
POLICY TITLE: LEAVES OF ABSENCE

ORIGINAL EFFECTIVE DATE: 12/2002

REVISION DATE: 1/2014, 11/2015

PURPOSE

It is the policy of the Company to allow employees to take extended periods of time away from work for their family, medical, military, parental, personal, administrative, jury duty, voting, bereavement, school and worker's compensation reasons, according to the operations needs of the Company, the provisions of this policy and applicable federal, state and local laws.

POLICY

Employees who wish to request a leave of absence are required to follow the notice requirement described below and complete the necessary documentation to validate the leave with Human Resources. Employees who are on an approved leave of absence are required to keep Human Resources apprised of their status and their intent regarding their return to work.

I. Federal Family Medical Leave (FMLA)

- A. Eligible employees may take up to 12 weeks/480 hours of unpaid family/medical leave within a 12-month period or 26 weeks if qualified for covered military service member leave, provided they have worked for the Company for at least 12 months and for at least 1,250 hours in the last 12 months. The 12-month period is defined as a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks/480 hours the employee has not used during the immediately preceding 12 months.
- B. One will generally be restored to the same or equivalent position with equivalent status, pay, benefits and employment terms upon return from leave. Exceptions apply if your position would have been eliminated or you would have been terminated were it not for taking FMLA leave. The Company may choose to exempt certain key employees from this requirement and not return them to the same or similar position.
- C. All of the Notice, Intermittent, Certification, Communication, Pay and Benefit sections apply as those outlined in this policy.
- D. Qualified Reasons for FMLA
 - 1. Employees may take family/medical leave for any of the following reasons:
 - i. The birth of a son or daughter and in order to care for such son or daughter;
 - ii. The placement of a son or daughter for adoption or foster care and in order to care for the newly placed son or daughter;
 - a. Leave for the birth of a child or placement for adoption or foster care must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses who are both employed by the Company and who request leave because of the birth of a child or

placement for adoption or foster care, or to care for an employee's parent with a serious health condition may only take a combined total of 12 weeks/480 hours during any 12-month period.

- iii. The employee's own serious health condition that renders them unable to perform any one essential function of their position.
 - iv. To care for a spouse, child or parent with a serious health condition.
 - v. Military Caregiver Leave: To care for a covered military service-member with a serious injury or illness incurred in the line of duty
 - vi. Military Qualifying Exigency Activities Leave: Available to eligible employees with a covered military member serving in the Nation Guard or Reserves; to use for non-medical activities related to deployment.
2. A "serious health condition" is generally defined as an illness, injury, impairment, or physical or mental condition that involves one or more of the following:
- i. Hospital Inpatient Care
 - ii. Absence Plus Treatment
 - iii. Pregnancy or Prenatal Care
 - iv. Chronic Conditions Requiring Treatment
 - v. Permanent/Long-Term Conditions Requiring Supervision
 - vi. Multiple Treatments
3. A "child" is defined by the FMLA regulations as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. For purposes of exigent circumstances or military caregiver leave, the definition of child is the same, provided that a "child" can be any age.

II. Notice Requirements for Leave of Absence

- A. Proper documentation, such as the Leave of Absence Request form or medical certification form provided by Human Resources, should be completed prior to an employee's leave date or as soon as possible and practicable. All employees taking intermittent FMLA leave who will be absent from work are expected to follow the department's call-in procedures.
- B. If the need for leave is foreseeable, they must give the Company at least 30 days prior written notice. When possible, employees are expected to make a reasonable effort to schedule the treatment in order to minimize disruptions to the Company's operations.
- C. If this is not possible, employees must give verbal or written notice as soon as possible and practicable. Failure to provide such notice may be grounds for delay or denial of leave. If an employee is unable to give a 30 day notice, the employee must respond to a request regarding why it was not practicable to give proper notice.

III. Intermittent and Reduced Schedule Leaves

- A. Leave because of a serious health condition of employee, spouse, child or parent, may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours you work per week or work day) if medically necessary, including maternity leave if approved by the Company. In order to accommodate an intermittent leave, the employee must be able to perform the functions of the job safely and according to the business

needs of the Company. If leave is unpaid, the Company will reduce salary based on the amount of time actually worked.

