

Family and Medical Leave Policy

MAPP (the “Company”) adopts this policy in accordance with the Family and Medical Leave Act of 1993, as amended, and the regulations promulgated there under (“FMLA”).¹ Under the FMLA, eligible employees are entitled to unpaid leave in certain circumstances. This policy provides a summary of the leave provided under the FMLA, as well as the Company’s procedures for requesting and approving leave. This policy does not confer any rights beyond those provided by the FMLA.

Employee Eligibility

To be eligible for FMLA coverage, an employee must meet three criteria. The employee must:

- 1) Have worked for the Company for at least 12 months;
- 2) Have worked at least 1,250 hours in the 12 months before taking leave;² and
- 3) Work at a location where the Company has at least 50 employees within 75 miles of the employee’s worksite.

Grounds for Leave

Under the FMLA, an eligible employee is entitled to take up to 12 weeks of unpaid, job-protected leave during any 12-month period for one of the following reasons.

Birth of a Child, Placement of a Child, or to Bond with a Child

Eligible employees may take a leave for the birth, adoption, or foster placement of a child and to bond with the child after such birth or placement. The leave must be completed within the first 12 months after the child’s birth or placement and, in most circumstances, must be taken in one block of time (not on an intermittent or part-time basis). Depending on the circumstances, employees may take FMLA leave before the actual date of birth, placement or adoption of a child.

Leave for the Qualifying Employee’s Serious Health Condition

An eligible employee may take leave in connection with a serious health condition that renders the employee unable to perform the essential functions of his or her position. Generally, a serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. Continuing treatment includes:

- (i) an absence from work in excess of three consecutive days during which an employee seeks treatment from his or her health care provider at least once;
- (ii) any period of incapacity due to pregnancy or for prenatal care;
- (iii) any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

¹ This policy incorporates Wage and Hour Division Publication 1420.

² Special “hours of service” requirements apply to airline flight crew employees.

- (iv) any period of incapacity which is permanent or long-term; and
- (v) any period of absence to receive multiple treatments by a health care provider.

Short-term illnesses, such as a common cold or influenza, are generally not serious health conditions covered by the FMLA

Leave for a Family Member’s Qualifying Serious Health Condition

Eligible employees may take leave to care for a spouse, child,³ or parent⁴ with a serious health condition requiring medical treatment that renders the family member incapable of participating in his or her regular daily activities.

Qualifying Exigency Leave

Eligible employees may take leave for a “qualifying exigency” arising out of the fact that a covered employee’s spouse, son, daughter or parent is on, or has been notified of an impending call to, “covered active duty” in the Armed Forces. For purposes of Qualifying Exigency Leave, “covered active duty” means: (a) for members of a regular component of the Armed Forces, duty during deployment to a foreign country; or (b) for members of the reserve components of the Armed Forces (*i.e.* U.S. National Guard and Reserves), duty during deployment to a foreign country under a call or order to active duty in a contingency operation.

A “qualifying exigency” is defined in accordance with FMLA regulations and includes the following:

- (i) Deployment of a military member on seven or less days of notice for a period of seven days from the date of notification;
- (ii) Military events and other activities related to the active duty or call to active duty of a military member;
- (iii) Certain childcare and related activities arising from the active duty call or call to active duty status of a military member if they are necessary due to the circumstances arising from the active duty or call to active duty of the military member;
- (iv) Making or updating financial and legal arrangements to address a military member’s absence;
- (v) Attending counseling (provided by someone other than a health care provider) for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty or call to active duty status of the military member;

³ In general, an employee may not take FMLA leave to care for a son or daughter who is 18 years of age or older. However, an employee may take FMLA leave to care for a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis, who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

⁴ For purposes of this policy, a parent includes a biological, adoptive, step or foster father or mother, or any other individual who stands in loco parentis to the employee.

- (vi) Taking up to fifteen calendar days of leave to spend time with a military member who is on short-term temporary, rest and recuperation leave during deployment;
- (vii) Attending to certain post-deployment activities sponsored by the military for a period of 90 days following the termination of the military member's active duty status;
- (viii) Addressing issues arising from the death of a military member;
- (ix) Caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and
- (x) Other activities that the Company and the employee agree constitute a qualifying exigency.

Military Caregiver Leave

In addition to the grounds set forth above, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered military service member shall be entitled to a maximum of 26 weeks of leave during any 12-month period to care for that service member with a serious injury or illness. This type of leave is known as "military caregiver leave."

A "covered service member" is a veteran or current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Only veterans who were discharged or released (under conditions other than dishonorable) at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran are considered "covered servicemembers." A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes a condition that existed before covered active duty and was aggravated during active duty.⁵

Military caregiver leave may be used in whole or in part, and it may be combined with other FMLA-qualifying leaves, but in no event is any employee entitled to more than 12 weeks of FMLA leave for other qualifying reasons, nor is employee entitled to more than 26 weeks of total FMLA leave, some or all of which is military caregiver leave, in the single 12-month period. This 26-week military caregiver leave amount represents the maximum amount of leave available to a

⁵ "Serious injury or illness" for covered veterans include:

(1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; **OR**

(2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; **OR**

(3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; **OR**

(4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

covered employee during a single twelve-month period (beginning on the first date of the leave). In addition, military caregiver leave may only be taken one time for an injury or illness.

For purposes of military caregiver leave under this section, a service member's "next of kin" is defined in accordance with FMLA regulations as his or her nearest blood relative, other than his or her spouse, parent, son, or daughter. The Company reserves the right to confirm next of kin status.

