
	HUMAN RESOURCES POLICIES AND PROCEDURES	
	SUBJECT: FAMILY MEDICAL LEAVE ACT (FMLA)	EFFECTIVE DATE: 1993
		REVISION DATE: April 15, 2024
POLICY NO.: 215	Page 1 of 12	
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I. SUMMARY

- A. Perdue’s policy is to comply with federal, state and local leave laws and to comply with all applicable laws regarding any medical certifications that the Company or our claims administrator, Unum may request from an associate or a Health Care Provider under this policy.
- B. The Company recognizes the need for time away from work to care for an associate’s own Serious Health Condition and/or to care for family members. To assist associates in better balancing those needs with workplace demands, the Company may grant periods of unpaid leave to Eligible Associates who request time off for family or medical reasons in accordance with the Family Medical Leave Act (“FMLA”), as amended, for the following reasons:
1. The associate’s own Serious Health Condition that makes him or her unable to work at all or unable to perform at least one of the essential functions of his or her job.
 2. The associate’s incapacity due to pregnancy, prenatal medical care, or childbirth.
 3. To care for the associate’s child after birth or for adoption or placement of a son or daughter with the associate for foster care.
 4. To care for a spouse, son or daughter, or parent with a Serious Health Condition.
 5. For certain qualifying exigencies arising out of the fact that the associate’s spouse, son, daughter, or parent is a member of the Armed Forces or U.S. National Guard or Reserves and is on Covered Active Duty (“Qualifying Exigency Leave”).
 6. To care for a Covered Servicemember, including a veteran in some instances, who has incurred or aggravated a Serious Injury or Illness in the line of duty if the associate is the Servicemember’s spouse, son, daughter, parent, or next of kin (“Military Caregiver Leave”).

Qualifying Exigency Leave and Military Caregiver Leave are unique entitlements for military families. Special rules apply to such leaves, in addition to the rules that apply to all other FMLA leave reasons. Please refer to Appendix B of this Policy for these special rules.

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II. SCOPE


- A. This policy applies to Eligible Associates at all U.S. Locations of Perdue, its divisions, and subsidiaries. “Eligible Associate” means an associate who has at least 12 months of service with the Company, which need not be continuous, and who has worked 1,250 hours in the 12-month period prior to the first day of leave. Employment periods that precede a break in service of more than seven years are not counted in determining whether an associate has been employed by the Company, for at least 12 months, unless the break in service is because of an associate’s National Guard or Reserve military service.
- B. An associate who is ineligible for FMLA leave because he or she has not met the one-year service requirement may become eligible for FMLA leave by meeting the 12-month service requirement while on an approved leave. For example, an associate who seeks to take leave for the birth of a child, and who has 11 months of service, is not eligible for FMLA but may be eligible for Other Medical Leave (“OML”) (Refer Other Medical Leave Policy, No. 214). Once the associate obtains 12 months of service, even if this occurs during the course of approved OML, the associate is then eligible for FMLA leave. In such a case, OML leave prior to the 12-month service date is not counted as FMLA leave, while leave on or after the 12-month service date should be designated as FMLA leave, provided the associate is otherwise eligible and meets all other requirements for FMLA leave.

III. DURATION OF LEAVE AND TRACKING LEAVE USE

A. Duration of Leave

- 1. To determine eligibility and leave entitlement for all FMLA leave other than Military Caregiver Leave, the Company, uses the rolling 12-month period measured backward from the date an associate requests FMLA leave. Under this method, Eligible Associates are entitled to up to 12 work weeks of unpaid leave during a rolling 12-month period measured backward from the first date of leave. For example, if an associate who has been employed for at least one-year requests FMLA leave beginning on February 1, 2024, the Company/ Unum, will first determine if the associate has worked, or will work, 1,250 hours in the 12-month period prior to February 1, 2024. If the associate has worked, or will work, 1,250 hours, the associate is entitled to the balance, if any, of the 12 workweeks of leave that were not used during the 12-month period immediately preceding the start of the leave on February 1, 2024.

