	<b>HUMAN RESOURCES POLICIES AND PROCEDURES</b>	
	<b>SUBJECT: OTHER MEDICAL LEAVE (OML)</b>	EFFECTIVE DATE: January 1, 2012
		REVISION DATE: April 15, 2024
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<b>THIS POLICY IS REVISED AND REPLACED IN ITS ENTIRETY.</b>		

**I. SUMMARY**

Perdue recognizes that there are conditions under which associates may be granted time off from work to attend to their own non occupational related illness or injury that does not qualify under the Family Medical Leave Act (FMLA) or other applicable state family and disability leave laws. Other Medical Leave (OML) is unpaid leave that may be available for the associate’s own non-occupational injury, illness, or medical condition when the associate is not eligible for leave under the FMLA or applicable state family and disability laws or when the associate has exhausted his or her entitlements under those laws. OML, if granted, is unpaid and excused from the attendance policy, but it is not position protected. For OML to be position protected leave (where the employee’s position or a substantially equivalent one will be held pending return to work), the need for leave must also be deemed a reasonable accommodation under the Americans with Disabilities Act (ADA). This policy establishes procedures for approval and documentation for OML that may be requested by the Company or their Claims Administrator, Unum, from an associate or a recognized health care provider under this Policy.


**II. SCOPE**

This policy applies to all U.S. Locations of Perdue, its divisions and subsidiaries.

**III. ELIGIBILITY/LENGTH OF LEAVE/WHEN COVERAGE BEGINS**

- A. An associate is eligible for leave under this policy if he/she is a regular, full time associate scheduled to work at least 30 hours per week and has completed the applicable waiting and probation period and is either not eligible or has exhausted his or her leave entitlement under the FMLA or applicable state family leave laws. Of note, any associate, including part-time associates and probationary associates may be entitled to leave under the ADA.
- B. Group 4 (General Labor and UFCW union associates) – Coverage eligibility begins on the first day of the calendar month following sixty calendar (60) days of service with the Company.
- C. Group 1, 2, 3, Chesapeake union associates, Mount Vernon Teamsters, and Petaluma Teamsters and Machinists associates – Coverage eligibility begins on the first day of the calendar month on or after the associate’s first day of work with the Company.
- D. Provided the associate substantiates the need for leave (unable to perform one or more essential function of his/her position) with sufficient medical documentation from a recognized health care provider, and there is no alternative accommodation that would keep the associate working, it is the policy of the Company that in cases of a non-occupational illness, injury, or medical condition that OML may be granted from the first day of absence for a period of up to six months in any rolling twelve month period. Thus, for example, an

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associate who has used his or her 12-week FML entitlement will be entitled to up to 14 weeks of OML during the rolling 12-month period, which includes the leave time. Of note, if the entire six-month period was also position protected because of the ADA (i.e., the Company determined that the leave granted also qualified as a reasonable accommodation and therefore was position protected), then the Company may grant more leave beyond the six-month period in certain circumstances where more leave would be a reasonable accommodation and would not create an undue hardship.

#### IV. DEFINITIONS

The following definitions apply to OML that is not offered as a reasonable accommodation under the ADA. For OML that is an ADA accommodation, the definitions under the ADA apply.


- Disability** - “Disability” means an associate will be considered disabled under the OML policy if, in accordance with the Short-Term Disability (“STD”) Plan (the “Plan”), the Leave Administrator (Unum), determines that as a result of sickness, injury, or pregnancy, the associate is unable to perform the essential functions of his or her position (with or without reasonable accommodation); **and** the associate is under the appropriate care and treatment as defined by the Plan; **and** the disability is supported by objective medical evidence provided by a recognized health care provider; **and** the disability evidence has not been refuted by a second opinion or other evidence; **and** the Company has not offered alternative work that meets the associate’s restrictions.
- Recognized Health Care Provider** - Is defined to include the following for the purpose of this policy: Physicians (MD or DO), Oral Surgeons, Nurse Practitioners, Certified Nurse Practitioners, Physician’s Assistants, Psychologists, Licensed Clinical Social Workers, or Licensed Master Social Workers—provided that the practitioner is licensed to practice in the United States jurisdiction where care is being provided, is practicing within the scope of that license, and is not a member of the associate’s immediate family (spouse, father, mother, son, daughter, brother or sister). For purposes of this policy, Chiropractors, Physical Therapists, Dentists, and other practitioners not meeting the above definition are not considered Health Care Providers.

#### V. REPORTING AN ABSENCE

##### A. Associate’s Responsibilities

- Notice of Need for OML.** Associates should notify Unum as soon as possible and must make verbal notice of the need for OML using a toll-free number to access the Unum telephonic claims intake center or by web access. (The 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

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OML as well as the anticipated start and duration of OML. Calling in “sick”, “late” or “absent” on the “HR call in” number is not considered sufficient notice of the need for OML under this Policy. Unum may seek to obtain any additional required information to determine if the reason for absence may be covered by this policy. Failure of an associate to respond to Unum inquiries may result in denial or delay of OML. If an associate has a planned medical event, they are to notify Unum as soon as they are aware of the timing of the event.

