

INDIANA HARBOR BELT RAILROAD

FMLA AND MEDICAL LEAVE OF ABSENCE POLICY

FAMILY MEDICAL LEAVE ACT (FMLA)

- This policy is effective on July 30, 2018 and cancels and replaces all previous Family and Medical Leave (FMLA) policies.
- The Indiana Harbor Belt Railroad (Company) will grant a leave of absence in accordance with the requirements of applicable state and federal law (FMLA). The Company will also consider the requirements as outlined in the employee's Collective Bargaining Agreement (CBA).
- Employees should contact their manager and/or the Human Resource Manager as soon as they become aware of the need for an FMLA leave.
- Accepting other employment, continuing to work in another job or filing for unemployment insurance benefits while on leave may be treated as voluntary resignation from employment.
- No provision of this policy shall be applied or interpreted in a manner inconsistent with federal, state and local law. If this policy conflicts with an employee's applicable CBA, the CBA will take precedence over this policy.

ELIGIBILITY

- To be eligible for FMLA leave benefits, an employee must meet the following requirements:
 1. Worked for the company for at least 12 months;
 2. Worked at least 1250 hours in the 12 months prior to the start of the requested leave; and
 3. Work at a location where at least 50 employees are employed by the company within 75 miles.
- Employees should contact their Human Resources Department (HR) for questions regarding their eligibility.

REASONS FOR LEAVE

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (bonding leave).
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.

- An employee's inability to work because of a serious health condition.
- A qualifying exigency as defined under the FMLA, which essentially means attending to certain activities in order to prepare for a spouse's, child's or partner's active duty or call to active duty in a foreign country as a member of the Military Reserves, National Guard or Armed Forces.
- To care for a spouse, child, parent or next of kin- who is an Armed Forces member undergoing medical treatment as outlined in the FMLA guidelines.
- See the US Department of Labor's employee's guide to FMLA (attached) or contact HR for details regarding what qualifies as a serious health condition, covered family member or qualifying exigency.

FULL OR INTERMITTENT LEAVE

- If it is medically necessary for an employee or their covered family member's serious health condition, leave may be taken all at once, intermittently or on a reduced schedule in accordance with the FMLA.
- Leave for the birth or adoption of a child or placement of a child with an employee for foster care must be taken all at once and may not be taken intermittently.
- In the case of planned medical treatment, the employee must consult with his/her manager and make a reasonable effort to schedule the leave so as not to disrupt the Company's operations when possible and consistent with the advice of their health care provider. The employee must also advise the company why the leave is necessary and the schedule for the leave.
- Some requests (involving reduced schedules or reduction of hours) may not be possible due to conflicts with any applicable collective bargaining agreements or seniority restrictions. These will be handled on a case by case basis.

LENGTH OF LEAVE

- The maximum amount of FMLA leave will be twelve (12) workweeks in any 12 month period when the leave is taken for bonding, family care, serious health condition or military emergency leave. It will be twenty-six workweeks (26) in any 12 month period when leave is taken for military caregiver leave.
- If both spouses work for the company and are eligible for leave, they will be limited to a total of 12 workweeks between the two of them or 26 workweeks where applicable for qualifying events.
- The 12 month period will be determined using a 12 month rolling calendar year counting backward from the date the employee uses any FMLA leave.

- An employee's 12 workweeks of FMLA entitlement will be calculated using a weekly average which will be determined by the hours worked during the 12 months preceding the requested leave.
- An employee may contact HR for questions regarding the calculation of their leave.

PAY DURING LEAVE

- FMLA leave is an unpaid leave.
- The Company will require employees to use any accrued but unused vacation, personal or sick time as allowed by the statute and by any applicable collective bargaining agreements.
- If not required by the Company, an employee may choose to use any accrued but unused vacation, personal or sick time as allowed by company policy and by collective bargaining agreements.
- Any paid time used while on FMLA leave, whether voluntary or mandatory, runs concurrently with an employee's FMLA leave and does not extend the 12 week period of the leave. Although the employee would be using paid time, the leave would still be considered under FMLA.
- Health insurance benefits will be maintained while an employee is off work on FMLA leave. The Company will continue to make its regular contributions to the employee's healthcare provider. The employee is required to contact their healthcare provider for requirements to maintain their benefits while on leave.

