



**MOHAWK**  
**Leaves of Absence Policy**  
**Summary**

This document is a summary of Mohawk's Leave of Absence Policy. If you have questions, contact the Benefit Service Center at 1-866-481-4922.

A "**Leave of Absence**" is an absence from work, generally of more than three days (other than layoff or due to lack of work) authorized by management, at the expiration of which the employee will be reinstated.

**FAMILY MEDICAL LEAVE ACT (FMLA)** is federally mandated unpaid leave granted as follows:

#### **Eligibility**

- FMLA applies to all employees who have worked for Mohawk for at least 12 months and a minimum of 1250 hours of service during the 12-month period immediately prior to the leave.
- If employees do not elect to use any available vacation pay, their approved FMLA leave will be unpaid. In the case of an employee's own serious health condition, employees eligible for sick days may also substitute them for FMLA leave.

#### **Types of FMLA Leave**

1. **Parental Leave** - an employee may take an approved leave to care for a newborn or newly placed adopted or foster child.
  - The leave must be taken anytime within 12 months of the date of birth or placement of the child for adoption or foster care.
  - Generally, this type of leave must be taken in a continuous block of time, up to 12 weeks. Intermittent leave or working a reduced schedule cannot be taken unless extenuating circumstances exist and it is approved by the Human Resources Manager.
  - Employees taking a Parental leave may elect to substitute any accrued and unused vacation for all or part of this leave.
2. **Family Care Leave Condition** - an employee may take an approved leave to care for a spouse, parent or child with a serious health condition.
  - Ordinarily, unless complications arise, this leave does not cover short-term conditions such as colds, flu, ear aches, upset stomach, etc.
  - An employee may request to take a leave in a single block of time, intermittently or with a reduced work schedule, if determined by a health care provider to be medically necessary.
  - Employees taking Family Care Leave may elect to substitute any accrued and unused vacation for all or part of this leave.
3. **Personal Medical Leave** - An employee may take an approved leave to care for an employee's own serious health condition.
  - Ordinarily, unless complications arise, this leave does not cover short-term conditions such as colds, flu, ear aches, upset stomach etc.
  - An employee may request to take a leave in a single block of time, intermittently or with a reduced work schedule, if determined by a health care provider to be medically necessary.
  - Employees may be eligible for paid short-term or long-term disability leave with respect to personal illness and injury, and provided the employee meets all other applicable requirements for such benefits.
4. **Military Situations**
  - A. Military Care Leave** - if an employee is the spouse, parent, child or "next of kin" of a military member who is injured or becomes ill while serving in the military, the employee may be entitled to take up to 26 weeks of unpaid FMLA leave in a single 12-month period to care for that service member. To be considered "serious," the injury or illness must be significant enough that the service member may be medically unfit to perform the duties of his or her position.
  - B. Military Exigency Leave** - Because of a Qualifying Exigency resulting from the call-up of an eligible service member who is the employee's spouse, parent, or son or daughter). (Examples include attending official ceremonies, programs or military events; special childcare needs created by a military call-up, arranging for school transfers or attending school or daycare meetings; making financial and legal arrangements; attending counseling sessions; rest and recuperation.) (Complete Policy has additional details.)

#### **Applying For FMLA Leaves of Absences**

- File for an FMLA Leave of Absence, within 30 days prior to an employee's expected leave or with as much notice as is practical under the circumstances, by 1) notifying your supervisor and 2) calling the Benefits Service Center at 1-866-481-4922.

### **FMLA Medical Certification**

- Employees requesting Family Care, Personal Medical or Military Care leave must provide certification from a health care provider within fifteen days of the request for leave unless it is not practicable under the circumstances despite the employee's diligent efforts. Failure to timely provide certification may result in leave being delayed, denied or revoked.
- In the Company's discretion, employees may also be required to obtain a second and third certification from another health care provider at Company expense (except for Military Care leave). Employees requesting a Military Exigency leave may also be required to provide appropriate active duty orders and subsequent information concerning particular Qualifying Exigencies involved.