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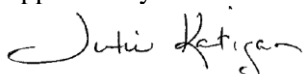
**Note: Paragraph 2 in the previous version of this policy limiting spouses who both work for the Company to share 12 weeks of leave to care for child after birth or placement for adoption and for leave to care for a parent is deleted. The Company allows spouses who both work for the Company an independent entitlement to 12 weeks of leave.*

B. Tracking FMLA Leave Use

1. The Company/Unum tracks FMLA leave in increments of one (1) hour. The actual work week is the basis for calculating the amount of leave used. For example, an associate who normally works 40 hours per week takes eight hours of FMLA leave. In this case, the associate has used 1/5 of a week of FMLA leave. In the case where an associate who works 30 hours per week takes ten hours of FMLA leave, the associate has used 1/3 of a week of FMLA leave.
2. Holidays that occur during a full week of FMLA leave are designated as FMLA leave. In the event an associate works any part of a workweek during which a holiday falls, the holiday does not count as FMLA leave, unless the associate was scheduled to work on the holiday.
3. If an associate is on intermittent or reduced schedule FMLA leave, and the associate is otherwise required to work overtime hours, any overtime hours not worked due to leave are designated as FMLA leave. Voluntary overtime hours that an associate fails to work due to FMLA leave are not designated as FMLA leave.

IV. Intermittent or Reduced Leave Schedule

- A. Under certain circumstances, the Company/Unum may approve associates to take FMLA leave intermittently or on a reduced leave schedule. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A reduced leave schedule is a leave schedule that reduces an associate’s usual number of working hours per workweek or workday for a certain period.
- B. Associates may use intermittent or reduced schedule leave:

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1. For an associate’s Serious Health Condition in connection with the birth of her child, or if the newborn child has a Serious Health Condition.
 2. For after the birth or placement of a child for adoption or foster care, provided the Company agrees to the intermittent or reduced leave schedule.
 3. For prenatal examinations or for an associate’s own pregnancy-related condition, such as for periods of severe morning sickness.
 4. When medically necessary (as certified by an associate’s Health Care Provider) for the associate’s own or family member’s Serious Health Condition, including, for example, leave for medical appointments, leave for periodic treatment over a several month period, and leave due to a Chronic Serious Health Condition, even if there is no treatment by a Health Care Provider.
 5. For Qualifying Exigency Leave.
 6. For Military Caregiver Leave.
- C. The Company may require that an associate transfer temporarily to another position with equivalent pay and benefits that better accommodates the associate’s reduced or intermittent schedule only when an associate requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment for the associate or a family member.

V. Benefits and Job Protection During Leave


A. Group Health Benefits

For the duration of FMLA leave, the Company maintains an associate’s health coverage under its group health plan on the same terms as if the associate had continued to work, provided that the associate pays his or her portion of the premium(s). The Company will deduct from an associate’s pay coverage premiums if the associate is eligible to receive Short Term Disability (STD) benefit payments or Paid Time Off (PTO) pay. Otherwise, associates are required to make payments for coverage in accordance with procedures established by the Benefits Department. If an associate fails to return to work after the expiration of FMLA leave, the associate may be required to refund to the Company any health insurance premiums paid on the associate’s behalf during the leave, unless the associate’s failure to return is due to the continuation or onset of an FMLA qualifying condition.

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B. Short-Term and Long-Term Disability Benefits

Associates may be eligible for Short-Term Disability (STD) benefits in accordance with the Company STD benefit pay practice and/or policy. An associate’s FMLA certification form (Certification of Health Care Provider for Employee’s Serious Health Condition) will also serve as initial application for STD benefits if the associate is eligible and/or has elected STD benefits. The Company/Unum reserves the right to request additional documentation, including medical documentation, to support an associate’s application and continuing eligibility for STD. Depending on the circumstances and eligibility, an associate may also apply for Long-Term Disability benefits in accordance with the Company’s established procedures and the terms of the Company’s LTD plan documents.

C. Worker’s Compensation Benefits

FMLA runs concurrently with an absence from work due to a legitimate work-related accident or injury that is covered by workers’ compensation benefits.

D. Paid Time Off (PTO)

Associates on an approved FMLA will accrue PTO on a pro-rated basis in accordance with Company policy 211, Paid Time Off. Associates on Other Medical Leave (OML) Policy 214 or (FMLA) Policy 215 may use any available PTO while on unpaid leave.


E. Other Paid Benefits

Associates on FMLA leave are not eligible for holiday pay, jury duty pay, funeral leave benefits, or any other form of pay for time not worked, unless any state and/or federal laws supersede this provision.