REQUESTING FMLA LEAVE

- Employees must follow the Company's requirements for requesting a leave of absence along with following their normal call off procedures for their department. Forms can be found on the Company's website (ihbrr.com) or may be obtained by contacting HR.
- Employees should request a leave 30 days in advance if knowledge of leave is available. If the employee is unable to provide 30 days' notice, the employee should contact HR immediately upon notice that the leave will be required.
- Once HR has received an employee's request, they will notify the employee if they are eligible within 5 business days. This is not an approval or denial of the employee's requested leave, this is only a notice of eligibility. HR will notify the employee of any requirements or documents needed in order to make a determination regarding their request.
- The Company requires a medical certification form be completed by your physician for all FMLA requests except in cases of bonding with a healthy newborn child or a child placed for adoption or foster care. In those cases, they may require documentation to confirm the family relationship. Upon receipt of the employee's medical certification form, the

employee will be notified if any additional information is needed and will be provided with a date by which they must provide the requested documentation. The employee's request will be processed and they will be notified in writing of the approval or denial of their request. All pertinent information needed will also be included at that time. This includes but is not limited to: dates of the leave, calculation of the entitlement of the leave, vacation/personal/sick time being paid, status update information and return to work information.

- Employees may see the Department of Labor's employee's guide to the FMLA (attached) or contact HR for additional information regarding this process.

RETURNING TO WORK

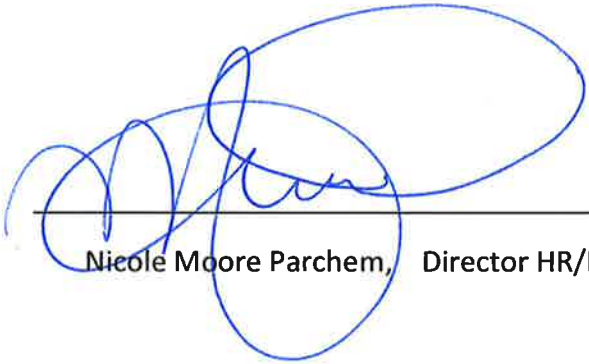
- Employees must contact HR if there are any changes to their leave status. (Returning earlier than expected or being gone longer than expected) If an employee would like to extend their leave, it is their responsibility to contact HR to ensure that they have the time available and to provide the appropriate documentation in a timely manner.
- Employees must contact HR prior to returning to duty to arrange for any return to work requirements and to provide a release from their doctor. Employees may use form MD201 found on the Company's website. Employees who exhaust their FMLA leave entitlement and cannot return to work or fail to return to work upon expiration of their approved FMLA are not protected by the FMLA and are not guaranteed any of the protections that it provides including reinstatement to their prior position.
- Employees are responsible for maintaining contact with HR throughout their leave and submitting appropriate documentation to protect their absence.

AUTHORIZED MEDICAL LEAVES

- In the event that an employee is not eligible for FMLA or has exhausted all available FMLA and is medically unable to return at that time, an employee may request a company authorized medical leave of absence. This leave is at the discretion of the Company.
- A medical leave that may be granted will be for the employee's own serious health condition and will be a full leave only. No intermittent leaves will be granted.
- A company authorized medical leave that may be granted will not exceed 6 months from the first date of the start of the leave, inclusive of the FMLA. No leave for any singular absence is to exceed six months.
 - o Example: if an employee uses 12 weeks of FMLA for their own serious health condition and is unable to return upon exhaustion of the 12 week entitlement, the Company may choose to grant them a medical leave of absence to continue treatment/recovery for their illness for a period of up to an additional 12 weeks for a total of 6 months only. At the end of the additional 12 week leave given by

the Company, the employee will have been off work for a total of 6 months and no additional leave will be granted. The employee will be expected to return to duty at that time.

- Exceptions to the six month limit may be made in cases where an employee provides documentation that they have applied for disability benefits with the RRB or with Social Security.



Nicole Moore Parchem, Director HR/LR



Date