exigencies: short notice deployment; attendance at certain military programs related to active duty assignment; change in childcare or parental care obligations due to active duty assignment; attendance at appointments related to financial or legal planning as a result of active duty assignment; attendance at counseling sessions that are needed as a result of an active duty assignment; short-term temporary rest and recuperation leave of a covered servicemember during a time of deployment; attendance at certain other post-deployment activities; and other activities as agreed by the company and employee.

Additionally, under the FMLA, eligible employees may be granted up to a total of 26 weeks of unpaid leave during a single 12-month period to care for a spouse, child, parent (in-laws not included), or next of kin (nearest blood relative) who is a current member or qualified veteran of the Armed Forces (including the National Guard or Reserves) and has incurred or aggravated a qualifying serious injury or illness in the line of duty while on active duty in the Armed Forces, provided that: (a) in the case of a current member, such injury or illness renders the

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servicemember medically unfit to perform the duties of the servicemember's office, grade, rank or rating and for which the servicemember is undergoing medical treatment, recuperation or therapy, or the servicemember is in outpatient status, or is on the temporary disability retired list; or (b) in the case of a qualified veteran (discharged for other than dishonorable reasons), the veteran was a member of the Armed Forces at any time during the five years preceding the date of such treatment, recuperation, or therapy for a qualifying serious injury or illness. This type of leave is referred to in this policy as "Servicemember Family Leave." During the single 12-month period in which Servicemember Family Leave may be taken, eligible employees are limited to a combined total of 26 weeks of unpaid leave for any reason under the FMLA; however, no more than 12 of those weeks may be taken for non-Servicemember Family Leave.

All qualifying leave will be administered in accordance with the FMLA, as amended.

Eligible Employees

Eligible employees are employees with at least 12-months cumulative service with the company who have worked at least 1,250 hours during the preceding 12 months and who work at a site with at least 50 employees employed within a 75-mile radius of the work site.

Leave Requests/Extensions

Employees requesting leave must obtain the appropriate forms from human resources and submit the completed forms no less than 30 days before the requested leave is to begin when the need for leave is foreseeable. In circumstances when 30-days notice is not possible, then employees must provide notice as soon as practicable and in most cases must comply with the company's normal call-in procedures. If the leave is for planned medical treatment (whether for employee or covered family member), employees must consult with the company in advance and make a reasonable effort to schedule the treatment so as to avoid any undue burden on the company or disruption to the business. Failure to provide proper notice in accordance with this provision may result in the delay or denial of FMLA leave.

Employees must provide sufficient information for the company to determine if the leave may qualify for FMLA protection, and the anticipated timing and duration of the leave. Employees must also inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees who fail to return to work upon the expiration of any approved period of FMLA leave will be subject to termination. Employees who cannot return to work at such time due to the continuation of the circumstances that necessitated the approved FMLA leave or the onset of other FMLA qualifying circumstances must request an extension of the FMLA leave as soon as the need for the extension is known or in no event later than the expiration of the approved leave period.

Certifications

Upon request, employees requesting leave because of their own sickness or that of a parent, child, or spouse must provide medical certification or recertification from an appropriate health-care provider. Employees requesting Servicemember Family Leave because a spouse, child, parent, or next of kin has incurred or aggravated a serious injury or illness in the line of duty while



on active duty in the Armed Forces, also must provide medical certification from an appropriate healthcare provider of the servicemember. Employees must contact human resources to obtain certification forms.

Employees are responsible for paying for any certification or recertification. The company, at its own cost, may require a second or third opinion in the case of employee's own health condition or that of a parent, child or spouse or certification of a servicemember's serious injury or illness that was certified by a non-DOD/ VA/DOD TRICARE network or non-network provider. Upon request, employees must provide a physician's statement certifying their ability to return to work and perform the essential functions of their job. Failure to provide timely or complete certifications may result in denial of leave or return to work.

Upon request, employees requiring leave because a spouse, child, or parent is on, or has been notified of an impending call to, covered active duty in the Armed Forces during deployment to a foreign country, must provide a certification of such duty or call to duty, including a copy of the active duty orders or other military issued documentation.