F. Return To Same or Equivalent Position

An associate who returns to work following the expiration of FMLA leave generally has the right to return to the position he or she held prior to the FMLA leave or to a position that is equivalent in pay, benefits, and other terms of employment.

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VI. CERTIFICATION

A. Certification – Generally

The Company requires certification for all FMLA leave reasons. Unum is administering FMLA administration for the Company and will issue the Notice of Eligibility and Rights and Responsibilities form and the appropriate Certification form to the associate within five business day of when the associate reports the claim to Unum, and in the case of unforeseen leave, within five business days after the leave commences.

1. **Associates must return certifications within 20 calendar days.** It is the associate’s responsibility to have the appropriate certification form completed and returned to Unum within 20 calendar days after the request for certification, unless it is not practicable to do so, despite the associate’s good faith efforts, or the leave will be denied.
2. **Associates must submit a complete and sufficient certification.** A certification is “incomplete” if one or more of the applicable entries have not been completed. A certification is “insufficient” if Unum receives a completed certification, but the information provided is vague, ambiguous, or non-responsive.
3. **“Curing” incomplete or insufficient certification.** If an associate submits an incomplete or insufficient certification, Unum will contact the associate to inform him/her of the insufficient information and remind the associate of the original due date for the required medical information. The associate will normally have seven calendar days to cure any deficiencies. If the deficiencies are not cured in the resubmitted certification, FMLA may be denied until a complete and sufficient certification is submitted. If a complete and sufficient certification is never submitted, the leave is not FMLA leave, and absences due to the leave may be counted against an associate under the Company’s absence policy.
4. **Approval/Designating the leave.** After an associate submits a complete and sufficient certification form, Unum will issue an FMLA Approval Letter/Designation Notice within five business day, absent extenuating circumstances. This informs the associate that the leave has been approved or denied and if approved designates the period of time the leave has been approved for.
5. **Compliance with GINA.** GINA prohibits the Company and Unum from requesting or requiring certain genetic information of an associate or an associate’s family member. To

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comply with GINA, the Company and Unum will, in writing, instruct associates and their health care providers not to request or provide any family medical history or other genetic information when responding to FMLA medical certification requests, including fitness for duty certifications. Genetic information as defined by GINA includes an associate’s or family member’s genetic tests, the fact that an association or a family member sought or received genetic services, and genetic information of a fetus carried by an associate or family member, or an embryo lawfully held by an associate or family member receiving assistive reproductive services.

B. Authentication and Clarification

Generally, when an associate submits a complete and sufficient certification, Unum will not contact a Health Care Provider for additional information. Unum may contact a Health Care Provider for clarification or authentication (whether initial certification or recertification). “Authentication” means providing a Health Care Provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the Health Care Provider who signed the document. “Clarification” means contacting the Health Care Provider to understand the handwriting on the medical certification or to understand the meaning of a response.

C. Recertification

1. Unum may request that an associate recertify the need for FMLA leave at regular intervals depending on the length of leave originally requested and approved. Any recertification is not subject to the second and third opinion process.
2. For conditions lasting six months or less. If the duration of the condition is six months or less (whether the leave type is continuous, reduced schedule leave or intermittent leave), the Company/Unum may not request recertification until the defined period expires unless one of the exceptions listed in Section VI.C.4 below applies.
3. For conditions lasting greater than six months, including permanent conditions. If the leave duration is for more than six months (*i.e.*, a period that the associate is unable to work continuously or intermittently), recertification is permitted only (a) when the period of incapacity specified on the certification expires; (b) every six months in connection with an absence; or (c) when one of the exceptions described in Section VI.C.4 below applies. For example, if the need for leave is indefinite, or for a defined period greater

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than six months, the Company/Unum may request recertification every six months if the associate has taken leave for the qualifying reason.

4. Special Circumstances Allowing More Frequent Recertification. Recertification is permitted at any time only where (a) an associate request an extension of the leave, (b) there is a “significant change” in circumstances as described by the previous certification (*e.g.*, the duration or frequency of absence; nature/severity of the illness; complications), or (c) the Company/Unum receives information casting “doubt” upon the associate’s stated reason for the absence or the continuing validity of the certification. “Significant change” includes a pattern of absences before/after scheduled days off or longer duration of absences than specified on the certification for the most recent two or more episodes of incapacity. “Doubt” could include reliable information that an associate’s off-duty activities are inconsistent with the need for FMLA.

