

	HUMAN RESOURCES POLICIES AND PROCEDURES	
	SUBJECT: Other Medical Leave (OML)	EFFECTIVE DATE: January 1, 2012 REVISION DATE: 2021
	POLICY NO. 214	Page 1 of 7

This is a completely new policy.

This Policy covers all individuals employed by Perdue Agribusiness, Inc., Perdue Food Products, Inc., and/or Perdue Business Services, Inc.

I. SUMMARY

Perdue Agribusiness, Inc., Perdue Food Products, Inc., and/or Perdue Business Services, Inc., (the “Company”) recognizes that there are conditions under which associates may be granted time off from work to attend to their own non occupational related illness or injury that does not qualify under the Family Medical Leave Act (FMLA) or other applicable state family and disability leave laws. Other Medical Leave (OML) is unpaid leave that may be available for the associate’s own non occupational injury, illness, or medical condition when the associate is not eligible for leave under FMLA or applicable state family and disability laws or when the associate has exhausted his or her entitlements under those laws. OML, if granted, is unpaid and excused from the attendance policy, but it is not position protected. For OML to be position protected leave (where the employee’s position or a substantially equivalent one will be held pending return), the need for leave must also be deemed a reasonable accommodation under the Americans’ with Disabilities Act (ADA). Position protected leave is determined on a case by case basis and only where no accommodation that allows the associate to keep working has been offered. This policy establishes procedures for approval and documentation for OML that may be requested by the Company or their Claims Administrator, Sedgwick Claims Management Services, Inc., (“Sedgwick CMS”) from an associate or a recognized health care provider under this Policy.

II. ELIGIBILITY/LENGTH OF LEAVE/WHEN COVERAGE BEGINS

- A. An associate is eligible for leave under this Policy if he/she is a regular, full time associate scheduled to work at least 30 hours per week and has completed the applicable waiting and probation period and is either not eligible or has exhausted his or her leave entitlement under the FMLA or applicable state family leave laws. Of note, part time employees and probationary employees may be entiteled to leave under the ADA.
- B. Group 2, 3, 4, Milford & Chesapeake union associates – Coverage eligibility begins on the first day of the calendar month following sixty (60) days of service with the Company.
- C. Group 1 – Coverage eligibility begins on the first day of the calendar month on or after the associate’s first day of work with the Company.
- D. Provided the associate substantiates the need for leave (unable to perform one or more essential function of his/her position) with sufficient medical documentation from a recognized health care provider, and no alternative accommodation that would keep the associate working, it is the policy of the company that in cases of a non-occupational illness, injury, or medical condition that OML may be granted from the first day of absence for a period of up to six months in any rolling twelve month period. Thus, for example, an

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associate who has used his or her 12-week FML entitlement will be entitled to up to 14 weeks of OML during the rolling 12-month period which includes the leave time. Of note, if the entire six month period was also position protected because of the ADA (i.e., the company determined that the leave granted also qualified as a reasonable accommodation and therefore was position protected), then the company may grant more leave beyond the six month period in certain circumstances where more leave would be a reasonable accommodation and would not create an undue hardship.

III. DEFINITIONS

- A. **Disability** - “Disability” means an associate will be considered disabled, and thus entitled to leave, under the OML Policy if, in accordance with the Plan, the Leave Administrator (Sedgwick CMS), determines that as a result of sickness, injury, or pregnancy, the associate is unable to perform one or more of the essential functions of his or her position (with or without accommodation); **and**: the associate is under the appropriate care and treatment as defined by the program; **and** the disability is supported by objective medical evidence provided by a recognized health care provider; **and** the disability evidence has not been refuted by a second opinion or other evidence; **and** the company has not offered alternative work that meets the employee’s restrictions;
- B. **Recognized Health Care Provider**- Is defined to include the following for the purpose of this policy: legally qualified Medical Physician (MD or DO), Oral Surgeon, Nurse Practitioner, Certified Nurse Practitioner, or Physician’s Assistant licensed to practice in the United States and the state in which the Associate is examined or treated.
- C. For the purpose and definition of this policy the following are excluded as Recognized Health Care Providers: A Physician who is a member of the associate’s immediate family (spouse, father, mother, son, daughter, brother or sister), physicians practicing outside the scope of their area of expertise (e.g., a pulmonologist discussing a bad knee), Chiropractors, Physical Therapists, Licensed Clinical Social Workers, Podiatrists, Dentists, and any and all others not named above.