- B. In addition, while on a planned intermittent or reduced scheduled leave, the Company may temporarily transfer you to an available alternative position that better accommodates your recurring leave and which has equivalent pay and benefits.
- C. When possible, the employee must make a reasonable effort to schedule intermittent leave at times that would cause the least interruption to department operations.
- D. The Company may obtain certification of fitness of work up to once every 30 days if reasonable safety concerns exist throughout the intermittent/reduced schedule leave.

IV. Certifications

A. Medical Certification

1. If an employee is requesting leave because of the employee's own or the serious health condition a spouse, child or parent, the employee and the relevant health care provider must supply appropriate medical certification. Employees may obtain Medical Certification Forms from Human Resources. When the leave is requested, the Company will notify the employee of the requirement for medical certification and when it is due (at least 15 days after you request leave). If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before the leave begins. Failure to provide a completed medical certification in a timely manner may result in a delay or denial of leave.
 2. The Company, at its expense, may require an examination by a second health care provider designated by the Company, if it reasonable doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the Company, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. You will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third option.
 3. The Company may require subsequent medical certifications (a recertification) as allowed by law. Failure to provide requested certification within 15 days may result in delay or denial of further leave.
 4. If an employee fails to timely submit a properly requested medical certification and does not provide a sufficient explanation of the delay, the leave may be delayed or denied. If the employee never provides a medical certification, the leave will not qualify for FMLA leave, if applicable.
- B. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information on an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic Information" as defined by GINA includes an individual's family medical history, the results on an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

C. Fitness for Duty Certification

1. If an employee is on leave for their serious health condition, a completed fitness for duty certification form may be required before the employee can return to work. If a certification is required, the completed certification must be returned to Human Resources prior to the employee's return to work.
2. If an employee fails to submit a properly requested fitness-for-duty certification, the Company may delay the job restoration until the employee provides the certification. If the employee never provides the certification, they may be denied reinstatement.
3. Any employee who fails to return to work at the end of an approved leave period, and who does not otherwise communicate his or her intention to Human Resources will be assumed to have voluntarily resigned their position(s) effective the last day the employee was paid, or the last day of a protected leave of absence, whichever is later.

V. Communication While on Leave

- A. While on leave the employee must keep in contact with Human Resources regarding the status of the leave and their intention to return to work (within 2 business days if feasible).
- B. Employees must give notice as soon as possible and practicable if the dates of leave change or are extending or initially were unknown.

VI. Pay

- A. FMLA, Military, most Personal, some Administrative and School leaves are unpaid time. Employees will be required to use any accrued paid time away in accordance with the Company's Vacation, Sick Time and Short Term Disability policies, before the start of unpaid time off. Paid time away will be run concurrently with all applicable leaves.
- B. Exempt employees who are granted intermittent leave under the law will be required to utilize accrued time away for partial day leaves of absence, in accordance with the Company's Vacation and Sick Time policies. Family/medical leaves runs concurrently with other types of leaves.
- C. Disability leave for the birth of the child and for an employee's serious health condition, including worker's compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employee is eligible for six (6) weeks of pregnancy disability leave and FMLA leave, the six (6) weeks will be designated as FMLA leave and counted toward their 12-week entitlement. They may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation and family leave prior to being eligible for unpaid leave.
- D. If an employee takes Vacation or Sick days for a condition that progresses into a serious health condition and they request unpaid leave as provided under this policy, the Company may designate all or some portion of related leave taken as leave under FMLA, to the extent that the earlier leave meets the necessary qualifications.

VII. Benefits

- A. During an approved FMLA leave or Personal leave of 30 days or less, the Company will maintain the employee's benefits, as if they continued to be actively employed. If paid time away is

substituted for unpaid FMLA or Personal leave, the Company will deduct the employee's portion of the plan premium as a regular payroll deduction.

- B. If accrued paid time away benefits are no longer available, the employee must pay their portion of the premiums by submitting a check payable to the Company by the first of every month, for the month in which the coverage is desired. Their group benefits will cease if their premium payment is more than 30 days late. The Company may provide 15 days' notification prior to the employee's loss of coverage.
- C. All other benefits will cease at the end of the month in which the employee's FMLA or Personal leave of 30 days or less are exhausted or leave becomes non-qualified. They will have the opportunity to continue eligible benefits through COBRA.
- D. If employee coverage lapses while on leave, the employee must make arrangements with Human Resources to reinstate coverage immediately upon return from leave.
- E. If the employee elects not to return to work at the end of the leave period, they will be required to reimburse the Company during their unpaid leave, unless they cannot return to work because of a serious health condition or other circumstances beyond their control.

