



Indispensable Tools for Today's ELL Professionals

## **Leaves of Absence**

We understand that there may be times when you need extended time off for different reasons. We offer different leaves of absence including Family & Medical, Parental, Military, Bereavement, Jury Duty and more and including all leaves of absence required under state and federal law. If you think you might need a leave of absence, please see People Operations. A leave of absence may be either paid or unpaid authorized time away from work, and is usually more than five (5) workdays, excluding vacation time. All requests for leaves of absences must be reviewed and approved by the employee's manager and People Operations. Ellevation management will determine eligibility for a leave of absence. During leaves of more than one (1) week arrangements will be made for employees to cover their portion of health insurance premiums.

## **Parental Leave**

Regular full-time employees who have been employed by Ellevation for at least twelve (12) months as a regular full-time employee qualify for paid parental leave.

Employees are eligible to receive eight (8) weeks of paid leave for the birth of a child or placement of a child with the employee in connection with adoption or foster care. Paid parental leave runs concurrently with FMLA leave and leave under the Massachusetts Parental Leave Act.

Full-time employees who deliver a child may also be eligible for short term disability pay in addition to the eight (8) weeks of paid parental leave. People Operations will assist you in applying for short term disability payments.

Full-time employees who are eligible to receive the eight (8) weeks of paid leave are eligible to take the forty (40) days of paid leave intermittently. The intermittent parental leave must be taken in full day (8 hour) increments. If an employee has a medical condition related to pregnancy or childbirth for which they need leave, they may be eligible for intermittent leave in smaller intervals with doctor certification. An intermittent parental leave schedule must be pre-approved by your manager before the leave is taken. Parental leave requests should be entered into Namely for manager approval.

Full-time employees who have worked for Ellevation at least three (3) consecutive months, but less than twelve (12) are eligible for eight (8) weeks of unpaid parental leave under the Massachusetts Parental Leave Act.

An employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return. If an employee is unable to give 2 weeks' notice for reasons beyond the employee's control, they must give notice as soon as practicable.

### **Personal Medical Leave**

Regular full-time employees who have been employed by Ellevation for at least twelve (12) months as a regular full-time employee qualify for paid medical leave.

Employees are eligible to receive up to twelve (12) weeks of paid leave for their own serious health illness or condition. Paid medical leave runs concurrently with FMLA leave. The total twelve (12) weeks of pay will include any payments paid through short term disability payments and any state approved paid leaves.

Employees receiving medical leave payments need to first apply for short term disability pay. Ellevation will pay the difference between the employee's regular full pay and the short term disability payments for a total of twelve (12) weeks of regular pay. People Operations will assist you in applying for short term disability payments.

An employee seeking leave must provide as much notice as possible of the anticipated date of departure and the employee's intention to return. If an employee is unable to give 2 weeks' notice for reasons beyond the employee's control, they must give notice as soon as practicable.

### **Massachusetts Paid Family Medical Leave**

Massachusetts employees are eligible to take up to 26 weeks total of paid leave for medical or family reasons. MA PFML is separate from both the federally mandated benefits offered by FMLA and from Ellevation's other types of leave, though MA PFML could run concurrently with these. MA PFML benefits will become available as early as 1/1/2021 and may be used for the following purposes:

- care for a sick family member (available 7/1/21 for up to 12 weeks per year)
- bond with a newborn child (available 1/1/21 for up to 12 weeks per year)
- bond with a child after adoption or foster care placement (available 1/1/21 for up to 12 weeks per year)
- manage family affairs when a family member is on active duty in the armed forces (available 1/1/21 for up to 12 weeks per year)
- care for a family member's injury or illness related to service in the military (available 1/1/21 for up to 26 weeks per year)
- manage a personal serious injury or illness (available 1/1/21 for up to 12 weeks per year)

Employees who are eligible for Massachusetts PFML will need to submit an application to Reliance Standard Insurance who is administering our plan. Reliance will determine whether or not you are eligible for leave benefits and the amount of benefits you will receive, and will pay out benefits. Ellevation will continue to pay its portion of the employee's health insurance premium while the employee is on leave, will restore the employee to the same position on their return from leave, and will not discriminate against or retaliate against employees for taking leave. Employees who will need to take leave must provide Ellevation at least 30 days' notice or, if that is not possible, as much notice as is practicable under the circumstances.

