



Policy

FMLA STATEMENT

Purpose

Team Members may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides information concerning FMLA entitlements and obligations Team Members may have during such leaves. If you have any questions concerning FMLA leave, reach out to the People Team at people@lonepeakdentalgroup.com.

Policy Statement

ELIGIBILITY

FMLA leave is available to "eligible Team Members." To be an "Eligible Team Member," you must: 1) have been employed by the Company for at least 12 months (which need not be consecutive); 2) have been employed by the Company for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

ENTITLEMENTS

As described below, the FMLA provides eligible Team Members with a right to leave, health insurance benefits, and, with some limited exceptions, job protection.

A. Basic FMLA Leave Entitlement

The FMLA provides eligible team members up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date the Team Member uses their FMLA leave. Leave may be taken for anyone, or for a combination, of the following reasons:

- To care for the Team Member's child after birth or placement for adoption or foster care;
- To care for the Team Member's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the Team Member's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the Team Member unable to perform one or more of the essential functions of the Team Member's job; and/or

- Because of any **qualifying exigency** arising out of the fact that the Team Member's spouse, son, daughter or parent is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents Team Members from performing the functions of their job or prevents the 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 (3) consecutive 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.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

B. Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible Team Member who is the spouse, son, daughter, parent, or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible team member takes leave to care for the injured servicemember.

A "**covered servicemember**" is 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 on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible team member takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans." The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

C. Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for consecutive days, weeks, or months. However, Team Members also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the Team Member or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.

D. No Work While on Leave

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

E. Protection of Group Health Insurance Benefits

During FMLA leave, eligible Team Members are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

F. Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "Key Team Members" will cause the Company substantial and grievous economic injury, Team Members generally have a right to return to the same or equivalent positions with equivalent pay, benefits, and other employment terms. The Company will notify Team Members if they qualify as "Key Team Members," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible Team Member's FMLA leave.

G. Notice of Eligibility for, and Designation of, FMLA Leave

Team Members requesting FMLA leave are entitled to receive written notice from the Company telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, Team Members are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) Company's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the team member's leave entitlement. The Company may retroactively designate leave as FMLA leave with appropriate written notice to team members provided the Company's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the team member. In all cases where leaves qualify for FMLA protection, the Company and Team Member can mutually agree that leave be retroactively designated as FMLA leave.

TEAM MEMBER FMLA LEAVE OBLIGATIONS

A. Provide Notice of the Need for Leave

Team Members who take FMLA leave must timely notify the Company of their need for FMLA leave. The following describes the content and timing of such Team Member notices.

1. Content of Team Member Notice

To trigger FMLA leave protections, Team Members must inform the Company via their Manager who will notify the People Team of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Team Members may do this by either requesting FMLA leave specifically, or explaining the reasons for leave to allow the Company to determine that the leave is FMLA-qualifying. For example, Team Members might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a healthcare provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active-duty status to a foreign country; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy.

If Team Members fail to explain the reasons for FMLA leave, the leave may be denied. When seeking leave due to FMLA-qualifying reasons for which the Company has previously provided FMLA-protected leave, you must specifically reference the qualifying reason for the leave or the need for FMLA leave.

2. Timing of Team Member Notice

Team Members 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, or the approximate timing of the need for leave is not foreseeable, Team Members must provide the Company notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Team members who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, Team Members must consult with the Company and make a reasonable effort to schedule treatment so as not to unduly disrupt the Companies operations, subject to the approval of the Team Member's health care provider. Team Members must consult with the Company prior to scheduling treatment so that a treatment schedule can be worked out that best suits the needs of both the Company and the Team Member, subject to the approval of the Team Member's healthcare provider. If Team

Members providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Company may require Team Members to attempt to make such arrangements, subject to the approval of the Team Member's health care provider. When Team Members take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the Team Member or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the Company may temporarily transfer Team Members, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the Team Members are qualified and which better accommodate recurring periods of leave. When Team Members seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, they must advise the Company of the reason why such leave is medically necessary. In such instances, the Company and Team Member shall attempt to work out a leave schedule that meets the Team Member's needs without unduly disrupting the Company's operations, subject to the approval of the Team Member's healthcare provider.