VIII. Covered Military Service Member Leave (Military Caregiver)

- A. An employee may take up to twenty-six (26) work weeks of FMLA leave during a single twelve (12) month period to care for a covered service member who suffered a serious injury or illness in active military duty. This leave runs concurrent with all other qualified FMLA leaves.
- B. Covered family members include spouse, child, parent or next of kin (blood relative) to the covered service member.
- C. A "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. Leave taken for any FMLA reason counts towards this 26 week entitlement. If the employee does not take all of their 26 weeks of leave entitlement to care for the covered service member during the "single 12-month period," the remaining part of their 26 weeks of leave entitlement to care for the covered service member is forfeited.
- D. A "covered service member" is a current member, of the Armed Forces, including the National Guard or Reserves, and those on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status.
- E. Active duty means the service member was called up by the federal government (not state government) for a contingency operation of national emergency.
- F. The illness or injury must render the covered service member incapable of performing their military duties.

IX. Military Qualifying Exigency Leave

- A. An employee may take up to twelve (12) weeks of leave for any qualifying exigency arising out of the fact that a spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
- B. Covered military members include those members called or ordered to active duty as part of a contingency operation, who are members of the National Guard, Reserves, Regular Armed Forces when deployed to a foreign country, or are certain retired military. Verification

documentation and/or certifications may be required prior to attending the event(s), such as a copy of the military orders or other official Armed Forces communication.

C. Qualifying exigency reasons are as follows:

1. Short notice deployment where notification of call is seven (7) days or less prior to deployment
2. Military events and related activities such as official ceremonies, military-sponsored programs or briefings related to the active duty or call to active duty and to attend family support programs
3. Childcare and school activities to include arranging alternative care, childcare only on urgent basis, enroll or transfer child and attending school meetings
4. Financial and legal arrangements and for a period of 90 days following the termination of the covered military member's active duty status
5. Counseling for the covered military member or their child
6. Rest and recuperation up to fifteen (15) days if military member is on temporary leave
7. Post-deployment activities to attend ceremonies and military funeral. This stipulation is available up to 90 days after return from duty and only for the time needed to attend the event.
8. Additional activities that arise out of the covered military member's active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave

X. Military Leave of Absence

- A. Employees who are uniformed service members, reservists, and the National Guard members who are volunteering for or who are called to active duty, or who are reporting for training duties will be granted a leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- B. All of the Notice, Certification, Communication, Pay and Benefit sections apply as those outlined in this policy, unless listed differently below.
 1. Notice: Employees are required, when possible, to provide advance notice for a Military Leave of Absence, and should present a copy of service papers to Human Resources before the leave begins.
 2. Pay: Employees on Military Leave may use accrued vacation hours while on leave, but are not required to use vacation hours.
 3. Benefits: Employees on leave for less than 30 days will have their insurance benefits continued as long as they continue to pay their portion of any premiums. Employees on Military Leave for duration longer than 30 days will be required to pay the entire benefit premium in order to continue coverage.
 4. Reinstatement: In order to qualify for reinstatement, the returning employee must report to his or her supervisor and/or Human Resources within the appropriate time frame, ranging from the next day to 90 days, depending on the length of military service, in accordance with USERRA. The employee will be reinstated in the job the employee would have attained, including seniority, status, pay and benefits, and vesting and accrual scheduled, had the employee not been absent for military service.