### **California Pregnancy Disability Leave**

Employees in California who have a pregnancy-related disability may be eligible for up to four months of unpaid leave for the period of time that they are disabled. PDL may be taken on an as-needed or intermittent basis, including as a reduced-work schedule, to the extent required by the employee's healthcare provider.

PDL will run concurrently to any available Personal Medical Leave as described above. An employee may elect to use available vacation time during any otherwise unpaid portion of PDLA leave, if she wishes. Vacation, sick leave, and sick bank will be paid on regularly scheduled paydays during the employee's leave. If the need to take leave is foreseeable, the employee must provide Ellevation 30 days' notice; if not, the employee must provide notice as soon as is practicable.

Employees who take PDL will be entitled to continue their health insurance coverage on the same basis as employees taking other leaves for their own serious health condition or temporary disability. Employees who return from leave, upon submitting an acceptable health-care provider release to return to work, will be returned to the same or a similar position as she held at the time of leave, unless that position no longer exists for reasons unrelated to the employee's taking leave (e.g. a reduction-in-force).

In accordance with the PDLA, Ellevation will make reasonable accommodations as described under the Pregnant Workers' Fairness Act policy below and as required under California state law.

### **Bereavement**

All Ellevation employees are allowed up to twenty (20) consecutive paid days off in the event of the death of a spouse, domestic partner, or child; one (1) week off in the event of the death of an employee's parent or sibling; and one (1) day for extended family members. Bereavement pay is calculated based on the base pay rate and does not count towards accrual of overtime pay for non-exempt employees.

### **Family and Medical Leave Act (FMLA)**

The Company has adopted this policy to implement the terms of the Family and Medical Leave Act of 1993 ("FMLA"), as amended by the National Defense Authorization Act of 2008. Eligible employees are entitled to family and medical leave on the terms and conditions stated in this policy, the regulations issued by the Department of Labor under the FMLA, and the Company's other applicable leave policies.

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or childbirth;
- to care for the employee's child after birth, or placement for adoption or foster care;

- to care for the employee's spouse, son, 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 whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status 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: (1) 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, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

*\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".*

### **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.

The Company will maintain the employee's coverage under group medical, dental, life insurances, LTD and STD plans during the period of FMLA leave under the same terms as if the employee had continued to work. During the leave, the employee will be required to continue to make all premium payments that they otherwise would have had to make if actively employed. Where feasible, the Company will advise the employee concerning the necessary arrangements for such payments prior to the commencement of the leave. If the employee fails to return to work following the expiration of FMLA leave for a reason other than a Serious Health Condition or circumstances beyond the employee's control, the Company will be entitled to repayment by the employee of any premiums paid by the Company during the leave. Failure to make timely premium payments may result in the termination of coverage.

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 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

\*The Company counts federal FMLA on a “rolling backward 12-month basis.” This means that the 12-month period is measured backwards from the date an employee uses any federal FMLA. Each time an employee takes FMLA, the remaining leave entitlement would be any balance of the annual entitlement that had not been used during the immediately preceding 12 months. A rolling forward 12-month basis, however, is used track the up to 26 weeks of federal family military leave available to care for an injured service-member.

## **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 healthcare 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**

FMLA leave under this policy will be considered unpaid leave, unless the employee is entitled to paid leave under any applicable disability program or elects to use sick time. If the employee is eligible for paid leave under any applicable disability program or elects to use sick time, that leave will run concurrently with and be counted toward the employee’s total entitlement to FMLA leave for that leave year.

Employees on leave that qualifies both as STD and/or workers’ compensation and FMLA leave who are able to return to a light duty position will have the option of remaining on FMLA leave without pay (and foregoing the light duty position and additional STD or workers’ compensation benefits) or terminating the FMLA leave to accept the light duty position. In the case of an employee who qualifies for FMLA and voluntarily accepts a light duty assignment, the time

spent performing light duty work will not count against the employee's 12-week FMLA entitlement. In addition, the employee performing light duty work retains their right to be restored to the same position or an equivalent position until the end of the applicable leave year.

