

Arkema Inc.

Name of Department/BU/Site

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Original Issue Date: January 16, 2009


Title:

Family Medical Leave Act (FMLA) Policy

Revision History

Revision Number	Purpose of Revision	Date
0	Original Document	January 16, 2009
1	Update after review	January 1, 2020

Prepared by	Reviewed/Revised by	Approved by
Steve Silver <i>HR Director, Manufacturing, Engineering, Technology, Labor Relations</i>	Louise Harman <i>Sr. Director, Total Rewards</i>	Chris Giangrasso <i>SVP, HR, Communications and Site Services</i> 

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1.0 Purpose

The Family and Medical Leave Act (FMLA) grants eligible employees the right to take time off work because of their own serious health condition, the serious health condition of a spouse, child or parent, and for the placement of a child for adoption or foster care.

Additionally, a subset of the FMLA is Military Family Leave. There are two types of leaves available; they are Military Caregiver Leave (Covered Service member Leave) and Qualify Exigency Leave. These leaves allow an employee to care for an injured or ill member of the Armed Forces or handle the affairs of a member of the National Guard and Reserves.

Arkema has contracted with Lincoln Financial Group to administer this policy.

2.0 Applicability

A. To be eligible for FMLA benefits, an employee must have been employed by Arkema Inc. for at least twelve (12) months and have worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

B. The employee must also be employed at a worksite of the company where Arkema employs 50 or more employees within 75 miles of that worksite.

- Employees working at locations that do not meet this definition may be provided up to twelve (12) weeks of leave, and must otherwise follow the other provisions of this policy.


3.0 Definitions

A. **Employee** means anyone employed by Arkema on a full time, part time or temporary basis. "Employee" does not include independent contractors.

B. **Serious Health Condition** means an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility, or
- Continuing treatment by a health care provider.

C. **Continuing treatment** means, in broad terms:


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- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there from) of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity involving the same condition that also includes:
 1. Involving treatment two or more times by a health care provider within the first seven (7) days and both within thirty (30) days of the first day of incapacity, or
 2. One treatment by a health care provider (an in-person visit within seven (7) days of the first day of incapacity) that results in a regimen of continuing treatment under the health care provider's supervision.
- Any period of incapacity due to pregnancy or prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits (at least two (2) per year) for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease).
- Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

D. **Parent** means the biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.

E. **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

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F. Next of Kin means the nearest blood relative, other than the covered service member's spouse, parent, son or daughter, in the following order of priority;

- Blood relative who have been granted legal custody of the service member by court decree or statutory provisions
- Brothers and sisters
- Grandparents
- Aunts and uncles
- First cousins


G. Health Care Provider means a physician, dentist, podiatrist, clinical psychologist, or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.

H. Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would 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.

I. Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

4.0 Responsibilities

A. Employee Notice Requirement. An employee seeking FMLA leave is required to provide written notice of at least 30 days prior to the proposed leave date to both his/her immediate supervisor and local Human Resources representative. Where advance notice is not possible, such as in the event of a medical emergency, notice should be given as soon as practicable. Failure to give advance notice where foreseeable may result in the delay, postponement or denial of the leave. Employees must also contact Lincoln Financial Group to finalize the leave request either online www.MyLincolnPortal.com, or by calling **800-505-4176**.

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When Do I Report a Claim/Leave?

Your own serious illness, disability, or maternity leave: You must provide notice at least 30 days in advance of a planned disability absence OR as soon as you are aware, that you will be disabled due to illness or injury for 7 or more calendar days, whichever is sooner.

Your family member’s serious illness, military leave, or your own intermittent leave: You must report a leave when you will be out of work for more than 3 consecutive days or intermittently to care for an immediate family member suffering a serious illness or to care for a newborn, foster or adopted child.

How Do I Report a Claim/Leave?

1. Contact your supervisor to report your absence.
2. Refer to ANNA for “Authorization to Release Information” form, and leave with your physician or medical care provider at your next visit.


Note: Lincoln Financial Group requires your physician to provide information about your medical condition. If this information cannot be obtained, benefits may be delayed or denied.

3. Report your claim/leave via www.MyLincolnPortal.com. First time users must register using Company Code Arkema. Have the following information available when you report your claim/leave:

- Your physician or medical care provider’s name, address, fax and telephone numbers
- Your manager’s name, telephone number and e-mail address
- Reason you are out of work (diagnosis/symptoms)
- Your last day worked, first day absent from work, and anticipated return to work date

Or, you can call **1-800-505-4176** and speak with an Intake Specialist to report your claim/leave.

4. Keep a record of your claim/leave number. Reporting your claim/leave online provides the added convenience of printing a report which includes your claim/leave number and a summary of your claim/leave details.

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5. You may securely check the status of your claim/leave online at www.MyLincolnPortal.com or by calling your Case Manager at 1-800-291-0112 or Leave Specialist at 1-866-630-9320.

B. Notice to Employee. When an employee has proposed a leave, or where an employee has been out of work for more than three days, a Lincoln Financial Group representative will notify the employee, in writing, that the absence is provisionally designated as Family Medical Leave.

C. The SVP, Human Resources, Communications and Site Services or his/her delegate must approve any exceptions to this policy. Policy questions should be directed to the Local HR representative or your Lincoln Financial Group leave representative.

5.0 Requirements

A. Qualified Leave Reasons


FMLA leave will be granted to eligible employees for the following reasons:

- The employee's serious health condition;
- The birth and care of the employee's child;
- Placement with the employee of a child for adoption or foster care; and
- Care of the employee's spouse, child, or parent with a serious health condition. Non-FMLA leave may be granted to employees to care for a same-sex domestic partner with a serious health condition.
- Care for a member of the armed services for conditions described in Section 1.0

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child. FMLA applies equally to male and female employees.

