

POLICY A-104

POLICY MANUAL FOR EMPLOYEES, DRIVERS & CONTRACTORS OF THE HEYL TRUCK LINES, INC.

FAMILY & MEDICAL LEAVES OF ABSENCE (REV. 1/1/2016)

*Effective:* Immediately upon issue

*Application:* All employees, including company-employed drivers (“Employees”)

Employees Qualifying for Leave – Family and Medical Leave Act of 1993

Heyl will grant a leave of absence to regular full-time and regular part-time employees (meeting the requirements described below) for the care of a child after birth or adoption or placement with the employee for foster care, the care of a covered family member (spouse, child, or parent) with a serious health condition, or in the event of an employee’s own serious health condition. Heyl also grants a leave of absence to employees who need to provide health care for a covered service member and for a “qualifying exigency” involving a covered service member consistent with the military family leave provisions of the FMLA. Leaves will be granted for a period of up to twelve weeks in any twelve-month period with one exception listed in the *Leave Entitlement Section*. An employee *must* have completed a total of 12 months of employment. All months of service at Heyl will be totaled unless there was a break of service of seven years. In addition, to be eligible for leave, an employee must work at, or regularly report to, a Heyl facility that employs at least fifty employees at that facility or within seventy-five miles of that facility.

*Child/Family Care Leave:* If you request a leave of absence to care for a child after birth, adoption or placement in your home for foster care or to care for a covered family member with a serious health condition, you will be granted unpaid leave under the following conditions:

1. If the leave is planned in advance, you must provide us with at least thirty days’ notice prior to the anticipated leave date, using Heyl’s “leave-of-absence” request form.
2. If the leave is unexpected, you should notify your supervisor by filing the leave-of-absence request as far in advance of the anticipated leave date as is practicable. (Normally, this should be within two business days of when the need for the leave becomes known to you.)

All Heyl benefits that operate on an accrual basis (e.g., vacation, sick and personal days) will cease to accrue during any period of FMLA leave which is unpaid. In addition, you will be required to use all accrued, unused vacation and personal days during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay.

All group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue during the leave provided you continue regular employee contributions to these plans. (Other benefits, such as 401(k), life insurance, and disability, will be governed in accordance with the terms of each such benefit plan.)

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 Heyl’s request at reasonable intervals. Further, the

family member may be required to submit to a medical examination by a physician designated by Heyl, at our expense.

*Leave for Employee's Serious Health Condition:* If you request a leave of absence for your own serious health condition, you will be granted leave under the following conditions:

1. If the leave is planned in advance, you must provide us with at least thirty days' notice prior to the anticipated leave date, using Heyl's "leave-of-absence" request form.
2. If the leave is unexpected, you should notify your supervisor by filing the "leave-of-absence" request as far in advance of the anticipated leave date as is practicable. (Normally, this would be within two business days of when the need for the leave becomes known to you.)
3. Heyl has the right to request certification no more often than every 30 days. If the initial certification indicates that the condition's duration will be more than 30 days, Heyl must wait until that minimum duration expires before requesting recertification, regardless of the leave being intermittent. Heyl has the right to request recertification in less than 30 days if there is a requested extension of leave, the circumstances described by the previous certification have changed significantly, or if the employer receives information that casts doubt upon the employee's stated reason for absence or the continuing validity of the certification. Heyl must allow employee at least 15 calendar days to provide the recertification. Such certification must include, at a minimum, the date the disability began, a diagnosis, and the probable date of your return to work.

All Heyl benefits that operate on an accrual basis (e.g., vacation, sick and personal days) will cease to accrue during any period of FMLA leave which is unpaid. In addition, you will be required to use all accrued, unused vacation and personal days during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay.

All group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue during the leave provided you continue regular employee contributions to these plans. (Other benefits, such as 401(k), life insurance, and disability, will be governed in accordance with the terms of each such benefit plan.)

During your leave, you may also be required to provide us with additional physician's statements on request from us, or our insurance carriers at reasonable intervals, attesting to your continued disability and inability to work. You may also be required to submit to medical examinations by physicians designated by Heyl, at our discretion and expense, at the beginning of, during or at the end of your leave period, and to provide Heyl with access to your medical records as required.

Before you will be permitted to return from medical leave, you will be required to present Heyl with a note from your physician indicating that you are capable of returning to work and performing the essential functions of your position, with or without reasonable accommodation. Where required, Heyl will consider making reasonable accommodation for any disability you may have in accordance with applicable laws.

*Leave Entitlement:* Eligible employees are entitled to a leave for up to twelve weeks in any twelve-month period. Leave taken to care for a child after birth, adoption, or placement in your home

for foster care must be taken in consecutive workweeks. Leave taken for the employee's or a covered family member's serious health condition may be taken consecutively, intermittently, or on a reduced work/leave schedule based on certified medical necessity. In addition, eligible employees are entitled to a leave for up to 26 work weeks of leave during a single 12-month period when the leave involves care for a covered service member with a serious injury or illness. In such instances, Heyl will follow applicable federal and state laws in reviewing and approving such leave requests.

*Reinstatement Rights:* Eligible employees are entitled on return from leave to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., the employee's position is no longer available due to job elimination). Exceptions may also apply for certain highly compensated employees under certain conditions. In addition, employees on a leave extension beyond the maximum leave they are entitled to under the FMLA are not guaranteed reinstatement.

The foregoing policy has no application to Contractors or employees of Contractors.