SABIC Policy Guidelines for FMLA

Family and Medical Leave Act: (FMLA)
The Family and Medical Leave Act of 1993 established certain requirements for providing leaves (known as FMLA leaves) to tend to your or a family member's needs. Leave under FMLA may also cover leaves to tend to personal or medical needs related to Military Service.

This document describes the SABIC Policy regarding such leaves, and is not intended to expand on the FMLA, except as required by state law.

Basic leave entitlement
SABIC provides up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a 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 National Guard or Reserves in support of a contingency operation 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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the US Military temporary disability retired list.
Benefits and protections
During FMLA leave, SABIC maintains the employee’s health coverage on the same terms as if the employee had continued to work. When you return to work from an FMLA leave or absence, you are normally entitled to your own job or a job of equal pay, benefits, and working conditions. (Under certain circumstances, such as a reduction in force affecting your job while you are out on leave, you are not entitled to reinstatement, and may be placed on layoff at the conclusion of your leave).

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility requirements
You are eligible if you have worked for SABIC for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of a 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 care facility, or continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your 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 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.

Use of leave
You do not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. You must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying military related exigencies may also be taken on an intermittent basis.
Substitution of paid leave for unpaid leave
You may choose, or SABIC may require, use of accrued paid leave while taking FMLA leave (see *What happens to my pay during an FMLA leave*, below). In order to use paid leave for FMLA leave, you must comply with the SABIC normal paid leave policies.

Your responsibilities
You must provide 30 days advanced notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, you must provide notice as soon as practicable and generally must comply with SABIC normal call-in procedures.

You must provide sufficient information for SABIC’s FMLA administrator to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a 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. You also must inform SABIC FMLA administrator if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave. Information regarding how to request an FMLA leave is provided below.

How do I report FMLA leave status updates?
Whenever there is a change to your continuous or intermittent FMLA status, you are required to inform your manager and the SABIC FMLA administrator. Changes can include but are not limited to, your ability to return to work from an approved FMLA leave, or the requested use of intermittent FMLA time for an approved intermittent FMLA claim. To report your update to the SABIC FMLA administrator, call 1-877 SABIC US, option 7.

Employer responsibilities
The SABIC FMLA administrator 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, SABIC FMLA administrator will provide a reason for the ineligibility. The employee will be allowed to provide additional information as necessary.

The SABIC FMLA administrator will inform employees if the leave will be designated as FMLA-protected and the amount of the leave counted against the employee’s leave entitlement. If the SABIC FMLA administrator determines that the leave is not FMLA-protected, the FMLA administrator will notify the employee.
What happens to my pay during an FMLA leave?
Generally FMLA leaves are unpaid. However you may have some options to receive pay during your leave:

- **Salary Continuation Program** – If your FMLA leave is for your own personal illness, you may be eligible for Salary Continuation Program payments. Days paid under the Salary Continuation Program will count toward your FMLA leave entitlement.
- **Vacation** – You have the option of using remaining paid vacation days before going on unpaid leave status. Vacation days used during your leave will count toward your FMLA leave entitlement.
- **Personal Business Days** – If your FMLA leave is to care for a qualified family member with a serious health condition, you may use any of your remaining personal business days, provided you receive management approval. Also with management approval, personal business days may be used to receive pay for time when you are absent because of an illness or injury, and are not eligible to receive Salary Continuation Program payments or other disability benefits. These days will count toward your FMLA leave entitlement.

What happens when I return to work after an FMLA leave?
You will need to notify your manager, your human resources representative, and the SABIC FMLA administrator, of your intent to return to work from an FMLA leave. If your FMLA leave was for your own serious health condition, upon your scheduled return you may be required to present certification from your doctor that you are able to return to work and meet other return to work requirements.

How do I request an FMLA leave?
To request a family or medical leave:

1. Provide 30 days notice to your immediate supervisor prior to a foreseeable leave, or as soon as practicable for unforeseeable leaves. This will help SABIC plan around your absence.
2. Call the SABIC Benefits FMLA Administrator at 1-877- SABIC-US, option number 7, to request an FMLA leave. FMLA administrator will provide you with further directions and next steps to continue to process your FMLA request.
3. For intermittent FMLA leave you will need to continuously update the SABIC FMLA administrator as leave is taken. Call 1-877-SABIC- US, option 7 when you leave work, or when you are unable to report to work due to an approved intermittent leave. You must also notify the FMLA administrator when you return to work.

**Unlawful Acts by employers**

FMLA makes it unlawful for any employer 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.
Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a 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 call to active duty status in the National Guard or Reserves in support of a contingency operation 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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be 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.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

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 care 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 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 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.

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

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

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 an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and 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 also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer 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 an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersedes any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
WWW.WAGEHOUR.DOL.GOV