C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, Team Members may be required to submit medical certifications supporting their need for FMLA-qualifying leave to the People Team. As described below, there generally are three types of FMLA medical certifications: **an initial certification, a recertification and a return to work/fitness for duty certification.**

It is the Team Member's responsibility to provide the People Team with timely, complete and sufficient medical certifications. Whenever the People Team requests Team Members to provide FMLA medical certifications, Team Members must provide the requested certifications within 15 calendar days after the request, unless it is not practicable to do so despite the Team Member's diligent, good faith efforts. The People Team will inform Team Members if submitted medical certifications are incomplete or insufficient and provide at least seven (7) calendar days to cure deficiencies. The Company and the People Team may deny FMLA leave to Team Members who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the Team Member's permission, the People Team may contact the Team Member's health care provider to authenticate or clarify completed and sufficient medical certifications. If Team Members choose not to provide the Company with authorization allowing it to clarify or authenticate certifications with health care providers, the Company and the People Team may deny FMLA leave if certifications are unclear. Whenever the Company deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

1. Initial Medical Certifications

Team Members requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health

care provider of their covered family or service member. If Team Members provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year. If the People Team has reason to doubt initial medical certifications, it may require Team Members to obtain a second opinion at the Company's expense. If the opinions of the initial and second healthcare providers differ, the People Team may, at the Company's expense, require Team Members to obtain a third, final, and binding certification from a healthcare provider designated or approved jointly by the Company and the Team Member.

2. Medical Recertifications

Depending on the circumstances and duration of FMLA leave, the People Team may require Team Members to provide recertification of medical conditions giving rise to the need for leave. The People Team will notify Team Members if recertification is required and will give Team Members at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, Team Members returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the People Team with medical certification confirming they can return to work and their ability to perform the essential functions of their position, with or without reasonable accommodation. The People Team may delay and/or deny job restoration until Team Members provide the return to work/fitness for duty certifications.

D. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time Team Members seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the People Team may require Team Members to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the Team Member setting forth information concerning the nature of the qualifying exigency for which leave is requested. Team Members shall provide a copy of new active-duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member. When leave is taken to care for a covered servicemember with a serious injury or illness, the People Team may require Team Members to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the People Team may request that the certification submitted by Team Members set forth additional information provided by the Team Member and/or the covered servicemember confirming entitlement to such leave.

E. Substitute Paid Leave for Unpaid FMLA Leave Team Members must use any accrued paid time while taking unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave

time does not extend the length of FMLA leave and the paid time will run concurrently with the FMLA entitlement. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement. Upon written request, the Company will allow Team Members to use accrued paid time off to supplement any paid disability benefits, if offered by the Company.

F. Pay Team Member's Share of Health Insurance Premiums

During FMLA leave, Team Members are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Company notifies Team Members of other arrangements, whenever Team Members are receiving pay from the Company during FMLA leave, the Company will deduct the Team Member portion of the group health plan premium via payroll deductions in the same manner as if the Team Member was actively working.

If FMLA leave is unpaid, the Company will continue to maintain health care coverage on behalf of the Team Member and the Team Member will be responsible for paying their portion of the group health premium through a method determined by the People Team upon their return from leave as outlined in their repayment agreement.

If Team Members do not return to work within 30 calendar days at the end of the leave period (unless Team Members cannot return to work because of a serious health condition or other circumstances beyond their control) or request an extension, they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave.

IV. Questions and/or Complaints about FMLA Leave

Questions regarding this FMLA policy should be directed to the People Team. The Company is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any Company made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If Team Members believe their FMLA rights have been violated, they should contact the People Team immediately. The People Team will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Team Members also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

V. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Company's other leave policies.

Additional Information

Confidentiality:

All information provided by employees in support of their FMLA or Leave will be treated confidentially and used solely for the purpose of assessing eligibility and administering the program.

Review and Revision:

This policy will be periodically reviewed and revised as necessary to ensure its effectiveness and alignment with the company's goals and objectives.

Questions:

Employees with questions regarding the FMLA or Leave Policy should contact the People Team for clarification and guidance.