D. Annual Certification

The Company/Unum may require associates to submit a new medical certification annually at the start of a new 12-month leave period where the associate’s need for leave due to the associate’s or covered family member’s Serious Health Condition lasts beyond a single leave year.

E. Fitness-For-Duty Certification

1. Continuous FMLA Leave.

- a. Prior to returning to work from an FMLA leave of a continuous nature (*e.g.*, absent for six weeks due to a surgical procedure) for his or her own Serious Health Condition, an associate will be required to submit a fitness-for-duty certification from his or her Health Care Provider. The Company/Unum requires that the certification specifically address the associate’s ability to perform the essential functions of the associate’s job with or without reasonable accommodation. Associates have the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process for FMLA leave.
- b. If a timely fitness-for-duty certificate is not submitted to Unum it will delay the associate’s return to work. If the certification is incomplete (entries not completed) or insufficient (information provided is vague, ambiguous, or non-responsive), Unum will give the associate notice of the specific information needed and provide the

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associate with seven calendar days to provide the information. If the associate does not provide a certification at all, a certificate is not returned during the seven-day cure period, or it is returned but is not complete and sufficient, the associate is no longer entitled to reinstatement under the FMLA.

- c. After an associate submits a complete and sufficient certification to Unum the associate's Health Care Provider may be contacted for purposes of clarification and authentication of the associate's fitness to return to work.
 - d. The associate should report to the location Company Medical Department before beginning any work assignment after FMLA leave. In accordance with applicable law, and when job-related and consistent with business necessity, the associate may be evaluated by the Company Medical Department to confirm that the associate can perform the essential functions of his or her job, with or without reasonable accommodation. This will be coordinated by the Human Resources Department.
2. Intermittent or Reduced Schedule FMLA Leave. The Company/Unum will not request a fitness-for-duty certification when an associate takes FMLA leave on an intermittent or reduced schedule leave basis, *unless* reasonable safety concerns exist regarding the associate's ability to perform his or her duties based on the Serious Health Condition for which the associate took the leave, *and* the associate took leave for that condition in the prior 30 days. In such a case, the Company/Unum may request certification for intermittent and reduced leave schedule absences at fixed intervals of 30 days or more.


F. Second and Third Opinions

- 1. If Unum has reason to doubt the validity of the initial or annual certification for an associate's or family member's Serious Health Condition, Unum at the Company's expense, may require an associate to obtain a second opinion. The Health Care Provider selected to provide a second opinion will not be a Health Care Provider associated with the Company Medical Department.
- 2. If the first and second opinions differ, Unum may, at the Company's expense, require a third opinion, which is final and binding on the Company and the associate. Unum and the associate jointly select the third Health Care Provider. Upon an associate's request, the Medical Department will provide an associate with a copy of the second and third medical opinions, where applicable.

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3. Pending receipt of the second (or third) medical opinion, the associate is provisionally entitled to FMLA leave, including maintenance of group health benefits. If the certifications do not ultimately establish the associate's entitlement to FMLA leave, the leave will not be designated as FMLA leave.
4. Second and third opinions are not applicable to Qualifying Exigency Leave, Military Caregiver Leave, recertification of an associate's or family member's Serious Health Condition, or fitness-for-duty certification.

VII. FMLA Leave Procedures

A. Associate's Responsibilities

1. Notice of Need for Leave. Associates must make verbal notice of the need for FMLA using a toll-free number to access the Unum telephonic claims intake center or by web access. (A language line will be made available for non-English speaking associates.) These forms of notification will serve as the only sufficient means to make the Company/Unum aware that the associate needs FMLA-qualifying leave as well as the anticipated start and duration of the leave. Calling in "sick", "late" or "absent" on the "HR call in" number is not considered sufficient notice under the FMLA policy. Unum may seek to obtain any additional required information to determine if the reason for absence may be covered by the FMLA. Failure of an associate to respond to Unum inquiries may result in denial of FMLA leave.
 - a. Foreseeable Leave. If the leave is foreseeable based on an expected birth, placement of a child for foster care or adoption, planned medical treatment for a Serious Health Condition of the associate or family member, or the planned medical treatment for a Serious Injury or Illness of a Covered Servicemember (Military Caregiver Leave), associates must give at least 30 days' advance notice. If 30 days' notice is not possible, the associate must notify Unum "as soon as practicable," normally the same or the next business day. For Qualifying Exigency Leave, the associate should give Unum notice as soon as practicable, regardless of how far in advance such leave is foreseeable. If an associate provides less than 30 days' notice, Unum may require the associate to provide an explanation why 30 days' advance notice was not practicable. If the associate does not give timely notice, the period of delay may not qualify as FMLA leave.

