## *Family/Medical Leave*

### Introduction

At this time, Agency employees are not eligible for leave under the Family and Medical Leave Act (FMLA), and California employees are not eligible for leave under the California Family Rights Act (CFRA), because the Agency does not employ at least 50 employees within a 75-mile radius of any one worksite. However, we recognizes that family obligations and serious medical conditions are a concern for all of our employees. As a result, we allow employees to take a family or medical leave of absence in accordance with the terms and conditions of this policy.

It is important to point out that not all of the protections of the mandated leave laws (such as job reinstatement rights) apply when the leave is being offered voluntarily by the Agency. While the following policy is meant to roughly mirror the requirements of FMLA and CFRA, this policy should not be construed as granting employees any contractual right to leave pursuant to the FMLA or CFRA. The Agency reserves the right to deny leaves pursuant to this section for any reason, in its sole discretions. Specific details relating to family and medical leaves will be provided to you at the time of your actual leave request, and please make sure to consult with Human Resources for any clarification.

Should circumstances change so that the Agency employees at least 50 employees within a 75 mile radius of any one worksite, the Agency will then immediately comply with all requirements of the FMLA for that worksite (and the CFRA if that worksite is in California).

### Reasons to Take Leave

A family/medical leave is an unpaid leave of absence that is requested by an employee for one of the following reasons:

(1) Baby-Bonding: for the birth, adoption, or foster care of a son or daughter and in order to care for that child;

(2) Family Care: to care for a son or daughter, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or legally-registered domestic partner (under California law) with a serious health condition;

(3) Medical Leave: due to your own serious health condition that prevents you from performing any one or more of the essential functions of your position;

(4) Qualifying Exigency: because of any qualifying exigency arising out of the fact that the spouse, legally-registered domestic partner, or son, daughter or parent of an employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces; or

(5) Military Caregiver Leave: to provide care to a covered service member with a serious injury or illness. Covered service members include a spouse, legally-registered domestic partner, child, parent, or “next of kin” who is a member of the U.S. Armed Forces (including the National Guard and Reserves) or a veteran who was a member of the Armed Forces at any time during the 5 years preceding the date of his/her medical treatment, recuperation or therapy.

### Some Helpful Definitions

The following are general explanations of some key terms that apply to Family/Medical Leaves:

“Serious Health Condition” is generally an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

“Qualifying Exigency” is a short-notice deployment, or various military events relating to a deployment, such as: childcare/school activities, financial/legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities to which the employer and employee agree.

“Serious Injury or Illness” means an injury or illness incurred by a covered service member in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty) that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran (who was a member of the Armed Forces in the preceding 5 years) it means a qualifying injury or illness that was incurred while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty) and that manifested itself before or after the member became a veteran.

### Eligibility & Duration of Leave

Generally, to qualify for leave under this policy, an employee must have worked at least 1,250 hours during the 12-month period prior to the date the leave. Leaves under this policy may be requested for a period not to exceed 12 weeks (60 workdays for a full time employee, pro-rated for part-time) in a rolling 12-month period, measured backwards from the date your leave commences. If you are requesting Military Caregiver Leave, the maximum leave is 26 weeks (any other Family/Medical Leave taken during the same 12-month period will count toward the 26 week entitlement).

Employees who are ineligible for family/medical leave under this policy may be granted a personal leave of absence. Additionally, in certain circumstances, the Agency may consider additional leave as an accommodation for a qualified disability.

Employees may not engage in any other employment while on leave pursuant to this policy.

### Pay and Benefits During Leave

Generally, family/medical leaves are unpaid. However, you may be eligible for some form of partial or full wage replacement (such as state disability, workers' compensation benefits, or California Paid Family Leave payments) while out. Please keep in mind that obtaining benefits from these programs does not guarantee that the Agency will approve your leave, nor does it guarantee that your job will be available upon your return. Although these programs may provide you with some partial wage replacement, they do not require the Agency to provide the related leaves. Your right to request leave, the Agency’s approval of such leave, and any conditions surrounding reinstatement are dictated by Agency policy and applicable federal or state law.

* Use of Paid Time Off - During a family/medical leave, you may use actual accrued PTO or sick time. However, the receipt or use of any paid time off will not allow you to extend the leave beyond the maximum 12 weeks (26 weeks for military caregiver leave) allowed. Additionally, employees may be eligible for pay while on a family/medical leave pursuant to the Agency’s Employee Medical and Baby-Bonding Leave Pay (see policy below).
* Paid Emergency Days - Regular, full-time or part-time employees who have been employed by the Company for at least three months are eligible for up to five (5) days of salary continuation payments for absences due to any of the reasons set forth in this Famil/Medical Leave policy. Such paid days may be taken consecutively or intermittently, but each employee will receive a maximum of five (5) paid emergency days in any rolling 12-month period.
* Benefits While on Family/Medical Leave - During a family/medical leave, the company will continue to provide health benefits for up to a maximum of 20 weeks according to the same terms and conditions as would apply had you not taken leave. (Your coverage will continue for the month in which your 20th week falls).

