



## Family and Medical Leave Policy

The Family and Medical Leave Act of 1993, as amended (“FMLA”), allows eligible employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave if available, for certain reasons:

- The birth of the employee’s son or daughter and to care for the child;
- The placement of a son or daughter with the employee for adoption or foster care;
- The employee’s personal serious health condition that makes him or her unable to perform any one or more of the essential functions of his or her job;
- The serious health condition of the employee’s son, daughter, spouse, or parent, if the employee is needed to care for such family member;
- To care for a covered servicemember (of whom the employee is the spouse, son, daughter, parent, or next of kin) with a serious illness or injury—for this purpose, a “covered servicemember” means either (i) 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; or (ii) a veteran discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the employee takes related FMLA leave (not counting any period between October 28, 2009, and March 8, 2013), who is undergoing medical treatment, recuperation or therapy (referred to as “Military Caregiver Leave”); or
- Due to a qualifying exigency resulting from the employee’s spouse, son, daughter, or parent being on covered active duty or called (or notified of an impending call or order) to covered active duty status (referred to as “Exigency Leave”).

For the purposes of this FMLA Policy, an employee’s “spouse” is the person with whom the employee entered into a marriage (including a common law or same-sex marriage) as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of the United States of America, if the marriage is valid in the place where entered into and could have been entered into in at least one State.

Pursuant to Ryman Hospitality Properties, Inc.’s Domestic Partner Policy, for the purposes of this FMLA Policy, an employee’s domestic partner will be treated as the employee’s spouse, provided that he or she qualifies as a certified domestic partner under the Domestic Partner Policy, and the son or daughter of an employee’s certified domestic partner will be treated as the employee’s son or daughter.

In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a reduced (for example, from full-time to part-time) schedule.

### Eligibility

Employees who have worked for the company a minimum of 12 months, and have worked 1,250 hours or more during the 12 months prior to the start of the leave, are eligible for FMLA leave. Any period(s) of absence from work due to USERRA-covered service will be counted for the purpose of determining whether this 12-month requirement is met.

To qualify for FMLA leave based on a serious health condition, the serious health condition must be an illness, injury, impairment, or physical or mental condition that requires inpatient care (e.g., hospitalization) or continuing treatment by a health care provider (e.g., incapacitates the employee on a recurring basis or for more than three consecutive days for treatment or recovery).

To qualify for Military Caregiver Leave, the covered servicemember's illness or injury:

- (i) for a covered current member of the Armed Forces, including a member of the National Guard or Reserves, must have been incurred or aggravated (if it existed before active duty) in the line of active duty, and renders the member medically unfit to perform the duties of the member's office, grade, rank or rating; or
- (ii) for a covered veteran, must have been incurred or aggravated (if it existed before active duty) in the line of active duty, manifested itself before or after the member became a veteran, and is any of the following:
  - a continuation of a serious illness or injury incurred or aggravated while on active duty, which rendered the servicemember unable to perform the duties of the member's office, grade, rank, or rating, or
  - a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating ("VASRD") of 50% or greater (and the VASRD rating is based in whole or in part on the condition precipitating the need for the Military Caregiver Leave), or
  - a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of disability(ies) related to military service (or would do so absent treatment), or
  - an injury (including a psychological injury), on the basis of which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

To qualify for an Exigency Leave, the employee's designated family member must be deployed to a foreign country as a member of the Armed Forces or a member of the National Guard or Reserves called or ordered to active duty. In this situation, employees may qualify for FMLA leave for the following reasons (each, as defined in the FMLA regulations): short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; parental care; and additional activities which arise as a result of the military member's covered active duty or call to active duty where the employer and employee agree that such leave qualifies as an exigency and agree to both the timing and duration of the leave.

### **Requesting an FMLA Leave of Absence**

The employee is required to provide the company with notice of the need for leave, the FMLA-qualifying reason for the leave, and the anticipated timing and duration of the leave, including the treatment schedule if intermittent or reduced schedule leave is requested.

If the leave is foreseeable (including for the planned medical treatment for the serious health condition of the employee or a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember), the employee must provide the company written notice of need for leave at least 30 days prior to the start of the leave, or, if the leave is not foreseeable or if 30 days' notice is not practicable, the employee must notify the company within five days of when the need for leave becomes known to the employee, or as soon as possible and practical thereafter (if five days is not practicable).