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- b. Unforeseeable Leave. When the need for leave is unforeseeable, an associate must give Unum notice as soon as practicable or, in accordance with the Company's usual and customary absence notification policy or procedure. If timely notice is not given, the period of delay may not qualify as FMLA leave.
2. Certification. Associates are required to submit certification supporting the need for leave as described in this Policy, Section VI.

B. Supervisor/Team Leader Responsibilities

1. When an associate informs the supervisor/team leader that he/she may have a need for FMLA, the supervisor/team leader should direct the associate to the Unum toll free telephonic intake center or web access or if the supervisor is not aware of the number, direct the associate to Human Resources for assistance.
2. Similarly, if the supervisor/team leader has information that may indicate an associate may have a need for FMLA leave, the supervisor should either (1) inform the associate that he or she may want to contact Human Resources to inquire about possible FMLA leave or (2) contact Human Resources so that Human Resources can follow up with the associate.


C. Human Resources Responsibilities

1. Post a copy of the "Notice to Employees of Rights Under the FMLA" (WH Publication 1420) where applicants and associates have access to it. In addition, at the time of employment, provide associates with a copy of this Notice.
2. Communicate and educate as appropriate regarding the Company partnership with Unum for FMLA administration and direct all associates inquiring about FMLA regarding their responsibility to make verbal notice of the need for FMLA using a toll-free number to access the Unum telephonic claims intake center or by web access.
3. Communicate the associate's current and ongoing leave status to appropriate Operations Leadership Team Members throughout the course of the FMLA from initial onset to return to work.
4. Ensure that internal HR systems, SAP and Kronos (where Workforce Attendance Tracking (WAT) has been implemented) are maintained to reflect current FMLA activity

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and that the records are consistent with the FMLA activity provided by Unum. In cases where data is received requiring postdated leave records to be maintained prior to future dated row(s), contact HRMS for assistance.

D. Medical Department Responsibilities

1. If an associate contacts the Medical Department regarding a need for FMLA, the Medical Department should educate the associate regarding the Company partnership with Unum for FMLA administration and direct the associate to access the Unum telephonic claims center or by web access.
2. Provide appropriate updates to the Operations leadership team and/or Human Resources personnel regarding the associates return to work status in accordance with HIPAA and Company Medical Department guidelines, in conjunction with information from Unum.
3. Partner with Unum as appropriate through the disability process.

VIII. Responsibility for and Intent of this Policy

The Vice President of Human Resources retains authority and responsibility for this Policy. This Policy generally outlines associates’ rights and responsibilities under the FMLA, but is not intended to address all questions or situations that may arise under the FMLA. In all cases, the FMLA and its regulations are controlling. The Company reserves the right to request any form of documentation or take any actions as provided for under the FMLA and its regulations. Questions concerning the meaning or interpretation of this Policy should be referred to the Director of Human Resources for the applicable business unit.

IX. APPENDICES

- A. APPENDIX A: DEFINITIONS FOR FMLA POLICY 215 ONLY
- B. APPENDIX B: SPECIAL RULES FOR QUALIFYING EXIGENCY LEAVE AND MILITARY CAREGIVER LEAVE

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APPENDIX A

DEFINITIONS FOR FMLA POLICY 215 ONLY

- A. **“Chronic Serious Health Condition”** is a Serious Health Condition which (1) requires periodic visits of at least twice per year for treatment by a Health Care Provider, or by a nurse or physician's assistant under direct supervision of a Health Care Provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity. Examples include asthma, diabetes, and epilepsy.
- B. **“Covered Active Duty”** for members of the regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered Active Duty” for members of the Reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a) (13) (B) of title 10, United States Code.
- C. **“Covered Military Member”** for purposes of Qualifying Exigency Leave means an associate’s spouse, son, daughter, or parent who is on Covered Active Duty, including members of the Regular Armed Forces and U.S. National Guard and Reserve members.
- D. **“Covered Servicemember”** for purposes of Military Caregiver Leave means a member of the Regular Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in Outpatient Status or is otherwise on the temporary disability retired list, for a Serious Injury or Illness incurred or aggravated in the line of duty while on active duty. A veteran is a Covered Servicemember if he or she was a member of the Armed Forces, National Guard, or Reserves at any time during the five-year period before he or she began such treatment, recuperation, or therapy.
- E. **“Eligible Associate”** means an associate who has at least 12 months of service with the Company, which need not be continuous, and who has worked 1,250 hours in the 12-month period prior to the commencement of leave. Employment periods that precede a break in service of more than 7 years are not counted in determining whether an associate has been employed by the Company for at least 12 months, unless the break in service is because of an associate’s National Guard or Reserve military service obligation.