The Agency will continue to pay its portion of the cost for these benefits and you will be required to continue to pay the same amount that you were paying before going out on leave. For periods of paid leave, the employee share will be deducted per standard payroll practices. For periods of unpaid leave, your contribution will be due at the same time as it would normally be deducted from payroll. Please arrange to send payments to the Agency by the due date.

 In certain circumstances, if you fail to return from your leave, the Agency can recover health insurance premiums paid on your behalf during unpaid portions of the leave. Should you lose your ability to keep your benefits in place during or following any portion of your leave, you may be eligible for continuation coverage through COBRA.

While out on family/medical leave, you will not continue to accrue PTO or sick time, nor will you be eligible for paid holidays during any unpaid portion of the leave. In addition, taking a family/medical leave may impact other benefits and/or affect the calculation of your years of service.

## *Notice Requirements*

For foreseeable events, you must provide the Company with at least 30 calendar days advance notice of the need for leave. If you become aware of a need for leave or leave extension less than 30 days in advance, or must take leave due to a qualifying exigency, you must provide notice of the need for leave as is reasonable and practicable. For events that are unforeseeable, please notify your immediate growth coach no later than your regularly scheduled start time. If the leave is requested in connection with a planned, non-emergency medical treatment, you may be requested to reschedule the treatment so as to minimize disruption of the Agency’s business.

All requests for a family/medical leave must be submitted in writing to the Human Resources Department and must include the reason for the requested leave, anticipated start date of the leave, and duration of the leave. While out on family/medical leave, you should contact your growth coach and Human Resources on a regular basis to provide information on your status and anticipated date of return to work.

## *Certification*

All requests for family/medical leave or extension of leave must be supported by appropriate certification and may require documentation of family relationship. For leaves that are foreseeable, you must provide the required certification before the leave begins. When this is not possible, you must provide the required certification within 10 calendar days after the Agency’s request for certification, unless it is not practicable under the circumstances to do so. Failure to provide the required certification may result in denial of the granting of the leave, causing any absences to be unauthorized. Any request for an extension of the leave must also be supported by updated documentation. If the leave is for your own serious health condition, before permitting you to return to work, we will require that you provide medical certification that you are able to resume work and perform the essential functions of your job.

### Intermittent Leave

A medical leave or a family leave may be available on an intermittent or reduced schedule basis if you or your family member is receiving treatment for a serious health condition and it is medically necessary for you to take the time off on this basis. The Agency will require certification from the health care provider for the need for you to take time off on this basis, including that such leave is medically necessary, the expected duration and schedule of such leave, and (if applicable) that the leave is necessary to care for the ill family member or will assist in the family member’s recovery. If you do not supply the Agency with the certification at the time you make the request for the leave, or within 10 days of the request, your leave will be denied until you provide the proper certification. If the leave is foreseeable based on medical treatments, you are required, if reasonably possible, to schedule the treatments so as not to disrupt unduly the operations of your department. The Agency may, at its option, temporarily transfer you to an available alternative position with equivalent pay and benefits if you request intermittent leave or a reduced work schedule and the need for leave is foreseeable based on planned medical treatment, provided you are qualified for that alternate position and it better accommodates recurring periods of leave than your regular position. Intermittent leave is not available for leave taken for the birth or adoption of a child, or placement of a foster child.

### Return to Work

In order to properly schedule your return to work, please provide the Company with advance notice (at least 2 business days) of the date you intend to return from a family/medical leave. If you fail to return on the agreed-upon date or if you fail to communicate with the Agency about your return, the Agency will assume that you have resigned. If you are unable to return to work at the end of the authorized leave or if at any time during the leave it becomes certain that you will be unable to return to work, your employment may be terminated.

Because family/medical leaves under this policy are not leaves pursuant to the FMLA or CFRA, upon returning from a family/medical leave of absence, reinstatement is not guaranteed. However, the Agency will make a reasonable effort to allow you to return to your former position (if it is available) or another available position for which you are qualified. Please note that business conditions, among other reasons, may preclude reinstatement.

If you have any questions about any aspect of this policy, please contact Human Resources.