XI. Minnesota Parental Leave

- A. Employees who have worked for the Company for at least twelve (12) months and have worked at least 1,040 hours for the Company in the preceding twelve (12) months, may be eligible for an unpaid parental leave.
- B. A parental leave of absence will be granted for up to twelve (12) weeks for:
 - 1. A biological or adoptive parent in conjunction with the birth or adoption of a child; or
 - 2. A female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions.
- C. Parental leave may not begin more than twelve (12) months after the child leaves the hospital or is placed through adoption, unless the child is required to remain in the hospital longer than the mother.
- D. To the extent that you are eligible for both Parental leave and FMLA leave, the two leaves will run concurrently.
- E. All of the Notice, Intermittent Leave, Certification, Communication, Pay and Benefits sections apply as those outlined in this policy, unless listed differently below.
 - 1. Notice: Parental leave must be requested by the employee at least one month prior to the expected date of the leave, if possible. Any employee returning from a parental leave should notify their supervisor at least two weeks, if possible, prior to returning from leave.
 - 2. Benefits: Health insurance coverage will continue for this period, provided, however, that the employee continues to pay their portion of the premium, if any. Vacation, sick leave, and/or any other employment benefits will not accrue during parental leave.
 - 3. Pay: Accrued sick and vacation time may be used during unpaid parental leave at the employee's discretion to continue income. However, employees are not required to use vacation or sick leave during parental leave. Paid leave cannot be utilized to extend the parental leave beyond twelve weeks. Parental leave will run concurrently with any other applicable leave, such as paid parental leave, sick leave, or accrued vacation.
 - 4. Reinstatement: In the event that the employee fails to return to work following the parental leave, accepts other employment during the leave, or otherwise receives monetary compensation for their services, the employee agrees to reimburse the Company for the employee's entire health insurance premium paid by the Company for the entire period that the employee was on parental leave.

XII. Personal Leave of Absence

- A. Employees requesting additional time off after all accrued vacation and/or sick hours are used may be granted a Personal Leave when a leave does not qualify for FMLA Leave or when FMLA Leave has been exhausted. Approval of the leave is at the unilateral discretion of the Company and provided that it does not result in a business hardship for the Company. Job performance, absenteeism and departmental requirements will all be taken into consideration before a personal leave of request is approved.
- B. The maximum amount of time an employee may request is 30 days. An extension may be approved.

- C. Eligibility: All regular full-time and part-time employees regularly scheduled to work at least 20 hours per week who have been employed for a minimum of one (1) year. Employees working less than 20 hours per week, variable hour, temporary, and intern employees are not eligible.
- D. All of the Notice, Intermittent Leave, Certification, Communication, Pay and Benefits sections apply as those outlined in this policy, unless listed differently below.
 - 1. Intermittent Leave: Employees may take Intermittent Leave or work a reduced work schedule, based upon the operational needs of the Company.
 - 2. Benefits: If an extension is granted past the 30 days, group insurance benefits will terminate at the end of the month in which the leave meets and surpasses 30 days. Employees on an Intermittent Personal Leave longer than 30 days who do not meet the hours worked criteria for group benefits, will have their benefits terminated at the end of the month in which they do not meet those requirements. Employees whose benefits end will have the opportunity to continue eligible benefits under COBRA.
 - 3. Reinstatement: Although a supervisor may make efforts to allow an employee return to his or her previous position upon a return from a Personal Leave Absence, there is no guarantee that the same position, an equivalent position or any position with the Company will be available upon return to work. Reinstatement will be made based upon available positions and the employee's qualifications for those positions.

XIII. Jury Duty and Witness Leave

- A. Employees who are subpoenaed as witnesses arising from performance of their official job duties with the Company or are called for jury duty are eligible to receive their regular compensation for hours they were scheduled to work, for up to ten (10) days per calendar year. In the event that the jury duty exceeds 10 days, Human Resources must be notified.
- B. Eligibility: All employees are eligible for Jury Duty pay beginning on the date of hire.
- C. Notice: Employees are required, when possible, to provide advance notice for a Jury Duty Leave of Absence and immediately notify their manager. Employees must provide a copy of the summons to Human Resources in order to be eligible for time off under this policy.
- D. Pay: Employees must note jury duty leave on their timecard. For non-exempt, hourly employees, time spent on jury duty will not be counted as hours worked for the purpose of computing overtime pay. Employees will not be compensated by the Company for missed time outside of jury duty responsibilities. Employees will also be required to sign over compensation received for jury duty services.
- E. If jury duty does not require an employee to miss an entire scheduled shift, employees must report to work once they are excused from jury duty or they are not otherwise required to report to jury duty. Employees must coordinate his or her work time with their manager.