IV. REPORTING AN ABSENCE

A. Associate’s Responsibilities

1. Notice of Need for OML. Associates should notify Sedgwick CMS as soon as possible and must make verbal notice of the need for OML using a toll free number to access the

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Sedgwick CMS telephonic claims intake center or by web access. (The AT&T language line will be made available for non English speaking associates.) These forms of notification will serve as the only sufficient means to make the Company/Sedgwick CMS aware that the associate needs OML as well as the anticipated start and duration of OML. Calling in “sick”, “late” or “absent” on the “HR call in” number is not considered sufficient notice of the need for OML under this Policy. Sedgwick CMS may seek to obtain any additional required information to determine if the reason for absence may be covered by this Policy. Failure of an associate to respond to Sedgwick CMS inquiries may result in denial or delay of OML. If an associate has a planned medical event, they are to notify Sedgwick as soon as they are aware of the timing of the event.

2. Certification. An associate’s OML certification form (Certification of Health Care Provider for Employee’s Serious Health Condition) will also serve as initial application for STD benefits if the associate is eligible and/or has elected STD benefits. The Company/Sedgwick CMS reserves the right to request additional documentation, including medical documentation, to support an associate’s application and continuing eligibility for STD. The Company requires certification for all OML reasons and Sedgwick CMS will issue the appropriate Certification form to the associate within five business days of when the associate reports the request to Sedgwick CMS, and in the case of unforeseen leave, within five business days after the leave commences. It is the associate’s responsibility to have the appropriate certification form completed and returned to Sedgwick CMS within 20 calendar days after the request for certification, unless it is not practicable to do so, despite the associate’s good faith efforts, or the leave will be denied.
3. After OML is granted the associate may be required to submit medical documentation to Sedgwick CMS to support the continuing need for leave and to support the associate’s ability to return to work with or without reasonable accommodation. During OML, and in accordance with applicable law, the Company may take steps to fill the associate’s position.
4. **Return To Work.**

The associate should report to the location Company Medical Department before beginning any work assignment after OML. In accordance with applicable law, and when job-related and consistent with business necessity, the associate may be evaluated by the Company Medical Department to confirm that the associate can perform the essential functions of his or her job, with or without reasonable accommodation. This will be

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coordinated by the Human Resources Department upon notification that the associate will be returning to work.

B. Supervisor/Team Leader Responsibilities

1. When an associate informs the supervisor/team leader that he/she may have a need for OML, the supervisor/team leader should direct the associate to the Sedgwick CMS toll free telephonic intake center or web access or if the supervisor is not aware of the number, direct the associate to Human Resources for assistance.
2. Similarly, if the supervisor/team leader has information that may indicate an associate may have a need for OML or FML leave, the supervisor should either (1) inform the associate that he or she may want to contact Human Resources to inquire about possible OML eligibility or (2) contact Human Resources so that Human Resources can follow up with the associate.
3. Of note, before displacing/replacing the associate, Supervisors must work with Human Resources to determine whether such action is permissible under the ADA. I.e., the company will perform an ADA analysis to see whether position protected leave is a reasonable accommodation before displacing an associate from his/her position.

C. Human Resources Responsibilities

1. Communicate and educate as appropriate regarding the Company partnership with Sedgwick CMS for OML administration and direct all associates inquiring about OML regarding their responsibility to make verbal notice of the need for OML using a toll free number to access the Sedgwick CMS telephonic claims intake center or by web access.
2. Communicate the associate’s current and ongoing OML status to appropriate Operations Leadership Team Members throughout the course of the OML from initial onset to return to work.
3. Insure that internal HR systems, PeopleSoft and Kronos (where Workforce Attendance Tracking (WAT) has been implemented) are maintained to reflect current OML activity and that the records are consistent with the OML activity provided by Sedgwick CMS. In cases where data is received requiring post dated leave records to be maintained prior to future dated row(s), contact HRMS for assistance.

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Not release the position to be filled or allow the position to be filled unless an ADA analysis has been performed.

D. Medical Department Responsibilities

1. If an associate contacts the Medical Department regarding a need for OML, the Medical Department should educate the associate regarding the Company partnership with Sedgwick CMS for OML administration and direct the associate to access the Sedgwick CMS telephonic claims center or by web access.
2. Provide appropriate updates to the Operations leadership team and Human Resources personnel regarding the associate's return to work status in accordance with HIPAA and Company Medical Department guidelines, in conjunction with information from Sedgwick CMS.
3. Partner with Sedgwick CMS as appropriate through the OML process including receive and provide medical documentation to Human Resources for purposes of performing an ADA analysis.