##  *Paid Salary Continuation – STD and New Child*

Regular full-time and part-time employees, who have been employed by the Agency for at least one year, are eligible for salary continuation payments in accordance with this policy. Eligible employees who become ill or injured for non-job related reasons and who are unable to perform their job are eligible for up to eight (8) weeks of salary continuation payments during their absence (“STD Salary Continuation”). Eligible employees who are granted a leave upon the birth of their child or adoption by them of a child are eligible for up to two (2) weeks of salary continuation payments during their absence (“New Child Salary Continuation”). However, the total amount of salary continuation (STD Salary Continuation and New Child Salary Continuation) may not exceed eight (8) weeks in any rolling 12 month period. After an eligible employee has exhausted his/her salary continuation, he/she may use accrued, unused paid time off such as PTO or sick time, but the use of any paid time off will not allow you to extend the leave beyond the period for which you are medically certified as unable to do your job.

This policy only sets forth certain payments for eligible employees. It does not entitle any employee to any time off or leave of absence.

The Agency reserves the right to recover any overpayments under this policy due to fraud or any error in processing a claim or claim payment. Under no circumstances will salary continuation pay, combined with other payments and benefits available to employees, result in an employee receiving more than 100% of his or her regular wages.

### STD Salary Continuation

To receive STD Salary Continuation payments, an employee is required to provide a medical certification of their own medical condition that includes the starting date and expected ending date of the leave. California employees must apply for state SDI benefits and submit the required paperwork to the California Employment Development Department (CAEDD), who will review the certification and make a determination on benefit qualification. New York employees must submit all paperwork required by the Agency’s short-term disability insurance carrier (the NYSTDC). Employees will only be eligible for STD Salary Continuation payments under this policy if they are approved for benefits by the CAEDD (for California employees) or the NYSTDC (for NY employees). Employees must submit all required paperwork in accordance with the CAEDD or NYSTDC’s (as applicable) rules and practices. You will be required to submit proof of receipt of these partial wage replacement benefits to the Agency.

There is a seven (7) calendar day waiting period for NY or CA State benefits.  There is also a (7) calendar day waiting period for STD Salary Continuation payments under this policy.  If a disability leave extends beyond the (7) calendar day waiting period, however, STD payments will commence retroactive to the first day of the leave.  Other paid time off may be used during the waiting period, and such paid time off will be re-credited to the employee if the leave ultimately qualifies for STD Salary Continuation payments..

STD Salary Continuation payments under this policy will be the difference between the employee’s regular salary and the benefits paid to the employee by the CAEDD or NYSTDC. STD Salary Continuation payments will cease upon the earlier of exhaustion of the benefit (8 weeks in any 12-month period, or less if the employee received New Child Salary Continuation), the employee’s being able to return to work, or the employee’s ceasing to receive payments from the CAEDD or NYSTDC. STD Salary Continuation payments are made on regularly scheduled paydays and are taxable income.

Employees must return to work as soon as permitted by their health care provider. Employees who are out due to a medical condition must submit a fitness-to-return-to-duty note from their health care provider before returning to work. If a note is not provided, the employee will be sent home and the day will be considered unpaid or PTO will be charged.

### New Child Salary Continuation

To receive New Child Salary Continuation payments, California employees must apply for and be granted California Paid Family Leave Insurance (PFLI) benefits. All employees may be required to provide documentation of the birth or adoption of their child.

There is a seven (7) calendar day unpaid waiting period for PFLI (except for claimants who are new mothers transitioning from SDI benefits to PFLI benefits), and New Child Salary Continuation payments for California employees will also not begin until after any waiting period. Other paid time off may be used during the waiting period..

For California employees, New Child Salary Continuation payments under this policy will be the difference between the employee’s regular salary and the employee’s PFLI benefits. For New York employees, the New Child Salary Continuation Payments will be the employee’s regular salary. New Child Salary Continuation payments are made on regularly scheduled paydays and are taxable income.

## *Pregnancy Disability Leave* *(Applicable to California employees only*)

### Reasons to Take Leave

If you are *disabled* by pregnancy, childbirth, or related medical conditions, you are eligible to take an unpaid Pregnancy Disability Leave (PDL). If you are *affected* by pregnancy, childbirth, or a related medical condition, you are also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties if this transfer is medically advisable and such a position is then available. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, complications due to miscarriage, and recovery from childbirth are generally covered by PDL. PDL only covers periods of actual disability and does not provide time off that you may desire for baby-bonding or traditional maternity leave.

### Eligibility & Duration of Leave

All female employees, regardless of status or length of service, may be granted up to 4 months leave (88 workdays for a full‑time employee, pro-rated for part-time) per pregnancy, for any periods of *actual* disability caused by pregnancy, childbirth, or related medical conditions. Pregnancy Disability Leave does not need to be taken in one continuous period of time – it can be taken intermittently or on a reduced work schedule when medically advisable.