XIV. Voting

- A. Voting leave is handled by the Company in accordance with all applicable federal and state regulations. Employees should attempt to arrange voting times for regularly scheduled state, national or congressional elections before or after regularly scheduled work hours. However, when this is not possible employees will be paid for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of the election.
- B. Eligibility: Employees eligible to vote in an election are eligible for this leave beginning on the date of hire.

- C. Notice: Voting time during work hours must be approved and arranged with the employee's manager prior to Election Day.
- D. An employee who uses this leave for anything other than voting is subject to disciplinary action.

XV. Bereavement Leave

- A. The Company will grant eligible employees paid time off from work for a reasonable period of time if a death occurs in an employee's immediate family. Such reasonable leave will normally extend from the day of the death through the day of the funeral of the deceased, plus necessary travel time.
- B. Eligibility: Regular full time employees and regular part-time or temporary employees who are regularly scheduled to work at least 20 hours per week are eligible for bereavement leave beginning on the date of hire.
- C. Notice: Employee must notify their supervisor of the requested leave as soon as possible. The manager will work with the employee to establish a reasonable time away from work. Employees must provide written documentation of the death, i.e. obituary or funeral program.
- D. Pay: Eligible employees will receive funeral leave pay based on their regular work schedule and at their regular base rate of pay. Employees must note bereavement leave on their timecard. For non-exempt, hourly employees, bereavement leave will not be counted as hours worked for the purpose of computing overtime pay. Employees will not be compensated by the Company for missed time outside of bereavement activities.
- E. Immediate family includes spouse, domestic partner, child, parent, sibling, grandparent, parent-in-law, sibling-in-law, or grandparent-in-law.
- F. Bereavement Leave pay will not be granted to employee's attending a funeral during periods when, for other reasons, they are not at work, such as holidays, other leaves of absence, workers compensation, or receiving short-term disability payments.

XVI. School Leave

- A. Employees who require time off to attend school conferences or school-related activities that cannot be scheduled during non-work hours may take up to 16 hours of unpaid leave during any 12-month period.
- B. Eligibility: Employees are eligible for this leave if they have worked for the Company on a least a half-time basis for the 12 months preceding the leave request.
- C. Notice: When the need for leave is foreseeable, employees must provide reasonable notice to their manager and make a reasonable effort to schedule the leave to cause the least disruption in the company's operations.
- D. Pay: Accrued vacation time must be used before time away will be unpaid.

XVII. Worker's Compensation

- A. An employee who is injured while on duty, or has a job-related illness may apply for Worker's Compensation benefits. Employees who miss an extended period of time due to a work-related injury may be placed on FMLA Leave or a Personal Leave of Absence, as appropriate, according to the provisions of this policy. Lost work time runs concurrent with FMLA.
- B. Notice: Employees are required to notify Human Resources immediately after a work injury or job-related illness.
- C. Employees who are released to return to work with restrictions or limitations may be eligible to

return to work determined by the report of workability.

XVIII. Administrative Leave of Absence

- A. The President and/or Chief Financial Officer may grant Administration Leaves, when such leave is in the best interest of the Company and/or its employees or customers. Administrative Leave is not a part of the disciplinary process, but is typically granted in circumstances requiring an investigation by the Company, when it is most prudent to remove an employee from the workplace pending the completion of the investigation. Administrative Leave is intended to be a period of short duration, typically less than one week, and will not extend beyond the time reasonably necessary to conduct an investigation.
- B. Pay and Benefits: Administrative Leave may be with or without pay. The Company will continue to pay its portion of benefit premiums and the employee is required to continue paying his or her portion of benefits premiums in order to continue benefits.
- C. Reinstatement: A position may not be permanently filled while its incumbent is on Administrative Leave. The outcome of the investigation or resolution of a legitimate business function may lead to reinstatement, reinstatement with pay or to disciplinary action up to and including immediate termination, among other outcomes.

Nothing in this policy guarantees additional rights for leave above and beyond those granted under federal, state or local law. Employees who are granted a leave of absence under more than one provision of this or any other policy of the Company, will have those leaves run concurrently and are not entitled to additional leave time. Nothing in this policy guarantees rights concerning benefit eligibility above and beyond those requirements identified in the summary plan descriptions or law.

REFERENCES

Vacation Policy

Sick Time Policy

Short Term Disability Policy

Family Medical Leave Act (FMLA)

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)