V. EXCLUSIONS AND LIMITATIONS

- A. If an associate becomes ill while on a paid vacation or holiday, OML will not start until the end of the vacation or holiday period. OML is not approved if the associate becomes ill or injured while on a personal leave of absence, a military leave of absence, or when he/she is not actively employed with the company.
- B. Leave under this Policy may not be authorized if an associate is incarcerated in any federal, state or municipal penal institution, jail, medical facility, public or private hospital or in any other place because of a criminal conviction of a federal, state or municipal law or ordinance, or if an associate commits a crime and suffers a disability due to an illness or injury, caused by, or arising out of the commission of, arrest, investigation, or prosecution of any crime.
- C. Leave under this Policy may no longer be authorized if the Company or its claims administrator (Sedgwick CMS) determines that an associate willfully makes a false statement, or submits false documentation, in order to obtain leave under this Policy; Fails to place him/herself under a recognized health care provider's care and follow the recommended treatment; Fails to provide information from a recognized health care provider, including objective medical evidence that is satisfactory to the Company and its Claims Administrator (Sedgwick CMS) certifying the associate's disability, including the nature and frequency of

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treatment; Fails to have a medical examination by a recognized health care provider designated by the Company or its Claims Administrator (Sedgwick CMS) and/or fails to provide any additional information when requested, and fails to contact the Claims Administrator (Sedgwick CMS) and obtain written permission if he/she intends to leave home for more than 3 days during his/her disability.

- D. Leave under this Policy may no longer be authorized if an associate’s disability results in a loss of professional license, occupational license or certification if said license or certification is required for the associate’s position. Leave may no longer be authorized if the Company or its claims administrator (Sedgwick CMS) determines that an associate’s disability is the result of participating in a riot or demonstration or is caused by, or connected in any way to, employment of the covered associate outside of Perdue or any FPP company, including self-employment or employment by others. This applies to Worker’s Compensation or similar laws that may cover the disability.
- E. Leave under this Policy may not be authorized when required (1) for self-reporting symptoms (self-reporting means the manifestations of a condition that are not verifiable using tests, procedures, or clinical examination standard accepted in the practice of medicine); (2) as a result of cosmetic surgery, unless made necessary by accidental injury or a disability; or (3) for medical or surgical procedures not covered by the Company Medical Plan, or complications of same.

VII. COVERAGE ENDS

Coverage will end once the associate exhausts leave or for the following reasons whichever comes first: Coverage will end under this plan for the following reasons: If the associate is no longer disabled, becomes a member of an ineligible class, is terminated, files for and receives unemployment compensation, upon the day as of which the certified disability ceases, upon termination of the leave program, upon employment layoff, upon plant shut-down, upon position elimination, upon date of retirement, up to and including date of death, at the end of maximum benefit period, upon associate failure to submit proof of disability, upon date no longer disabled, upon associate failure to comply with treatment plan, when the associate is able to return to work in his/her regular occupation or another occupation per disability definition but chooses not to do so.

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VIII. BENEFITS AND JOB RESTORATION DURING LEAVE

A. Group Health Benefits

For the duration of OML, the Company maintains an associate's health coverage under its group health plan on the same terms as if the associate had continued to work, provided that the associate pays his or her portion of the premium(s). The Company will deduct from an associate's pay coverage premiums if the associate is eligible to receive Short Term Disability (STD) benefit payments or Paid Time Off (PTO) pay. Otherwise, associates are required to make payments for coverage in accordance with procedures established by the Benefits Department.

B. Other Paid Benefits

Associates on OML leave are not eligible for holiday pay, jury duty pay, funeral leave benefits, or any other form of pay for time not worked, unless any state and/or federal laws supersede this provision. Associates on Other Medical Leave may use any available PTO while on unpaid leave.

C. Return To Same or Equivalent Position

Upon returning from OML (particularly where the ADA was determined to cover the absences) an associate may be restored to the same or equivalent position or department with similar pay and conditions of employment if available, in the event that business conditions have not changed making it impossible and/or unreasonable for the Company to do so. In the event the associate's position has been eliminated, or the associate has been replaced, the Company will make reasonable effort to assist the associate to find and obtain an available vacant position for which he/she is qualified.

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.