### Pay During Leave

Generally, Pregnancy Disability Leaves are unpaid. However, you may be eligible for some form of partial wage or total wage replacement (such as California SDI or STD Salary Continuation). However, please keep in mind that obtaining benefits from these programs does not guarantee that the Agency will approve your leave, nor does it guarantee that your job will be available upon your return. Although these programs may provide you with some partial wage replacement, they do not require the Agency to provide the related leaves. Your right to request leave, the Agency’s approval of such leave, and any conditions surrounding reinstatement are dictated by Agency policy and applicable federal or state law.

### Use of Paid Time Off

During a Pregnancy Disability Leave, you may use accrued, unused paid time off such as PTO or sick time. However, the receipt or use of any paid time off will not allow you to extend the leave beyond the maximum allowance of 4 months (88 workdays for a full‑time employee, pro-rated for part-time) per pregnancy.

### Notice Requirements

For foreseeable events, you must provide the Company with at least 30 calendar days advance notice for leave or transfer. If 30 days’ notice is not possible, notice must be given as soon as practicable. Employees must consult with Human Resources regarding the scheduling of any planned medical treatment or supervision so as to minimize disruption to the operations of the Agency.

If recommended by your health care provider, you may request that your work assignment be temporarily changed in order to protect your and your child’s health and safety. Requests for transfers of job duties will be reasonably accommodated if the rights of others are not adversely affected. However, you must be qualified to perform the duties of the new position. Moreover, the Agency is not required to create a new position for you or to displace another employee from his/her job to accommodate your transfer request. If you are granted a temporary transfer, you will receive an equivalent rate of pay and benefits.

Although verbal notification of your request for PDL is sufficient, the Company would appreciate the request be submitted in writing. All requests should be addressed to Human Resources and should include the anticipated date(s) and duration of the leave and/or transfer. Employees out on PDL should contact their Manager and Human Resources on a regular basis to provide information on their status and anticipated date of return to work.

### Medical Certification

Since the Company requires medical certification for other types of disability leaves, when requesting a PDL leave, extension, or job accommodation, you must provide the Agency with certification from a health care provider that contains: (1) a statement that, due to disability, you are unable to perform one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy, or to other persons OR a statement that a job accommodation is medically advisable; (2) the date on which you became disabled or an accommodation became medically advisable; and (3) the probable duration of the period or periods of disability or the need for accommodation. Failure to provide the required medical certification may result in the delay or denial of the granting of the leave and any absences without the certification may be unexcused.

### Benefits

During a PDL, the Company will continue to provide health benefits for up to a maximum of 20 weeks according to the same terms and conditions as would apply had you not taken leave. (Your coverage will continue for the month in which your 20th week falls). The Agency will continue to pay its portion of the cost for these benefits and you will be required to pay your share. For periods of unpaid leave, your contribution will be due at the same time as it would normally be deducted from payroll. Please arrange to send payments to the Agency by the due date. In certain circumstances, if you fail to return from your leave, the Agency can recover health insurance premiums paid on your behalf during unpaid portions of the leave. Should you lose your ability to keep your benefits in place during any portion of your leave, you may be eligible for continuation coverage through COBRA.

While out on PDL, you will not continue to accrue PTO or sick time, nor will you be eligible for paid holidays during any unpaid portion of the leave. In addition, taking PDL may impact other benefits and/or affect the calculation of your years of service.

### Return to Work

In order to properly schedule your return to work, please provide the Company with advance notice (at least 2 days) of the date you intend to return from a PDL. If you fail to return on the agreed upon date, or if you fail to communicate with the Agency about your return, the Agency will assume that you have resigned. If you are unable to return to work at the end of the authorized leave, or if at any time during the leave it becomes certain that you will be unable to return to work, your employment may be terminated. The Company may request medical certification of your ability to return to work upon returning from a PDL.

If you satisfy all the conditions of the Agency’s policies and you return to work immediately following expiration of an approved PDL, you will generally be returned to your former position or an equivalent position. Reinstatement rights vary depending upon whether federal or state law apply to the leave or if the leave is at the discretion of the Agency. However, you do not have a greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you are on a PDL and would have been laid off had you not gone on leave or if your job has been eliminated during the leave and there is no equivalent or comparable job available, then you would not be entitled to reinstatement. Other exceptions may occur when allowed by law.

### Legal Compliance

This policy will be interpreted and applied in accordance with the PDA, regulations thereunder, and all other applicable laws, and to the extent that this policy may conflict with those laws they are controlling over these policies. Further, the Agency retains all rights and defenses under applicable law, whether or not specifically set forth in these policies.

If you have any questions about any aspect of this policy, please contact Human Resources.