- Certification.** An associate’s OML 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. The Company requires certification for all OML reasons and Unum will issue the appropriate Certification form to the associate within five business days of when the associate reports the request to Unum, and in the case of unforeseen leave, within five business days after the leave commences. It is the associate’s responsibility to have the appropriate certification form completed and returned to Unum within 15 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.
- Additional Medical Documentation.** After OML is granted, the associate may be required to submit medical documentation to Unum to support the continuing need for leave and to support the associate’s ability to return to work with or without reasonable accommodation. During OML, that is not a reasonable accommodation under the ADA, and in accordance with applicable law, the Company may take steps to fill the associate’s position.
- Return To Work.** The associate should report to Perdue HealthWorks (Wellness Center) for the associate’s work location or provide a release from their treating physician, before beginning any work assignment after OML. In accordance with applicable law, and when job-related and consistent with business necessity, the associate may be evaluated by Perdue HealthWorks to confirm that the associate can perform the essential functions of his or her job, with or without reasonable accommodation. This can be coordinated by Human Resources upon notification that the associate will be returning to work.

**B. Supervisor/Team Leader Responsibilities**

- When an associate informs the supervisor/team leader that he/she may have a need for OML, 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 toll-free number, direct the associate to Human Resources for assistance.

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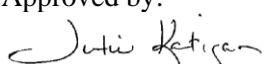
- Similarly, if the supervisor/team leader has information that may indicate an associate may have a need for OML or FML leave, the supervisor/team leader should either (1) inform the associate that he or she may want to contact Human Resources to inquire about possible OML eligibility; or (2) contact Human Resources so that Human Resources can follow up with the associate.
- Of note, before displacing/replacing the associate, supervisors must work with Human Resources to determine whether such action is permissible under the ADA (i.e., the Company will perform an ADA analysis to see whether position protected leave is a reasonable accommodation before displacing an associate from his/her position).


**C. Human Resources Responsibilities**

- Communicate and educate as appropriate regarding the Company partnership with Unum for OML administration and direct all associates inquiring about OML regarding their responsibility to make verbal notice of the need for OML using a toll-free number to access the Unum telephonic claims intake center or by web access.
- If OML is denied, initiate the ADA process to determine if leave as an accommodation should be granted or whether other ADA accommodations can be offered.
- Ensure that internal HR systems, SAP and Kronos (where Workforce Attendance Tracking (WAT) has been implemented) are maintained to reflect current OML activity and that the records are consistent with the OML activity provided by Unum. In cases where data is received requiring post-dated leave records to be maintained prior to future dated row(s), contact HRMS for assistance.

**D. Responsibilities of Perdue HealthWorks**

- If an associate contacts Perdue HealthWorks (Wellness Center) regarding a need for OML, the Wellness Center Nurse should educate the associate regarding the Company partnership with Unum for OML administration and direct the associate to access the Unum telephonic claims center or by web access.
- The Wellness Center Nurse should provide appropriate assessment and sign-off regarding the associates return-to-work status in accordance with HIPAA and Perdue HealthWorks guidelines, in conjunction with information from Unum.
- The Wellness Center Nurse should partner with Unum as appropriate through the OML process.

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**VI. EXCLUSIONS AND LIMITATIONS**


- A. If an associate becomes ill while on a paid vacation or holiday, OML will not start until the end of the vacation or holiday period. OML is not approved if the associate becomes ill or injured while on a personal leave of absence, a military leave of absence, or when he/she is not actively employed with the Company.
- B. Leave under this Policy may not be authorized if an associate is incarcerated in any federal, state or municipal penal institution, jail, medical facility, public or private hospital or in any other place because of a criminal conviction of a federal, state or municipal law or ordinance, or if an associate commits a crime and suffers a disability due to an illness or injury, caused by, or arising out of the commission of, arrest, investigation, or prosecution of any crime.
- C. Leave under this Policy may no longer be authorized if the Company or its claims administrator (Unum) determines that an associate willfully makes a false statement, or submits false documentation, in order to obtain leave under this Policy; Fails to place him/herself under a recognized health care provider’s care and follow the recommended treatment; Fails to provide information from a recognized health care provider, including objective medical evidence that is satisfactory to the Company and its Claims Administrator (Unum) certifying the associate’s disability, including the nature and frequency of treatment; Fails to have a medical examination by a recognized health care provider designated by the Company or its Claims Administrator (Unum) and/or fails to provide any additional reasonable and necessary information when requested.
- D. Leave under this Policy may not be authorized when required (1) for self-reporting symptoms (self-reporting means the manifestations of a condition that are not verifiable using tests, procedures, or clinical examination standard accepted in the practice of medicine); or (2) as a result of cosmetic surgery, unless made necessary by accidental injury or a disability.

**VII. BENEFITS AND JOB RESTORATION DURING LEAVE**

**A. Group Health Benefits**

For the duration of OML, 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 an associate’s coverage premiums from the associate’s STD benefit payments or from Paid Time Off (PTO) pay if the associates receive STD payments or uses PTO during OML. Otherwise, associates are required to make payments for coverage in accordance with procedures established by the Benefits Department.

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**B. Other Paid Benefits**

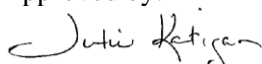
Associates on OML are not eligible for holiday pay, jury duty pay, funeral leave benefits, or any other form of pay for time not worked, unless any local, state and/or federal law supersedes this provision. Associates on OML may use any available PTO while on unpaid leave.

**C. Return To Same or Equivalent Position**

Upon returning from OML, an associate may be restored to the same or equivalent position or department with similar pay and conditions of employment if available, in the event that business conditions have not changed making it impossible and/or unreasonable for the Company to do so. In the event the associate's position is no longer available or has been eliminated, the Company will make every reasonable effort to offer the associate another available vacant position for which he/she is qualified.

**VIII. RESPONSIBILITY**

The Vice President of Human Resources retains the authority and responsibility for this Policy. Questions concerning the meaning or interpretation of this Policy should be referred to the appropriate Director of Human Resources. Any circumstances that require a waiver from the Policy must be coordinated through the Vice President or appropriate Director of Human Resources.

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