

Beartooth Electric Cooperative, Inc.

ADMINISTRATIVE POLICY NO. 640

1. SUBJECT: FAMILY MEDICAL LEAVE ACT (FMLA)

2. OBJECTIVE:

2.1. To define Family Medical Leave Act (FMLA) eligibility and procedures for Beartooth Electric Cooperative, Inc. (BEC).

3. POLICY:

3.1. Employee Eligibility:

3.1.1. The minimum requirements for an employee to be eligible for FMLA are:

3.1.1.1. Worked for BEC for at least 12 months.

3.1.1.2. Worked at least 1,250 hours in the 12 months prior to when the leave will commence.

3.1.1.3. Has not used all available FMLA leave in the 12 months prior to the date the requested leave will begin.

3.1.1.4. There is a qualifying event.

3.2. Qualifying Event:

3.2.1. These are the qualifying events:

3.2.1.1. The birth and care of the employee's newborn child.

3.2.1.2. Placement of a child with the employee for adoption or by the state for foster care.

3.2.1.3. To care for the employee's spouse, child/foster child or parent with a serious health condition (this does not include in-laws).

3.2.1.4. The employee's own serious health condition that prevents him or her from performing the essential functions of the job, including workers' compensation leave.

3.2.1.5. To care for an eligible employee's spouse, son, daughter, parent or next of kin who is a service member in the regular Armed Forces, including National Guard or

Reserves, who is undergoing medical treatment for a serious injury or illness for a period of 26 work weeks in accordance with federal law (military caregiver leave).

- 3.2.1.6. For qualifying exigencies for a period of 12 work weeks which arise out of the fact that an eligible employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty in support of a contingent operation for the National Guard or Reserves, but not regular Armed Forces, in accordance with federal law.

3.3. Amount of Timing of Leave:

- 3.3.1. Eligible employees may take up to 12 weeks (except for military caregiver leave) of leave during a rolling twelve-month period. The twelve-month period is determined by measuring backward from the date an employee takes any FMLA leave. If the leave is for birth, adoption or foster placement of a child with the employee, the leave must be taken within 12 months of the birth or placement. If the leave involves a serious health condition, it can be taken on an intermittent or reduced schedule basis if medically necessary however, the employee may be temporarily transferred to another position that better accommodates the need for leave.

3.4. Employee Notice:

- 3.4.1. If the reason for FMLA leave is foreseeable (such as planned surgeries or normal births), the employee must give 30 days' notice. If the need for leave is unexpected, the employee must notify BEC as soon as possible, and, in no event, more than two days after knowing of the need for leave. Notice to the company is accomplished by completing a FMLA Request form. If the reason for leave involves a serious health condition, the employee will be given a Certification of Health Care Provider form that must be completed by their physician and returned to HR within 15 calendar days.

3.5. Pay and Benefits During Leave:

- 3.5.1. FMLA leave is unpaid and BEC requires the employee to use all earned vacation and sick leave concurrent with FMLA leave during the absence. Employees, who qualify for long-term disability, will receive pay in accordance with the terms of the plan. Employees who qualify for workers' compensation benefits will receive pay continuation according to the requirements of state law and BEC's insurance plan. All BEC benefits which operate on an accrual basis will cease to accrue during any period of FMLA unpaid leave.
- 3.5.2. The employee's health, dental and vision insurance coverage will be maintained during the leave under the same conditions as if the employee had continued to work. This means that the employee must continue to pay the portion he or she normally pays toward the premium or risk cancellation of health, dental and vision benefits during the leave. If the employee has enough vacation and sick leave, the premiums will be deducted from their pay as usual. If some or all of the employee's leave will be without pay, information on how and when to make premium payments will be provided to the employee at the

beginning of the leave. If necessary, the employee will be allowed to discontinue coverage and be reinstated into the plans, if they return to work on or before expiration of the FMLA leave. Other company paid benefits such as retirement, 401k and life insurance, will also be maintained during the leave under the same conditions as if the employee had continued to work. An employee on FMLA leave is not eligible for holiday pay.

3.5.3. Employees requesting a leave to care for a covered family member with a serious health condition may be required to provide medical certification from the family member's physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the employee is required to care for this family member. Employees may also be required to provide additional physician's statements at BEC's request. Further, the family member may be required to submit to a medical examination by a physician designated by BEC at BEC's expense.

3.5.4. During the period of leave, an employee may also be required to provide BEC with additional physician's statements on request from BEC or BEC's insurance carrier at reasonable intervals, attesting to the employee's continued disability and inability to work. The employee may also be required to submit to medical examinations by physicians designated by BEC at its discretion and at BEC's expense, at the beginning of, during, or at the end of the leave period, and to provide BEC with access to the employee's medical records as required.

3.6. Return To Work:

3.6.1. An employee must notify BEC of their intent to return to work, two weeks prior to the anticipated date of return or of any medically necessary changes in the date of return. Before an employee will be permitted to return from leave, the employee will be required to present BEC with a note from the employee's physician indicating that the employee is capable of returning to work and performing the essential functions of the employee's position, with or without reasonable accommodation. Where required, BEC will consider making reasonable accommodation for any disability the employee may have in accordance with applicable laws.

3.6.2. If the employee returns to work on or before the expiration of available FMLA leave, the employee will normally be returned to their former position or a reasonably equivalent job. If, however, the employee does not return prior to or on the expiration of FLMA leave, there is no guarantee of reinstatement. An absence for FMLA leave is not an "occurrence" for purposes of attendance policy. If the employee is medically released to return to work and fails to either report to work or call in with a satisfactory explanation, BEC will treat this as a voluntary resignation.

4. RESPONSIBILITY:

4.1. The General Manager, BEC/LVE HR and Staff shall ensure that the provisions of this policy are followed.

Adopted: 02/22/2013
Revised: 06/30/2015
Reference: LV Policy 601
Review Date: June 2017

Attest: /s/ Richard Nolan
 Secretary/Treasurer

Attest: /s/ Roxie Melton
 Board President