Periodic Status Report

Upon request, employees on FMLA leave will be required to report periodically, as directed, on their status and intention to return to work. Failure to report, as directed, may result in discontinuation of leave approval, denial of return to work or other disciplinary action, including termination.

Intermittent or Reduced Leave

Intermittent leave (leave taken in separate blocks of time) or reduced schedule leave (leave taken on a part-time basis) may be taken when medically necessary or in the case of Active Duty Leave or Servicemember Family Leave. Upon request, employees must provide medical certification that intermittent or reduced schedule leave is medically necessary, the expected duration of the leave and, if the leave is necessary for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment. Employees must make a reasonable effort to schedule leave for planned medical treatment so as not to unduly disrupt the company's operations. Employees taking such leave for planned medical treatment (whether their own or covered family member's) may be required to transfer temporarily to an alternative position with equivalent pay and benefits for the duration of the leave.

Newborn, Adoption, and Foster Care Leave

This leave must be completed within one year of the child's birth or placement and may not be taken on an intermittent or reduced schedule.

Spouse's Combined Leave

Employees who are married to one another are limited to a combined total of 12 weeks of leave during the 12-month period if the leave is taken for: (1) birth of employee's child or to care for the newborn child; (2) placement with the employee of a child for adoption or foster care; or (3) care of the employee's parent with a serious health condition.



Employees who are married to one another are limited to a combined total of 26 weeks of leave during the single 12-month period during which Servicemember Family Leave may be taken if either Servicemember Family Leave or a combination of Servicemember Family Leave and FMLA leave for the birth, adoption or foster placement of a child or care for the child after birth or placement, or care of the employee's parent with a serious health condition, is taken. If the leave taken by the husband and wife includes FMLA leave other than Servicemember Family Leave, the 12-week limitation described above will apply to that non-Servicemember Family Leave.

12-Month Period

For the purposes of determining available FMLA leave for reasons other than Servicemember Family Leave, the 12-month period during which employees may be eligible for FMLA leave will be calculated on a 12-month period measured backward from the date the FMLA leave is requested to begin. For purposes of Servicemember Family Leave, the single 12-month period during which Servicemember Family Leave may be taken begins on the first day the eligible employee takes such leave to care for a covered servicemember and ends 12 months after that date.

For the purposes of determining available Servicemember Family Leave, the 12-month period during which employees may be eligible for Servicemember Family Leave will be calculated on a 12-month period measured forward from the date the employees' leave to care for the covered servicemember begins.

Substitution of Paid Leave

The company will substitute the employee's accrued paid leave (including sick leave, vacation leave, or other paid time off) for part or all of the unpaid leave. In order to use paid leave for FMLA leave, employees must comply with the company's normal paid leave policies.

Benefits Continuation

During leave, employees may continue health-care coverage under the group health plan. Employees must pay the premium at the same time as it would be made if paid by payroll deduction (i.e., per applicable pay period) or, if the employee elects, the premiums may be paid in advance. During the leave, the same terms and conditions would apply had the employee not taken the leave. Failure of the employee to pay his or her share of the premiums may result in loss of coverage.

Employees must reimburse the company for its payment of any benefits premiums during leave as follows: (1) employees who do not return to work for at least 30-days may be required to reimburse the company for its share of group health premiums paid during the leave; and (2) employees will be required to reimburse the company for any payments made by the company toward the employee's share of benefit costs during the leave. ***Any amounts paid by the company toward the employee's or company's share of employee benefit costs during leave will be treated as an advance in wages with reimbursement to the company made through payroll deduction or vacation pay deduction or forfeiture and, to the extent necessary to achieve full reimbursement, any other available means.*** Employees will not accrue sick or vacation leave or other employee benefits during the leave.



Reinstatement

Under most circumstances, employees who return to work immediately after the expiration of this leave and who do not exceed the amount of leave permitted under the FMLA will be reinstated to either the same or equivalent job, with equivalent pay and benefits. Certain highly compensated employees may be denied reinstatement.

Information about FMLA Leave

Employees who desire to take family or medical leave should contact human resources for information concerning their eligibility for such leave under the Family and Medical Leave Act of 1993, as amended. For more information regarding employee rights under the FMLA, employees may also refer to the U.S. Department of Labor's Notice to Employees of Rights Under FMLA, attached to this Handbook as _____.