In the case of planned medical treatment for a serious health condition, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the company.

The employee is required to give additional notice as soon as practical whenever there is a change in the dates of scheduled leave. The company periodically may require the employee to report on his/her status and intent to return to work.

The employee should first notify his/her immediate supervisor and/or Human Resources of the leave request. The employee must also contact New York Life at **1-888-842-4462** to initiate an FMLA leave request. New York Life brochures are available from Human Resources.

In order to take leave due to a serious health condition, the employee must provide New York Life with permission to contact your health care provider or have the "Certification of Health Care Provider" form completed by the health care provider of the employee or his/her family member, as the case may be, within 15 calendar days of receiving the form from New York Life. The employee must cooperate in authorizing his/her health care provider to provide any clarification of information provided on the medical certification form if needed.

The company may require a second (or third) opinion by a health care provider of its choice at its expense. The company may also require that the employee submit recertification(s) on a periodic basis. Failure to comply with these certification requirements will result in the delay, denial or termination of FMLA leave. When the leave involves a qualifying family member, the employee also is required to provide reasonable documentation to confirm the family relationship.

In order to qualify for Military Caregiver Leave, an employee must provide medical certification by an authorized health care provider (which may include a health care provider of the U.S. Department of Defense or U.S. Department of Veteran's Affairs, or a TRICARE-authorized network or non-network provider (in which case no second (or third) opinion may be required); but also includes health care providers not affiliated with the military) to New York Life reflecting the servicemember suffered a serious illness or injury. For a covered veteran, the employee may provide a copy of the VASRD rating determination or enrollment notice from the VA's Program for Comprehensive Assistance for Family Caregivers for certification of the veteran's serious illness or injury. To the extent permitted by law, additional information may be required in order to support the leave request.

In order to qualify for an Exigency Leave, the employee must provide New York Life with the covered active duty orders or other documentation issued by the military that indicates that the covered military member has been deployed to a foreign country and the dates of the covered service. Additionally, the employee will be required to provide a certification to New York Life to support leave for any qualifying exigency.

All required certifications must generally be provided to New York Life within 15 calendar days of the request being made (except as required by law). Where any such required certification is incomplete or insufficient, the employee will be notified and will be provided with seven calendar days (unless not practicable under the circumstances) to cure the deficiency. If such cure is not timely provided, the FMLA leave may be denied.

## **Duration**

Eligible employees will be allowed up to 12 weeks of combined paid and unpaid FMLA leave (other than Military Caregiver Leave) within any rolling (backward method) 12-month period.

In the case of a Military Caregiver Leave, eligible employees are allowed up to a combined total of 26 weeks of leave within a single 12-month period, *measured forward from the date the employee's first FMLA leave to care for a covered servicemember begins*. During this single 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks for any qualifying reason.

If spouses both work for the company and leave is taken for the adoption or birth of a healthy child, or to care for the employee's parent with a serious health condition, the maximum combined leave for both spouses is 12 weeks. If leave is taken to care for an ill child or spouse, each spouse is entitled to 12 total weeks of leave. If Military Caregiver Leave is taken, the spouses are entitled to a maximum combined leave of 26 weeks.

If an Exigency Leave is taken for "rest and recuperation," the leave is limited to a maximum of 15 calendar days.

## Job Protection

Most employees granted leave will be returned to the same position held prior to the leave, or one that is equivalent in pay, benefits, and other terms and conditions of employment. Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee's position or if the employee qualifies as a "key employee" (generally the highest paid 10% of the workforce). Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the company, in which case the key employee will be notified of this decision.

## Benefits

Group health plan (e.g., medical (including prescription drug), dental, and vision) coverages, supplemental coverages, and company provided benefits continue during the leave.<sup>1</sup> Both the company and the employee continue to pay the customary portions of the premiums. Additional information can be found in the "**Premium Collection Procedure**" section.

If the employee does not return from leave, under certain circumstances, the employee may be required to repay the company's portion of the premium payments (refer to the "**Premium Recovery**" section below).