B. Certification of a Serious Health Condition

If FMLA leave is based on a serious health condition, whether it involves the employee or a family member (parent, spouse, domestic partner or child), medical certification from a health care provider is required. Failure to provide such certification may result in a delay or denial of the employee's leave.

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After notification of request for medical certification, that certification must be provided to Lincoln Financial Group within fifteen (15) calendar days of the request. In addition, when returning to work from a leave taken because of the employee’s own serious health condition, the employee will be required to provide medical certification that he/she is fit to return to work.

Employees should be aware that Arkema via Lincoln Financial Group might, under certain circumstances, require recertification of a medical condition. In addition, employees may be required to report on their intent to return to work. Whenever an employee learns of a change in the anticipated length of a FMLA leave, the employee must notify his/her local Human Resources representative and Lincoln Financial Group within two (2) business days of learning of such a change.

C. Military Family Leave


Military Caregiver Leave allows a “spouse, son, daughter, parent or next of kin” leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in a outpatient status, or is otherwise on the temporary disability retired list for serious injury or illness.”

Qualifying Exigency Leave enables families of members of the National Guard and Reserves to manage their affairs while the member is on active duty in support of a contingency operation. Employees may use a qualifying exigency leave for the following:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and Recuperation
- Post-deployment
- Additional activities not encompassed in other categories, but agreed to by Arkema and the employee

D. Length of Leave

Eligible employees may be entitled to up to twelve (12) workweeks of unpaid leave for FMLA or Qualifying Exigency Leave during any 12- month period (which period is measured backward from the date an employee uses any FMLA leave).

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The Military Caregiver Leave allows a “spouse, son, daughter, parent or next of kin” to take up to 26 workweeks of leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves.”

Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance of the available (12 or 26) weeks that has not been used during the immediately preceding 12 months.

Spouses that are both employed at Arkema are limited to a combined total of 26 workweeks in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

In certain circumstances, employees may take intermittent leave or leave on a reduced leave schedule. Intermittent leave or leave on a reduced schedule for the birth and care or placement and care of a child for adoption or foster care will be allowed only with the company’s prior written approval. Intermittent leave or leave on a reduced schedule may be taken whenever medically necessary to care for a seriously ill family member or because of an employee’s own serious health condition.


E. Paid Leave

Where an employee takes FMLA leave because of the employee’s own serious medical condition, after one week of leave the employee will be required to use any available paid time off, such as salary continuation, short term disability and/or unused accrued vacation, before receiving any (otherwise) unpaid FMLA leave.

Where an employee has unused accrued vacation time, the employee will be required to use that paid time off for all or part of any (otherwise) unpaid FMLA relating to birth of a child or placement of a child for adoption for foster care, or care for a spouse, child or parent who has a serious health condition, or care for a member of the Armed Forces for conditions described in Section 5.0 C.

F. Benefits During Leave

During any FMLA leave, Arkema will maintain the employee’s medical, dental, life and disability insurance coverage on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. Arkema and the employee will each continue to pay their

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portion of the benefit costs. Arkema will recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave on a prorated basis.

During an FMLA leave, sick leave and paid time off will continue to accrue only during that portion of the leave which is paid by using sick or paid time off days. During any unpaid FMLA leave sick leave and paid time off will not accrue. For those persons returning from any unpaid FMLA leave, accrual of paid time off and sick leave will resume the first of the month that follows or coincides with the date the individual returns to active work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, sick leave and paid time off will continue to accrue during the leave on a pro rata basis.

G. Return from Leave


An employee returning from leave will generally be reinstated to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. An employee who fails to return to work after an approved FMLA will be discharged from employment.

An employee returning from a leave for a serious health condition must also provide his/her immediate supervisor and the local Human Resources representative with certification from a health care provider documenting his/her fitness to return to work.

An employee who is unable to return to work at the end of his/her leave should notify his/her Lincoln Financial Group representative and local Human Resources representative in writing at least two weeks in advance. Supervisors should contact Human Resources to discuss alternatives prior to taking any action if an employee is unable to return to work. In addition, except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned before using FMLA leave. Use of FMLA leave will not be counted against an employee under a "no fault" attendance policy in a department or location where such a policy exists.

H. Other Leave Arrangements

If an employee is ineligible for leave under FMLA, the employee may be entitled to a leave of absence under other policies addressing leaves of absence. The determination of whether an employee qualifies for FMLA leave will be made at the time leave is requested.

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FMLA benefits may run concurrently with benefits provided by Workers' Compensation.

Non-Discrimination and No Retaliation

The Company will not discriminate or retaliate against any employee who exercises their rights under this policy. The Company will also comply with federal and state specific laws, including those which govern privacy and confidentiality of, as well as non-discrimination and non-retaliation for reproductive health decisions made by employees and/or their dependents.

Employees Who Are Covered by Collective Bargaining Agreements


For union employees, refer to your collective bargaining agreement.

Compliance with Laws

To the extent that family medical leave is governed by federal, state or local law, such law shall govern.

Modifications and Amendments

Nothing in this policy creates a contract, either express or implied. Arkema Inc. reserves the right at any time to change, suspend, terminate, or amend this procedure for any reason in its sole discretion.

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ANNUAL POLICY AND PROCEDURE REVIEW FORM

Document Number: HR 100

Document Title: Family Medical Leave Act Policy

I have conducted the annual review of this document and there are no changes* that need to be made during this review period.

Reviewer

Print Name: Steve S. Ivan
Signature: 
Date: 1/2/2020

Approver

Print Name: CHRIS GIANCASSO
Signature: 
Date: 1/3/2020

* Typographical changes (e.g., spelling errors, punctuation) are not considered changes for the purposes of this review.