

	<b>PERSONNEL POLICIES AND PROCEDURES</b>	
	SUBJECT: <b>MILITARY LEAVE OF          ABSENCE</b>	EFFECTIVE DATE: 4/01/87  REVISION DATE: <b>2021</b>
	POLICY NO. <b>* 207</b>	Page 1 of 6
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*This Policy covers all non-union associates employed by Perdue Agribusiness, Inc., Perdue Food Products, Inc., and/or FPP Business Services, Inc.*

## I. SUMMARY

The company recognizes an associate’s responsibility to fulfill U.S. Military Armed Forces obligations, annual training requirements or active duty call-up, whether voluntary or involuntary. This policy has been developed to provide general guidance on some of the current provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) pertaining to leave of absences, compensation, health insurance, and reinstatement for associates requesting a military leave of absence.

## II. POLICY

The company will comply with the USERRA and applicable state laws pertaining to military leave. As the laws change, or as interpretations of the laws change, military leave benefits for company associates may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an associate’s military duty requires an absence from work. Therefore, as military leave situations arise, associates should consult with their supervisor, team leader and/or Human Resources for current and complete details regarding their military leave rights as a company associate and the continuation of benefits.

## III. Eligibility

- A. Associates who provide service in the traditional uniformed service branches (Army, Air Force, Coast Guard, Marine Corps, Navy, the reserve component of each branch, the National Guard, and the Public Health Service Commissioned Corps), members of the National Disaster Medical System (NDMS), an agency within the Federal Emergency Management Agency (FEMA), are also treated as members of the uniformed services for USERRA purposes when they are called to service in response to public health emergencies or to participate in authorized training.
  
- B. Normally, membership in the Reserve Officers Training Corps (ROTC) is not considered uniformed service. However, some Reserve and National Guard enlisted members use a college ROTC program to qualify for commissioned officer status. Under these programs, individuals may be receiving active or inactive duty credit

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during ROTC training sessions and, in these cases, they would be qualified for USERRA reemployment and anti-discrimination protections. Even when not participating in training sessions that qualify for reemployment protection, all ROTC members qualify for USERRA's anti-discrimination protection.

#### **IV. COMPENSATION**

Eligible company associates who perform service in the uniformed services (as those terms are defined by USERRA) will be placed on unpaid military leave status for all days that they are engaged in such military service (for service obligations lasting longer than 30 days, the company reserves the right, in its discretion, to end employment and grant reinstatement rights consistent with its obligations under USERRA – see Reinstatement, below). Affected associates are not required to use Paid Time Off (PTO) in lieu of unpaid military leave; however, they may elect to use PTO at their discretion.

#### **V. \* BENEFITS CONTINUANCE**

- A. Associates on military leave of absence will be entitled to participate in all rights and benefits that are available to associates on non-military leaves of absence. For military absences of up to 30 days of training or service, the company will continue health benefits and other benefits as if the associate was actively employed, during which time the associate will be required to pay only the associate's portion of any benefit(s) premiums in order to keep the benefits active. For military obligations of greater than 30 days, the associate may elect to continue company health benefits; provided, however, the associate is required to pay the entire premium (up to 102%), including the portion normally paid by the employer. If the associate elects to continue health coverage, the right to that coverage ends on the day after the deadline for the associate to apply for reemployment or 24 months after the absence from work began, whichever comes first.
- B. Military leave of absences does not affect the associate's PTO eligibility. PTO need not be scheduled to coincide with the period of short-term active military duty, but associates may, elect to take PTO to coincide with the period of active duty if they desire to do so. In such cases, the associate will receive full PTO pay in addition to the pay they receive from the military.

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## VI. Credit for Time Spent on Military Leave

Time spent on eligible military leave counts as time served on the job for any calculation, determination or other decision that is dependent upon length of employment.