### **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**

The Company will 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 Company must provide a reason for the ineligibility.

Once the Request for Family or Medical Leave has been received, the Company will notify the employee of their eligibility to take FMLA leave within five (5) business days of the employee's request, absent extenuating circumstances, and provide the employee with written notice of the employee's rights and obligations with respect to the leave. (See Notice of Eligibility and Rights and Responsibilities form.) At this time, the Company also will provide the employee with copies of any certifications that the employee must return. The Company will inform the employee if the leave will be designated as FMLA leave.

Employees are 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 their status and intent to return to work. When the Company learns of a FMLA reason for leave after a leave has commenced under another of the Company's policies, the Company will designate the leave as FMLA-qualifying from the commencement of the event. Employees are required to cooperate in providing the Company with information needed to make this determination.

The Company will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Company determines that the leave is not FMLA-protected, the Company will notify the employee.

### **Medical and Other Certifications**

Employees will be required to provide a certification and periodic recertification supporting the need for leave for reasons relating to a serious health condition of the employee or of a covered family member. Typically an employee must provide the Company with an Employee Illness – Certification of Health Care Provider form within 15 calendar days of the employee's receiving the form. Failure to provide a timely and adequate certification or recertification may result in delay or denial of leave. In order to qualify for disability pay under any of the Company's plans, an employee is required to provide all applicable forms to the Company and to comply with all requirements under such plans.

### **Return to Work**

Consistent with the Company's practice, before returning to work following a medical leave due to the employee's Serious Health Condition, the employee will be required to present a certification from their health care provider that the employee is medically able to resume work (a "fitness for duty" report). Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain employees may be denied restoration if they are designated a "key employee" under the FMLA regulations. If an employee's leave extends beyond the FMLA entitlement or the employee does not return to work at the end of the leave, the employee does not have return rights under the FMLA.

### **Unlawful Acts**

FMLA makes it unlawful for the Company to interfere with, restrain, or deny the exercise of any right provided under FMLA; and 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 supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **Questions**

FMLA notices explaining employees' rights are posted on company bulletin boards. Questions about this policy or eligibility for FMLA Leave should be directed to People Operations.

### **California Family Rights Act**

The California Family Rights Act ("CFRA") provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave

employees may use under this policy is 12 weeks within a 12-month period. Leave taken under this policy is counted against an employee's total CFRA leave entitlement. For more information regarding leave under this policy, employees should contact Human Resources.

### **Eligibility**

To be eligible for CFRA leave under this policy, employees must:

1. Have worked at least 12 months for Ellevation in the preceding seven years (limited exceptions apply to the seven-year requirement); and
2. Have worked at least 1,250 hours for Ellevation over the 12 months preceding the date the leave would commence.

### **Conditions Triggering Leave**

CFRA leave may be taken for any of the following reasons:

1. To care or bond with a newborn child.
2. Placement of a child with the employee and/or the employee's registered domestic partner for adoption or foster care to care or bond with the child.
3. To care for an immediate family member (employee's spouse, parent, registered domestic partner, child or registered domestic partner's child, grandparent, grandchild, sibling) with a serious health condition.
4. Because of the employee's serious health condition that makes the employee unable to perform his or her job.

Incapacity due to pregnancy, prenatal medical care or childbirth does not count toward CFRA leave.

### **Definitions**

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, and either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider, or one visit to a health care provider and a continuing regimen of care; a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of continuing treatment.

### **Identifying the 12-Month Period**

Ellevation measures the period of 12 months in which leave is taken on a rolling backward 12-month basis. In addition, CFRA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the child's birth or placement.