An associate, who is ineligible for FMLA leave because he or she has not met the one-year service requirement, may become eligible for FMLA leave by meeting the 12-month service requirement while on an approved leave. For example, an associate who seeks to take leave for the birth of a child, and who has 11 months of service, is not eligible for FMLA, but may be eligible for Other Medical Leave (Refer to Policy 214 OML). Once the associate obtains 12 months of service, even if this occurs during the course of the approved leave, the associate is then eligible for FMLA leave. In such a case, leave prior to the 12-month service date is not designated as FMLA leave and leave on or after the 12-month service date is designated as FMLA leave, provided the associate is otherwise eligible and meets all other requirements for FMLA leave.

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F. “Health Care provider” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices;
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (chiropractors are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;
3. Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;
4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
5. Any Health Care Provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits; and
6. A Health Care Provider as defined above who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country.

G. “Military Caregiver Leave” allows an Eligible Associate who is the spouse, son, daughter, parent, or Next of Kin of a Covered Servicemember to take no more than 26 workweeks of leave during any “single 12-month period” to care for a Covered Servicemember who has a Serious Injury or Illness. The 26-workweek entitlement is applied as a per-Servicemember, per-injury entitlement. An Eligible Associate may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different Covered Servicemember, or to care for the same service member with a subsequent Serious Injury or Illness, except that no more than 26 workweeks of leave may be taken within any “single 12-month period.”

H. “Next of Kin of a Covered Servicemember” for purposes of Military Caregiver Leave means the nearest blood relative of a Covered Servicemember, other than the Covered Servicemember’s spouse, parent, son, or daughter, in the following order of priority: (1) blood relatives who have been granted legal custody of the Servicemember by court decree or statutory provisions, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles, and (5) first cousins, unless the Covered Servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The Company/Unum reserves the right to seek reasonable documentation to confirm an associate’s status as a Covered Servicemember’s Next of Kin. Next of Kin are not eligible for FMLA leave for other FMLA qualifying reasons.

I. “Other Medical Leave” is unpaid leave that may be available for the associate’s own non-occupation injury or medical condition when the associate is not eligible for FMLA leave or

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applicable state or local leave or disability entitlements or when an associate has exhausted such leave entitlements.

- J. **“Outpatient Status”** for purposes of Military Caregiver Leave means the status of a member of the Armed Forces assigned to (A) a military medical treatment facility as an outpatient; or (B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- K. **“Parent”** and **“Parent of a Covered Servicemember”** means a biological, adoptive, step or foster father or mother or any other individual who has day to day responsibilities to care for and/or financially support the child needing care, or, in the case of an associate, who had such responsibility for the associate when the associate was a Son or Daughter. These terms do not include parents-in-law.
- L. **“Qualifying Exigency Leave”** allows an Eligible Associate to take FMLA leave for any Qualifying Exigency arising out of the fact that the associate’s spouse, son, daughter, or parent is on Covered Active Duty in the Armed Forces for any of the following reasons:
 - 1. Issues arising from a Covered Military Member’s short notice deployment (*i.e.*, deployment on seven days or less days of notice). Leave taken for this purpose can be used for a period of seven days from the date of notification;
 - 2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the Covered Active Duty of a Covered Military Member;
 - 3. Certain childcare and related activities arising from the Covered Active Duty of a Covered Military Member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the Covered Active Duty of the Covered Military Member;
 - 4. Making or updating financial and legal arrangements to address a Covered Military Member’s absence;
 - 5. Attending counseling provided by someone other than a Health Care Provider for oneself, the Covered Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Covered Military Member, or a child for whom the Covered Military Member stands in loco parentis, who is either under 18 years of age, or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave commences, provided that the need for counseling arises from the Covered Active Duty of a Covered Military Member.