Both the **beginning** and **end** of the unpaid portion of FMLA leave constitute a life event and allow the employee to make changes in their coverage that are consistent with the "change in status."

The 12-week (or 26-week) period of FMLA leave may also encompass some or all of the company's paid time off policies. The policy below details the premium collection method for the duration of paid or unpaid leave.

The benefits provided to employees may be company-subsidized, employee-paid, or company-paid. Each type of payment arrangement for benefits is explained below.

Company-Subsidized Benefits - Company and employee pay a percentage of the premium for coverage. The medical (including prescription drug) and dental coverages are company subsidized.

Employee-Paid Benefits - The employee pays the entire premium for coverage. These coverages are all individually elected by the employee and include: vision, supplemental life, supplemental AD&D, and dependent life insurance. In addition, for the purpose of this policy, the contributions to the Health Care Spending Account and Dependent/Child Care Spending Account are employee paid.

Company-Paid Benefits - The company pays the entire premium for coverage. Coverage under these plans occurs automatically when the employee has met the eligibility requirements. The company-paid benefits are: basic life insurance, basic AD&D insurance, and short and long term disability insurance.

## Premium Collection Procedure

Coverage for company-paid benefits (basic life, basic AD&D, and disability) is continued at no cost to the employee for the duration of FMLA leave.

Coverage for company-subsidized and employee-paid benefits will be continued as follows: If the employee is receiving a paycheck, the employee's share of the premiums must be paid by the method normally used during any paid leave, typically, as a payroll deduction. If the employee is not receiving a paycheck, then the employee is billed by *Your Benefits Resources* (YBR). Coverage is subject to cancellation for non-payment of premiums. Non-payment of premium is not a COBRA qualifying event.

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<sup>1</sup> For coverages other than group health plan coverages, benefits will be continued during the FMLA leave only to the extent permitted by the applicable insurance policy(ies).

If coverage is cancelled due to non-payment of premiums, the employee may be eligible to re-enroll in coverage upon return to work due to change in status. Employee will have 31 days from the date of the event to contact *Your Benefit Resources* (YBR).

### **Premium Recovery**

Under some circumstances, if the employee fails to return from FMLA leave, the company has the legal right to recover the cost of any premium paid by it to maintain the employee's group health plan (medical (including prescription drug), dental, and, vision) coverages, employee supplemental coverages, and company-paid benefits during any period of unpaid leave.

An exception could apply if the employee could not return to work because of the continuation, recurrence, or onset of the employee's or family member's serious health condition or serious illness or injury of a covered servicemember; or other circumstances beyond the control of the employee.

An employee is considered to have returned to work if he or she returns for at least 30 calendar days (or retires during that period).

### **Health Care Spending Account (Employee-Paid)**

During the unpaid portion of FMLA Leave, the following will occur:

1. The employee will be billed by YBR for any amount owed and contributions will continue to be made to the account. Eligible expenses up to the employee's annual election will continue to be paid.
2. If contributions are not made by due date, delinquent contributions will be "caught up" upon return to work.

### **Dependent Care Spending Account (Employee-Paid)**

During the unpaid portion of FMLA leave, contributions to the Dependent Care Spending Account will stop and any dependent care expenses incurred while on unpaid leave will not be eligible for reimbursement.

### **COBRA Coverage**

There is one FMLA-related event that is a "qualifying event" under COBRA and could trigger eligibility for COBRA continuation of group health plan coverage:

- Failure to return to work at the end of the FMLA leave

For more information about COBRA coverage, please refer to your summary plan description and/or contact *Your Benefits Resources* (YBR).

### **Paid Leave Benefits**

FMLA leave under this policy will be considered unpaid leave, unless the employee is entitled to paid leave under another applicable policy of the company, including accrued vacation, holiday pay, or sick days. The employee will be required to exhaust any available and applicable accrued paid time off upon the commencement of the FMLA leave in accordance with administrative policy. Using paid time off does not add to the total length of the leave.

### **Returning to Work**

When the leave was for the employee's own serious health condition, CIGNA's "Fitness for Duty Certificate" form must be completed by physician and submitted to your manager or Human Resources prior to the employee's return to work.

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