## VII. Reinstatement

- A. USERRA places a 5-year limit (with some exceptions) on the cumulative length of time a person may voluntarily serve in the military and remain eligible for reemployment rights. The USERRA reinstatement rights do not extend, however, to associates who are employed for brief, non-recurrent periods with no reasonable expectation that employment will continue indefinitely. Associates are eligible to be reinstated to their former position, unless the Company establishes that the circumstances have so changed as to make reemployment impossible, unreasonable, or an undue hardship. If on military leave for 90 days or less, eligible associates may be reinstated to their own position. If on military leave for over 90 days, eligible associates may be reinstated to their own position or a similar position of like seniority, status or pay. Upon return from military leave, associates must comply with the current provisions of the law in regards to notification of and time frame in which they must return to work. These limits are specified in 38 USC § 4312 and reflected below and vary depending on the length of military service.
- B. Additionally, to be eligible for reinstatement, an associate must have provided advance notice of the need for military leave (except when precluded by military necessity), must have been released from service under conditions other than dishonorable, and, upon returning from military leave, must report back to work in a timely manner or provide timely notice of intent to return in accordance with the following schedule:

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<b>Length of Leave</b>	<b>Time in Which to Report Back to Work or Notify Company of Intent to Return</b>
30 days or less	Must report back to work for first regularly scheduled work period on first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour rest period.
31 to 180 days	Must submit written or verbal application for reemployment within 14 days after completion of military service.
More than 180 days	Must submit written or verbal application for reemployment within 90 days after completion of military service.

- C. In addition to the right to be reemployed, USERRA provides that, in most situations, the reemployment position must reflect the status and other benefits that the associate would have achieved had the employment not been interrupted by service. The Company will track things like seniority and automatic promotions, pay increases, or benefit increases based on length of employment for all former associates who leave employment for uniformed service.
- D. The Company must track the status and benefits of associates who have left employment for uniformed service so that, upon reemployment, the returning associate is placed in the same position they would have had if there had been no service-related interruption to employment.

### **VIII. Hiring Replacement Associates During Military Leave**

As discussed above, associates who take military leave generally will be reinstated to their previous or a comparable position upon return from leave. Therefore, to provide maximum flexibility upon the associate's return from leave, every effort should be made to utilize other associates or temporary personnel during an associate's military leave.

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The hiring of a regular associate should be considered only after exhausting the possibility of using other associates or temporary personnel. When hiring a replacement, to the extent practicable, the position should be described as a temporary replacement for an associate on military leave.

## IX. PROCEDURES

- A. Advance Notice - Upon receiving an assignment for military service, associates should promptly provide notice to their supervisors prior to going on military duty as far in advance as possible, unless precluded by military necessity, or if the giving of such notice is otherwise impossible or unreasonable.
- B. Supervisors/Managers will have the associate complete a PERSONEL/002 – **REQUEST FOR PERSONAL AND MILITARY LEAVES OF ABSENCE** form and attach a copy of the military orders directing the active duty when available and send to Human Resources with appropriate signatures.
- C. Weekend Drills - Inactive duty such as scheduled reserve drill periods also qualifies for a military leave of absence.

## X. RESPONSIBILITY

The Vice President of Human Resources retains the authority and responsibility for this Policy. Questions concerning the meaning or interpretation of this Policy should be referred to the appropriate Director of Human Resources. Any circumstances that require a waiver from the Policy must be coordinated through the Vice President or appropriate Director of Human Resources.

## XI. ATTACHMENTS

Attachment A                      PERSONNEL/002 Form – **REQUEST FOR PERSONAL AND MILITARY LEAVES OF ABSENCE**

# REQUEST FOR PERSONAL AND MILITARY LEAVES OF ABSENCE

ASSOCIATE'S NAME \_\_\_\_\_ DATE \_\_\_\_\_

ASSOCIATE ID # \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

DATE OF HIRE \_\_\_\_\_ SHIFT \_\_\_\_\_

JOB \_\_\_\_\_ CURRENT PHONE # (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

CURRENT ADDRESS \_\_\_\_\_

## TYPE OF LEAVE REQUESTED

(Check One)

\_\_\_\_\_ PERSONAL

\_\_\_\_\_ MILITARY

## LEAVE DATES

\_\_\_\_\_  
DATE LEAVE BEGINS

\_\_\_\_\_  
DATE LEAVE ENDS

\_\_\_\_\_  
DATE RETURNING TO WORK

## REASON FOR LEAVE

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I understand if I fail to return at the expiration of this leave period for a Personal Leave and within the timeframes established by law for Military Leave it will be deemed to be a voluntary resignation of my position. During any leave of absence, taking another job, working for another employer, or becoming self-employed will result in termination.

\_\_\_\_\_  
Associate's Signature

\_\_\_\_\_  
Date

## APPROVALS

\_\_\_\_\_  
Immediate Supervisor's or Team Leader's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Manager or Shift Leader or Unit Leader's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Manager's Signature

\_\_\_\_\_  
Date