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6. Taking up to five days of leave to spend time with a Covered Military Member who is on short-term temporary, rest and recuperation leave during the period of deployment;
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the Covered Military Member's Covered Active Duty, and to address issues arising from the death of a Covered Military Member.
8. Any other event that the associate and the Company agree is a Qualifying Exigency.

“Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the Serious Health Condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a Health Care Provider. A Serious Health Condition involving continuing treatment by a Health Care Provider includes any one or more of the following:
 - a. A period of incapacity (*i.e.*, inability to work, attend school or perform other regular daily activities due to the Serious Health Condition, treatment therefore, or recovery there from) of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, that is, in person visits, the first visit within 7 days and both visits within 30 days of the first day of incapacity, by a Health Care Provider, by a nurse or physician's assistant 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
 - ii. Treatment by a Health Care Provider on at least one occasion, that is, an in-person visit within 7 days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the Health Care Provider.
 - 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.

M. **“Serious Injury or Illness”** for purposes of Military Caregiver Leave is an injury or illness incurred by a Covered Servicemember in the line of duty while on active duty in the Armed Forces, or illness that existed before the beginning of the member's active duty and was aggravated by

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service in the line of duty on active duty in the Armed Forces, that may render the Covered Servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

For a veteran, a “Serious Injury or Illness” is defined as a qualifying injury or illness that was incurred by the Servicemember in the line of duty on active duty in the Armed Forces, or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that manifested itself before or after the member became a veteran.

- N. **“Son or Daughter”** means, where FMLA leave is taken for birth or adoption, or to care for a family member with a Serious Health Condition, a biological, adopted, or foster child, a stepchild, a legal ward, or a child who is (A) under 18 years of age; or (B) 18 years of age or older and incapable of self-care because of a mental or physical disability and for whom the associate has day to day responsibilities to care for and financially support. In such case, a biological or legal relationship is not necessary.

For Qualifying Exigency Leave, a “Son or Daughter” means an associate’s biological, adopted, foster child, stepchild, legal ward, or a child of any age for whom the associate has or had day-to-day responsibilities to care for and financially support provided the child is on Covered Active Duty. This term does not apply to leave taken for any other FMLA qualifying reasons.

For Military Caregiver Leave, a “Son or Daughter” means (1) the Servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the Servicemember had day to day responsibilities to care for and financially support, and (2) who is of any age. This term does not apply to leave taken for any other FMLA qualifying reasons.

- O. **“Spouse”** means husband or wife.

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APPENDIX B

**SPECIAL RULES FOR QUALIFYING EXIGENCY LEAVE
AND
MILITARY CAREGIVER LEAVE**

I. POLICY

Unless a special rule is noted here, the terms of the Company FMLA policy apply to an associate’s request for Military Caregiver and Qualifying Exigency Leave.

II. ELIGIBLE ASSOCIATES

An associate must meet the general FMLA eligibility rules in order to be entitled to FMLA leave for a Qualifying Exigency or for Military Caregiver purposes. An Eligible Associate may take FMLA leave for Military Caregiver Leave when he or she is the Spouse, Parent, Son or Daughter, or Next of Kin of a Covered Servicemember. In addition, an associate may request Qualifying Exigency Leave when a son or daughter of any age is on Covered Active Duty.

III. DURATION OF SPECIAL MILITARY FAMILY LEAVE ENTITLEMENTS

A. Duration of Qualifying Exigency Leave

Eligible Associates may qualify for up to 12 workweeks of unpaid leave for certain, specific Qualifying Exigencies arising out of the fact that a Covered Military Member is on Covered Active Duty. An associate’s 12-week entitlement for Qualifying Exigency Leave is measured in accordance with Section III.A. of the Company FMLA Policy.

B. Duration of Military Caregiver Leave

1. Eligible Associates may qualify for up to 26 workweeks of unpaid leave to provide care to a Covered Servicemember during a “single 12-month period” which begins on the first day of leave and ends 12 months later.
2. If an associate does not use 26 workweeks of Military Caregiver Leave during a single 12-month period, the remaining workweeks of Military Caregiver Leave are forfeited on a per-Servicemember, per-injury basis. An Eligible Associate is limited to a combined 26 workweeks of leave for any FMLA qualifying reason during the “single 12-month period,” and only 12 of the 26 workweeks may be taken for a FMLA-qualifying reason other than Military Caregiver Leave.
3. For Military Caregiver Leave that also may qualify as leave taken to care for a family member with a Serious Health Condition, the Company shall, in accordance with governing regulations, designate the leave as Military Caregiver Leave first.