### **Intermittent Leave**

Eligible employees may take CFRA leave in a single block of time, intermittently (in separate blocks of time) or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member. Intermittent leave for the birth of a child, to care for a newborn child or for the placement of a child for adoption or foster care generally must be taken in at least two-week increments under the CFRA, with shorter increments allowed on two occasions. Employees who require intermittent or reduced-schedule

leave must try to schedule their leave so that it will not unduly disrupt Ellevation's operations. Intermittent leave is permitted in intervals of at least one hour, or at the same intervals as provided in Ellevation's sick leave policy, whichever increments are smaller.

### **Use of Accrued Paid Leave**

Employees may choose (or Ellevation may require employees) to use accrued paid leave (such as sick leave, vacation or PTO) concurrently with some or all of the CFRA leave. Employees receiving state disability benefits or paid family leave benefits will not be required to use accrued paid leave. To use paid leave concurrently with CFRA leave, eligible employees must comply with Ellevation's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice).

### **Maintenance of Health Benefits**

If employees and/or their families participate in Ellevation's group health plan, Ellevation will maintain coverage during CFRA leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on unpaid leave. In some instances, Ellevation may recover premiums it paid to maintain health coverage or other benefits for employees and/or their families. Use of CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable plan document for information regarding eligibility, coverage and benefits.

### **Procedures**

When seeking leave under this policy, employees must provide to Human Resources the following:

1. Thirty (30) days' advance notice of the need to take CFRA leave if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave and in compliance with Ellevation's normal call-in procedures, absent unusual circumstances.
2. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member within fifteen (15) calendar days of Ellevation's request for the certification (additional time may be permitted in some circumstances). Failure to do so may result in delay of the commencement of leave or denial of a leave request. Second or third medical opinions and periodic recertifications may also be required.
3. Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
4. Medical certification of fitness for duty before returning to work if the leave was due to the employee's serious health condition. Ellevation will require this certification to address whether employees can perform the essential functions of their position.

Failure to comply with the foregoing requirements may result in delay or denial of leave or disciplinary action, up to and including termination.

### **Employer Responsibilities**

To the extent required by law, Ellevation will inform employees whether they are eligible for leave under the CFRA. Should employees be eligible for CFRA leave, Ellevation will provide them with a notice that specifies any additional information required, as well their rights and responsibilities. Ellevation will also inform employees if leave will be designated as CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for CFRA leave, Ellevation will provide a reason for the ineligibility.

### **Job Restoration**

Upon returning from CFRA leave, employees will typically be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions.

### **Failure to Return After CFRA Leave**

If an employee fails to return to work as scheduled after CFRA leave or if an employee exceeds the 12-week CFRA entitlement, the employee will be subject to Ellevation's other applicable leave of absence, accommodation and attendance policies. This may result in termination if the employee has no other Ellevation-provided leave available that applies to the continued absence. Likewise, following the conclusion of the CFRA leave, Ellevation's obligation to maintain the employee's group health plan benefits ends (subject to any applicable COBRA rights).

### **Massachusetts Small Necessities Needs Act**

Massachusetts employees are entitled to twenty four (24) hours of job-protected unpaid leave during a 12-month period of time, in addition to the leave available under the FMLA. To be eligible an employee also must have been employed at least 12 consecutive months and have worked a minimum of 1,250 hours in the past 12 months. When possible, employees are required to provide a 7-day advance notice to their manager if the leave is anticipated.

All eligible employees may take this particular unpaid leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a child of the employee, i.e. parent-teacher conferences or interviewing for a new school.
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations.
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

### **Domestic Violence Leave**

Massachusetts employees may be eligible for up to fifteen (15) days of job protected unpaid leave in any 12-month period if the employee or a covered family member of the employee (e.g. employee's spouse, parent, step-parent, child, step-child, sibling, grandparent, and grandchild) is a victim of abusive behavior under the provisions of the Massachusetts Domestic Violence Leave Act. All communication will remain confidential. This leave may run concurrently with FMLA leave.

Employees outside of Massachusetts will be provided with domestic violence or crime victim leave and/or reasonable accommodations in accordance with applicable law.

### **Other Leave Laws**

In addition to the leaves of absences set forth herein, Ellevation employees working outside of Massachusetts may be entitled to additional leaves of absence under the laws and regulations of their state or city. Ellevation will comply with any applicable laws or regulations.