

Family and Medical Leave (FMLA)

Northern Water provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

Incapacity due to pregnancy, prenatal medical care, or childbirth.

- To care for the employee's child after birth or placement for adoption or foster care.
- To care for the employee's spouse, child, or parent, who has a serious health condition.
- Serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active-duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current 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 outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

Benefits and Protections

During FMLA leave, Northern Water maintains the employee's health coverage on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse Northern Water for the remaining payment of insurance premiums during leave (the portion Northern Water paid).

Upon return from FMLA leave, employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Annual leave will continue to accrue, and Holidays are granted while on unpaid FMLA leave.

Eligibility Requirements

Employees are eligible if they have worked for Northern Water for at least 12 months and for 1,250 hours over the previous 12 months.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility or continuing treatment by a health-care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health-care provider; or one visit and a regimen of continuing treatment; or incapacity due to pregnancy; or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by Northern Water or 26 weeks for military services as explained above. Northern Water uses the 12-month period measured backward from the date the employee uses any leave under this policy.

An employee does not need to use this leave in one block. Leave can be taken intermittently or on a reduced-schedule leave when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Northern Water's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced-schedule leave based on planned medical treatment and those taking intermittent or reduced-schedule family leave with Northern Water's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

Substitution of Paid Leave for Unpaid Leave

Northern Water requires employees to use accrued annual leave and other paid leave, such as floating holiday, EPA, sick time, family leave, disability, accrued compensatory time, or other paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the Northern Water's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in Northern Water's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.

Employee Responsibilities

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Northern Water's normal call-in procedures, which are specified in this handbook under Attendance.

Employees must provide sufficient information for Northern Water to determine if the leave may qualify for FMLA protection as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health-care provider; or circumstances supporting the need for military family leave. Employees must also inform Northern Water if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave. Northern Water may require second and third medical opinions at Northern Water's expense.

Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with Northern Water's attendance guideline. Employees on leave must contact a member of Human Resources at least two days before their first day of return.

Northern Water's Responsibilities

Northern Water will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Northern Water will provide a reason for the ineligibility.

Northern Water will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Northern Water determines that the leave is not FMLA-protected, Northern Water will notify the employee.

Unlawful Acts

FMLA makes it unlawful for Northern Water to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against Northern Water.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Employees should meet with Human Resources to discuss any questions they may have about FMLA.