**Note: Paragraph 2 in the previous version of this policy limiting spouses who both work for the Company to share 26 weeks of leave Military Caregiver Leave is deleted. The Company*

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allows spouses who both work for the Company an independent entitlement to 26 weeks of Military Caregiver Leave.

IV. CERTIFICATION

A. Certification for Qualifying Exigency Leave

1. Active Duty Orders. For the first request for exigency leave related to a particular military member and a particular covered active duty, the Company/Unum requires proof of the military member's Covered Active Duty. The Company/Unum also requires certification for subsequent requests for Qualifying Exigency Leave arising out of a different Covered Active Duty and/or for the Covered Active Duty of a different military member.

The Company/Unum may require associates to provide: (a) a copy of the military member's active duty orders or other documentation issued by the military, which indicates that the military member is on Covered Active Duty; (b) proof of dates of military member's active duty service; and (c) proof of the covered family relationship.

2. Proof of Qualifying Exigency. For the first request for leave for a particular Qualifying Exigency related to a particular military member, The Company/Unum requires proof of the exigency. A separate certification may be required for each specific exigency. The Company/Unum also requires certification for subsequent requests for leave arising out of a different Qualifying Exigency or different Covered Active Duty of the same military member, or for a different military member. The Company/Unum will require associates to provide a signed statement or description of facts for each particular exigency, which must be sufficient to show that the reason for leave is a qualifying exigency.
3. Verification. If certification is complete and sufficient, the Company/Unum will not request additional information from the associate, however, the Company/Unum may verify the certification by:
 - a. Contacting an appropriate Department of Defense (DOD) unit to verify the military member's Covered Active Duty; and/or
 - b. If the exigency involves meeting with a third party, contacting the individual or entity with whom the associate is meeting to verify the meeting or appointment schedule and the nature of the meeting(s).
4. Recertification. Recertification is not permitted for Qualifying Exigency Leave.

B. Certification for Military Caregiver Leave

1. Military Status. The Company/Unum requires proof of the Servicemember's military or veteran status.
2. Proof of Serious Injury or Illness. The Company/Unum requires proof of a Serious Injury or Illness using the Military Caregiver Leave certification form.

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3. Duration of Certification. A medical certification for Military Caregiver Leave remains in effect for the duration of the condition as specified on the certification, up to a maximum of 12 months, beginning on the date the associate first takes Military Caregiver Leave for a particular Serious Illness or Injury of a particular Servicemember. Once the single 12-month period expires, any unused Military Caregiver Leave is forfeited. In such a case, an associate may qualify for “regular” FMLA leave to care for a family member with a Serious Health Condition, and if so, may be required to submit a new medical certification form to substantiate the need for leave.
4. Authentication and Clarification. If a certification is complete and sufficient, Unum may contact the Servicemember’s Health Care Provider (or DOD representative) to authenticate and/or clarify the certification. “Authentication” means providing the Health Care Provider (or DOD representative) with a copy of the certification requesting verification that the information contained on the form was completed and/or authorized by the Health Care Provider (or DOD representative). “Clarification” means contacting the Health Care Provider (or DOD representative) to understand the handwriting or the meaning of the response.
5. Recertification. Recertification does not apply to Military Caregiver Leave.

V. Procedures and Forms

A. Procedure for Approving Qualifying Exigency Leave

1. Unum will notify, designate, and certify an associate’s request for Qualifying Exigency Leave. The associate is responsible for submitting the certification form to Unum within 20 calendar days of receiving it.
2. Unum will review the certification form and determine if it is complete and sufficient. If the form is not complete or it is insufficient, Unum will notify the associate and provide the associate with seven calendar days to cure the deficiency.
3. Upon receipt of a complete and sufficient certification form, Unum will issue FMLA Designation Notice to the associate within five business day.
4. Except for the special rules noted in this Appendix B, requests for Qualifying Exigency Leave should be handled in accordance with the general procedures outlined in the Company FMLA policy at Section VII.

B. Procedure for Approving Military Caregiver Leave

Except for the special certification rules noted above, requests for Military Caregiver Leave should be handled in accordance with the general procedures outlined in the Company FMLA policy at Section VII.

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