



Family and Medical Leave Policy for U.S. Employees

Effective January 1, 2018

In accordance with the federal Family and Medical Leave Act (FMLA) and corresponding state family and medical leave laws, the Company provides family and medical leaves of absences to eligible employees. Although the federal and state laws sometimes have different names, the Company refers to these types of leaves collectively as “FMLA Leave.” Employees may be eligible for FMLA Leave if they are temporarily unable to work due to their own or a family member’s serious health condition or due to the birth of a child, or if they are related to a family member in the Armed Forces.

Eligibility

An employee is eligible if he or she has worked for the Company for at least 12 months, has worked 1,250 hours in the 12 months preceding the need for leave. For the purposes of this policy, employment with another company that was acquired by the Company or any of its subsidiaries will count toward the 12-month eligibility requirement.

FMLA Leave

In accordance with FMLA, eligible employees are entitled to a combined total of 12 weeks unpaid, job-protected leave per rolling 12-month period for the following reasons:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee’s spouse,¹ child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee’s spouse,¹ child, or parent is a covered military member on covered active duty² or called to active duty status; or
- Twenty-six weeks of unpaid, job-protected leave to care for a covered service member with a serious injury or illness³ if the eligible employee is the service member’s spouse,¹ child, parent, or next of kin (military caregiver FMLA leave).

Spouses who are both employed by the Company are eligible to take a total of 12 weeks each of FMLA leave to care for a child after birth or placement in their care through adoption or foster arrangements.

State laws may provide employees with leave for additional reasons or for different time periods. In any case, employees will be eligible for the most generous benefits available under applicable law.

Qualifying Exigencies for Service Member FMLA

¹ Definition of spouse expressly includes individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state. Some states laws extend coverage to domestic partners as well.

² The definition of covered active duty includes a foreign country deployment requirement.

³ The FMLA definition of “serious injury or illness” for covered service members is distinct from the FMLA definition of “serious health condition” and includes preexisting conditions aggravated in the line of duty while on active duty.



Eligible employees whose spouse, child, or parent in the Armed Forces, National Guard, or Reserves is on covered active duty or who has been called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies, such as those described below:

- Short-notice deployment: Leave is permitted for up to 7 days from the date of notification if the military member receives 7 days or less notice of a call to active duty;
- Military events and related activities;
- Certain childcare arrangements;
- Financial and legal arrangements;
- Activities related to the care of a military member's parent who is incapable of self-care wherein those activities arise from the military member's covered active duty;
- Attending counseling;
- Rest and Recuperation during deployment: Leave is permitted up to 15 days while the service member is on temporary rest and recuperation leave;
- Attending post-deployment activities; or
- Any other event that the employee and employer agree is a qualifying exigency.

Military Caregiver FMLA

Eligible employees can take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Military caregiver leave is subject to the following provisions:

- Leave can be taken continuously, intermittently, or on a reduced schedule.
- Employees with more than one covered service member are limited to 26 weeks.
- If combining Military Caregiver Leave with other Service Member or Family/Medical leaves, a combined total of 26 weeks leave is available and only 12 of the 26 weeks may be used for a FMLA-qualifying reason not related to care for the covered service member.
- 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 incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his/her military duties; or
- 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 has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the individual became a veteran.

Leave Request Procedure

- Employees may apply for FMLA by calling the Company's Leave of Absence Reporting Center at 888-408-7300.



- Employees must provide 30 days' advance notice of the need to take FMLA leave when the leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable.
- Employees must provide the appropriate documentation and/or physician certification form within 15 calendar days.
- Employees on intermittent leave must follow their normal absence notification procedures in addition to reporting to the Company's Leave of Absence Reporting Center at 888-408-7300.
- The 12-week period is calculated on a rolling 12-month period measured backward from the date the employee first begins covered leave.
- The 26-week period for Military Caregiver FMLA begins on the first day the employee takes leave and ends 12 months after that date.
- Leave under federal and state law will run concurrently to the extent permitted by law.
- Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Company's business operations.
- Employees using FMLA for a continuous period due to their own medical condition must provide a note from their physician releasing the employee to return to work. This should be done 2 weeks in advance of the return to work date so that the Company can properly schedule work for the employee. Return to work documentation should be submitted to Benefits@KLDiscDiscovery.com.

Certification forms are available from the Company's Leave of Absence Reporting Center. At the Company's expense, the Company has the right to ask for a second opinion regarding an employee's own serious health condition. If required, the Company will select the physician. If the original certification and the certification from the second physician differ, the Company will require an opinion from a third physician at the Company's expense. The third physician will be jointly approved by the Company and the employee. The third opinion will be considered final.

Absent unusual circumstances, failure to comply with the Company's notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work upon the leave's expiration and has not obtained an extension of the leave, the Company may presume that the employee does not plan to return to work and has voluntarily terminated his or her employment.

Leave on Intermittent or Reduced Schedule

FMLA leave does not need to be taken in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary (for the employee's care or that of a family member). Leave due to military exigencies may also be taken on an intermittent basis. Requests for intermittent leave to care for a new child will be reviewed on a case-by-case basis by the Manager and the Company's Leave of Absence Reporting Center.

If an employee's request for intermittent leave is approved, the Company may later require employees to obtain recertification of their need for leave. For example, the Company may request recertification if it receives information that casts doubt on an employee's report that an absence qualifies for FMLA Leave.

In accordance with applicable law, the Company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate an intermittent or reduced schedule.



Pay and Benefits During Leave

FMLA Leave may run concurrently with Short Term Disability (STD) and workers' compensation, as applicable and in accordance with state laws. Generally, FMLA Leave is unpaid. Employees are required to exhaust their accrued vacation and sick time during FMLA Leave, if not running concurrently with STD or workers' compensation. Parental leave does not have to be exhausted during FMLA and can be retained per the policy.

Subject to the terms, conditions, and limitations of the applicable plans, the Company will continue to provide health insurance benefits for the full period of the approved FMLA Leave under the same conditions as before the FMLA Leave. The employee remains responsible for his/her share of the premium. Costs associated with missed benefit premiums while an employee is out on a leave, will be collected once the employee returns to work or withheld from short-term disability payments, if applicable.

Job Restoration

Upon return from FMLA leave, employees will be restored to their original or equivalent position with equivalent pay, benefits and other employment terms, unless the position has been eliminated or replaced due to business necessity. Employees will not lose any employment benefit that was earned or to which the employee was entitled prior to using FMLA leave.

If an employee fails to return to work on the agreed upon return date, the Company will assume that the employee has resigned.

Other Provisions

This policy is neither exhaustive nor exclusive. The Company is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with all applicable federal, state, and local laws.

Documents relating to medical certifications, recertification's or medical histories of employees or employees' family members will be maintained separately and treated by the Company as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

An employee who fraudulently obtains Family and Medical Leave from the Company is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, the Company will take all available appropriate disciplinary action against such employee due to such fraud.

Nothing in this policy is intended to create a contract, nor is it to be construed to constitute contractual obligations of any kind or a contract of employment between the Company and any of its employees. The Company is an employment-at-will company.

A Notice to Employees of Rights under FMLA (WHD Publication 1420) is attached to this policy.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The 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.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division




WH1420 REV 04/16