Substitution of Paid Leave

Family and Medical Leave is integrated with all other leaves provided by the Company. The Company requires employees to exhaust all paid leave while taking FMLA leave. Such leave will run concurrently with FMLA leave. Any accrued, but unused paid leave will be substituted for otherwise unpaid leave. Employees must comply with the Company's normal paid leave policies.

Intermittent or Reduced-Schedule Leave

When medically necessary for leaves related to a serious health condition, serious illness or injury, or to care for a covered servicemember with a serious injury or illness, employees may not need to take leave in one block. Rather, employees may take FMLA leave intermittently or on a reduced schedule. If leave is requested on an intermittent or reduced-schedule basis, the Company may require the employee to transfer temporarily to an alternative position that is more suitable for recurring periods of absence and/or a part-time schedule.

Family leaves for birth, adoption, or foster placement of a child must be taken in one block of time (not on an intermittent or part-time basis) and must be completed within one year of the child's birth, adoption or placement. Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed (*e.g.* counseling sessions, consultations with attorneys or doctors, and court appearances).

Requests for Leave

Generally, employees must request leave in writing at least 30 days prior to an anticipated leave or, if the leave is unforeseeable or if 30 days' notice is not possible, then an employee must notify the employer as soon as possible. Employees requesting leave because their spouse, son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, shall provide such notice as is reasonable and practicable under the circumstances. All requests for leave should be submitted to the Human Resources department. Failure to provide prompt notice could delay an employee's leave. Upon receipt of a request for leave, the Company will provide the employee written notice of his or her rights and obligations under the FMLA.

Certification

Employees do not have to share a medical diagnosis, but employees must provide enough information for the Company to determine if the leave qualifies for FMLA protection. Sufficient information could include informing the Company that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Additionally, employees must inform the Company if the need for leave is for a reason for which FMLA leave was previously taken or certified. Thus, employees who request leave because of their own serious health condition or a family member's serious health condition or to care for a covered service member with a serious injury or illness must provide a medical certification from a health care provider to support the request for leave. The certification must be prepared by a health care provider on the applicable form, which may be obtained from the Human Resources department. Generally, this certification must be returned to the Human Resources department within 15 days of the employee's request for leave. Failure to provide a complete or sufficient certification may result in delay or denial of leave.

When responding to this request for medical information, employees should not provide any genetic information. "Genetic Information" as defined by the Genetic Information Nondiscrimination Act of 2008, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an 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. An exception to this rule may occur if the employee is requesting FMLA leave to care for a family member. Under those circumstances, the Company may ask for "family medical history" to evaluate whether the family member has a serious health condition which may serve as the basis for request for FMLA leave.

Employees who request Qualifying Exigency Leave are required to complete a certification form within 15 days of their request for leave and to provide a copy of the covered military service member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or has been called to active duty status in support of a contingency operation and the dates of the covered member's active duty service. In addition, employees who request Qualifying Exigency Leave for rest and recuperation are required to provide a copy of the military service member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

The Company may request a review of the certification through a health care provider of its choice under certain circumstances. If the first and second medical certifications differ, a third health care provider, designated or approved by both the employee and the Company, will make a final and binding decision about whether a serious health condition exists.

Employees who are on a leave of absence due to a serious health condition are expected to keep their supervisors informed of their expected date to return to work (except for employees requesting Qualifying Exigency Leave or Military Caregiver Leave). Therefore, employees must submit a recertification (completed by their physician) to the Human Resources department once every 30 days. Under certain circumstances, the Company may require recertification on a more frequent basis.

An employee who takes FMLA leave for his or her own serious health condition that lasts more than five days will generally be required to submit a fitness-for-duty certification, completed by his or her health care provider, releasing the employee to return to work, unless the employee is on intermittent leave, which will be addressed differently, depending on the circumstances.

The Company, or its designee, can require a certification or periodic recertification supporting the need for leave. If the Company, or its designee, determines that the certification is incomplete, the Company will provide a written notice indicating what additional information is required.

Designating the Need for Leave

When the Company becomes aware that an employee's need for leave may be FMLA-qualifying, the Company, or its designee, will notify the employee if he or she is eligible for FMLA leave and, if eligible, will also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the Company, or its designee, will provide a reason for ineligibility. The Company, or its designee, will notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Benefits During Leave

Unless an employee elects otherwise, his or her coverage under the Company's health, dental, vision, short-term disability, long-term disability, life, and accidental death and dismemberment plans, if applicable, will continue during FMLA leave, provided the employee makes timely premium payments. If an employee fails to pay premiums timely, the Company may, but need not, pay premiums on the employee's behalf and recover the sums due upon the employee's return to work. If the employee fails to return from FMLA leave, the Company may recover the entire amount of premiums paid on the employee's behalf by withholding the outstanding amount from any sums due the employee.

Employees will not accrue paid time off during any unpaid FMLA leave.

Reinstatement After Leave

Subject to the exceptions regarding key employees, the Company will reinstate employees returning from FMLA leave in their same or nearly identical position with equivalent benefits, pay, and other terms and conditions of employment, except as otherwise allowed by law.

Antidiscrimination and Antiretaliation

The Company will not interfere with an employee's FMLA rights. The Company will not discriminate or retaliate against any employee for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or for an employee's involvement in any proceeding under or related to the FMLA.

Enforcement

An employee may file a complaint related to the FMLA with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information or to file a complaint, employees may contact 1-866-4-USWAGE (1-866-487-9243), TTY: 1-877-889-5627 or www.dol.gov/whd.