### **Combining FMLA Leave with a Spouse Also Employed at Mohawk**

- In a case where both an employee and the employee's spouse are employed by Mohawk, the combined total number of weeks to which they are entitled to care for the employee's parent with a serious health condition or because of the birth or placement of a child will be limited to twelve (12) weeks per rolling twelve month period.
- Similarly, in situations involving leave to care for a military service member, a husband and wife both employed by Mohawk will be limited to a combined total of 26-weeks of leave to care for a military service member. This 26-week leave period will be reduced, however by the amount of leave taken for other qualifying FMLA events.

### **Return to Work**

- Prior to the expiration of an FMLA leave of absence, the employee must provide the Benefits Service Center with at least a two-day notice of their desire to return. Employees returning from Personal Medical leave will also be required to provide a fitness for duty certification from their Health Care Provider prior to returning to work.
- **Important:** Employees failing to return to work or failing to make a request for an extension of their leave prior to the expiration of the leave will be deemed to have voluntarily terminated their employment.

## **MOHAWK'S MEDICAL LEAVE – (NON-FMLA)**

### **Eligibility**

- An employee may apply for Mohawk's medical leave after three months of employment.
- If an employee takes a medical leave of absence or is placed on workers' compensation leave and the leave would qualify as FMLA leave, then FMLA leave will run concurrently with the other leave.

### **Duration**

- Leaves of absence for an initial period of up to one year will be granted to employees who have more than one year of service and are in need of medical leave arising from personal illness or injury. Employees with more than three months but less than one year of service may take a leave up to a period of time equal to their length of service.

### **Applying for Mohawk's Medical Leave of Absence**

- When the employee can reasonably anticipate the need for the leave of absence (e.g., in cases involving elective surgery or pregnancy), the employee is required to file an advance request for leave no later than thirty days prior to the date of leave. This advance request should be supported by a written medical doctor's statement indicating the scheduled or expected date that the leave will begin.
- Where onset of a medical condition is sudden, the employee is not required to make formal written application for medical leave, but a physician's statement certifying the need for the medical leave will be necessary within two weeks of the beginning of the disability. (Complete Policy has additional details.)

### **Extended Leaves**

- When the need for medical leave continues beyond the initial leave period, the employee or a member of his or her family must notify the Benefits Service Center no later than one week before the date the leave is scheduled to expire. Additional Documentation is required for Extension Applications. (Complete Policy has additional details.)

## **SPECIAL RULES FOR WORKERS' COMPENSATION**

- Leaves of absence for compensable illness or injury occurring in one of the Company's facilities or while doing the Company's business will be granted automatically without written application pursuant to applicable workers' compensation laws.
- The three-month minimum service requirement is waived in cases of compensable illness or injury.
- If the employee's medical condition does not allow him or her to return to work at the end of a year of leave, the employee will be subject to termination from the Company as outlined by the leave of absence procedures set forth in this policy and as allowed pursuant to applicable law.
- These rules will be construed in accordance with applicable laws.
- If an employee takes a medical leave of absence or is placed on workers' compensation leave and the leave would qualify as FMLA leave, then FMLA leave will run concurrently with the other leave.

## **MILITARY LEAVE**

### **Eligibility**

- Pursuant to federal law, military law is available immediately upon employment.

### **Requests**

- Military leaves of absence are to be granted in accordance with the terms and conditions of the controlling federal laws.

### **Advance Notice**

- The employee requesting the leave must provide advance notice. This notice should be given to the employee's supervisor in cases involving absences of two weeks or less in duration and to the Benefits Service Center in cases involving more than two weeks.

### **Return to Work**

- The reinstatement of employees returning from military leave will also be in accordance with the applicable federal laws.

## **ELIGIBILITY FOR EMPLOYEE BENEFITS WHILE UNDER AN APPROVED LEAVE OF ABSENCE**

### **Vacation and Holiday Pay**

- The eligibility requirements for vacation and holiday pay are stated in the policy covering those matters. An employee who takes a leave of absence under this policy will be eligible for those benefits under the terms of those policies and in accordance with applicable law.

### **Insurance**

- The coverage and/or continuation of insurance may vary depending upon the reasons for the leave of absence. Any questions or problems on these matters should be referred to the Benefits Service Center, which will be responsible for determining the amount and degree of continuation in accordance with the insurance benefit and applicable law.

## **FALSE REASON FOR LEAVE**

- Termination will occur if an employee gives a false reason for a leave.