

**ImmunoTek Bio Centers, LLC**

**Effective Date: 11/1/2024**

**Revised on:**

## **TITLE: Company Leave of Absence Policy**

### **1. PURPOSE:**

This policy outlines the Company's Unprotected Leave of Absence (CLOA) and its procedures. CLOA is designed for employees who are not eligible for Family Medical Leave Act (FMLA) coverage, either because they work at a non-FMLA eligible location or have not met the FMLA's work requirements. The Company is committed to offering employees time off through various leave options outlined in this policy.

### **2. POLICY SCOPE:**

This policy replaces any conflicting previous practices, procedures, or policies, whether written or verbal. The Company reserves the right to modify or suspend this policy at any time without notice. Human Resources is responsible for enforcing this policy. Non-compliance may result in disciplinary actions up to termination.

### **3. POLICY DETAILS:**

The Company recognizes that we have employees who will not qualify for FMLA because the employee works at a location with fewer than 50 employees within a 75-mile radius or have less than one year of service with the company. **Example:** *An employee has been working for 2 years at a non-FMLA eligible center with 40 employees. All employees in this example are not eligible for FMLA and would be eligible for CLOA.* In such cases, unpaid leave may be granted to full-time employees with at least 30 days of service.

The allowable leave periods are as follows:

- **8 weeks**
  - A serious health condition that makes the employee unable to perform the essential functions of his or her job
  - Birth of a child and to care for the newborn within one year of birth
- **4 weeks**
  - to care for a child, spouse, or parent with a serious health condition as defined under FMLA guidelines.
  - The placement with the employee of a child for adoption or foster care to care for the newly placed child with one year of placement.
  - Qualifying exigency leave as defined by FMLA.
  - Leave to care for a covered service member as defined by FMLA.

CLOA does not guarantee job protection, except where required as a reasonable accommodation under the ADA. An employee who has exhausted their FMLA time is not eligible for CLOA.

### **4. GENERAL INFORMATION:**

- A. Foreseeable Leave:** Employees must provide at least 30 days' advance notice for foreseeable leave by contacting the Company's leave administrator, Lockton HRO. For example, if an employee knows they need surgery, they must give advance notice. Failure to do so may delay the start of the leave. Employees are expected to schedule medical treatments in a way that minimizes disruption to Company operations.

- B. Unforeseeable Leave:** For unexpected leave, employees must notify the leave administrator as soon as possible. If 30 days' notice is not feasible, they must give notice as early as practicable while complying with Company call-in procedures. Employees should provide sufficient information to determine if the leave qualifies and to estimate its duration.

## 5. CONDITIONS:

- **A. Leave Usage:** Employees may not be absent for more than three consecutive calendar days without an approved leave of absence. The maximum allowed leave under CLOA for self is 8 weeks and 4 weeks for eligible family members within a rolling 12-month period looking back. Employees must take leave consecutively and cannot take it intermittently or on a reduced schedule unless otherwise required by law.
- **B. Eligibility for CLOA:** Full-time employees are eligible for CLOA after 30 days of active service but are not eligible for FMLA. Employees who have exhausted FMLA are not eligible for CLOA.
- **C. Reasons for CLOA:**
  - Employees may request up to 8 weeks of unpaid leave within a 12-month period.
    - For their serious health condition as defined by FMLA guidelines
    - Birth of a child (would run concurrently with Birth-Related Leave) and to care for the newborn within one year of birth.
  - Employees may request 4 weeks of unpaid leave within a 12-month period.
    - for the care of a child, spouse, or parent with a serious health condition as defined by FMLA guidelines.
    - The placement with the employee of a child for adoption or foster care to care for the newly placed child with one year of placement.
    - Qualifying exigency leave as defined by FMLA.
    - Leave to care for a covered service member as defined by FMLA.
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- **D. Definition of Serious Health Condition:** CLOA uses the FMLA definition of a serious health condition, which involves either an overnight stay in a medical facility or continuing treatment by a healthcare provider for conditions preventing the employee from performing essential job functions.
- **E. Medical Certification:** Employees must provide medical certifications for their serious health condition and for their family member if leave is to care for eligible family member. Failure to provide timely certification may result in the denial of the leave request.
- **F. Recertification:** Periodic recertification may be required. Delayed submission of certification may delay leave approval.
- **G. Employee Responsibilities:** Employees are responsible for providing updates and certifications as needed. Failure to do so may result in denial of leave and disciplinary actions.

- **H. Leave Administrator Responsibilities:** The leave administrator is responsible for determining an employee's eligibility for CLOA, providing written notices, and informing employees of the status and approval of their leave.
- **I. Return to Work:** Employees must contact the leave administrator two days before their expected return date to confirm the date of return. If the absence is for their own medical condition employees are required to provide a Fitness-for-Duty form before returning to work. Failure to provide notice or certification may delay the return to work.
- **J. Pay During Leave:** All leave under this policy are unpaid unless covered by state or local leave provisions. Employees may be eligible for disability or workers' compensation benefits if enrolled. Accrued paid time off will be used concurrently with unpaid leave.
- **K. Health and Welfare Benefits:** The Company will continue health benefits during an approved CLOA, with employees responsible for their portion of health plan premiums. Failure to pay premiums on time may result in the loss of health coverage.
- **L. Intermittent and Reduced-Schedule Leave:** CLOA cannot be taken intermittently or on a reduced-schedule basis unless required by law.

## **6. ABUSE AND TERMINATION OF LEAVE:**

Abuse of leave policies may result in disciplinary action, including termination. Employees who fail to return to work on the specified date without approved additional leave may face termination. The termination date will coincide with the expected return-to-work date.