

| | | |
|---|------------------------------------|---------------------------|
|  | PERSONNEL POLICIES AND PROCEDURES | |
| | SUBJECT: | EFFECTIVE DATE: 4/01/2021 |
| | CA FAMILY AND MEDICAL LEAVE | REVISION DATE: 2021 |
| POLICY NO. 215 | Page 1 of 4 | |
| ALL REVISIONS ARE MARKED BY AN ASTERISK (*) | | |

This Policy covers all non-union associates employed by Perdue Farms, Inc. and all its subsidiaries and, where required by law, applicants for these entities.

In certain circumstances, the Company will provide eligible employees with an unpaid family or medical leave of absence under the Family and Medical Leave Act (“FMLA”) and/or the California Family Rights Act (“CFRA”). This section provides information concerning FMLA/CFRA entitlements and obligations employees may have during such leaves.

Eligibility

To be eligible for a leave under the FMLA/CFRA, an employee: a) must have worked for the Company for at least 12 months; and b) must have actively provided services to the Company for at least 1,250 hours during the 12-month period immediately preceding the beginning of the proposed leave.

Reasons for Leave

Employees may request leave under the FMLA and/or the CFRA for the following reasons:

Medical Leave for Serious Health Condition: An eligible employee may be granted a medical leave if the employee has a serious health condition that prevents the employee from performing one or more of the essential functions of his/her job on either a full-time or part-time basis. A “serious health condition” is generally defined as an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or requires continuing treatment by a doctor or other health care provider. The full description is contained on the required Certification of Health Care Provider form, available from Sedgwick CMS, which administers the Company’s CFRA/FMLA leave. (Under the FMLA only, “serious health condition” includes pregnancy disability and related medical conditions.)

Family Care Leave: An eligible employee may be granted a family care leave in the following situations: a) if the employee needs time off to provide care to the employee’s spouse, registered domestic partner, child (under age 18 unless disabled), or parent, who has a serious health condition (qualifies under FMLA and CFRA); b) if the employee needs time off to provide care to the employee’s child (of any age, including the child of a registered domestic partner), grandparent, grandchild, ~~or~~ sibling, parent-in-law (including the parent of a registered domestic partner), or other person designated by the employee at the time the employee requests family care and medical leave (employees are limited to designating one person per 12 month period for family care and medical leave) who has a serious health condition (qualifies under CFRA only), or c) if the eemployee wishes to take time off to bond with a newly born or adopted child, or a

child placed in foster care with the employee, within the first year after the birth, adoption or placement(qualifies under FMLA and CFRA).

Military Family Leave: An eligible employee may be granted an unpaid military family leave for the following purposes:

1. because of any qualifying exigency, if the employee has a spouse, son or daughter (of any age), or parent who is on covered active duty (or who has been notified of an impending call or order to covered active duty) in the National Guard, Reserves or regular Armed Forces (“Qualifying Exigency Leave”); or
2. to care for a spouse, son or daughter (of any age), parent or next of kin who is a covered service member and who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces (“Military Caregiver Leave”).

Qualifying exigencies may include, for example, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Duration and Timing

Under the FMLA and/or CFRA and provided all the conditions of this policy are met, employees are entitled to up to 12 weeks of family care, medical, and military exigency leave in a rolling 12-month period measured backwards from the date the employee’s leave commences.

All leaves that are taken because of the birth of a child, or because of the placement of a child, must be completed within one year of the birth or placement. Generally, leave taken for these purposes must be taken in increments of at least two (2) weeks. However, employees may take a leave of less than two (2) weeks’ duration on any two (2) occasions per birth or placement.

When Military Caregiver Leave is needed, an eligible employee may take up to 26 work weeks of leave in a 12-month period. This leave is available only during a single 12-month period, which begins on the first day of the Military Caregiver Leave and ends 12 months after that date. If the employee also takes leave for another purpose permitted by this policy during the same 12-month period, the employee may take no more than a cumulative total of 26 work weeks in the same 12-month period. Where two Company employees are spouses and both are eligible for FMLA leave, the two employees may be limited to a combined maximum of 26 work weeks of leave during the single 12-month period, as permitted by law.

Eligible employees are not required to take FMLA/CFRA leave in one continuous period, but may take such leave on an intermittent or reduced-hour basis.

Requests and Certification

An employee must make verbal notice—of the need for a family and medical leave, using a toll-free number to access the Sedgwick CMS telephone 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 leave under this policy, as well as the date the leave will commence, and the anticipated duration of the leave. Calling in “sick,” “late” or “absent” on the “HR call in” number is not considered sufficient notice under this policy.

If the employee knows of the event for which the employee will need leave more than 30 days in advance of the date the leave is to begin, the employee must provide notice in writing a minimum of 30 days before the leave will begin. If the employee learns of the event less than 30 days before the date the leave is to begin, the employee must provide as much advance notice as is practicable. A failure to comply with these leave rules may result in the Company denying or postponing the requested leave until the employee complies with these rules.

If the leave is for an employee’s own serious medical condition or to care for an immediate family member or other designated person with a serious medical condition, the employee also must provide a completed Certification of Health Care Provider form (the form will be provided by Sedgwick CMS), within 20 calendar days after Sedgwick CMS requests completion of the form, unless it is not practicable under the circumstances to do so, despite diligent, good-faith efforts. Failure to timely submit the form may result in a delay of the leave.

If the request is for an FMLA Military Caregiver Leave, the employee must provide Sedgwick CMS with a completed Certification for Serious Injury or Illness of Covered Service member for Military Family Leave form. If the request is for a Qualifying Exigency Leave, the employee must provide Sedgwick CMS with a Certification of Qualifying Exigency for Military Family Leave form. These forms may be obtained from Human Resources.

Pay and Benefits

All family and medical leave is unpaid, unless otherwise specified. Employees must substitute their accrued PTO during any unpaid portion of a FMLA/CFRA leave (except that where the leave is also a pregnancy disability leave, the employee has the option to substitute accrued PTO). Employees must substitute their accrued PTO during any unpaid portion of a FMLA/CFRA leave when the time off is for the employee’s own serious health condition, and can elect to substitute PTO where the time off is for a family member’s serious health condition or to bond with a new child. The substitution of paid time off for unpaid FMLA/CFRA leave does not extend the length of the leave.

Also, an employee may be eligible for wage-replacement benefits such as California State Disability Insurance (SDI) or California Paid Family Leave (PFL). Unless required by law, employees on a leave of absence will not accrue PTO, holiday, or other benefits during the unpaid portion of the leave.

The Company will maintain group insurance benefits during a FMLA/CFRA leave on the same terms and conditions as if the employee had continued working. An employee who has elected dependent coverage remains responsible for the full cost of that coverage. Under certain circumstances when an employee fails to return at the end of the leave, the Company may recover from the employee the premium paid while the employee was on family and medical leave.

Return from Leave

At the end of the FMLA/CFRA leave, the Company will return the employee to the same or comparable position held before the leave, whenever possible and consistent with applicable law. The employee must contact Human Resources regarding his/her status and intention to return to work at the end of the leave period. If an employee's anticipated return-to-work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Company with reasonable notice (e.g., within two business days) of the employee's changed circumstances and new return-to-work date.

Combination with Other Leaves

Whenever permissible by law, the Company will run FMLA and/or CFRA leave concurrently with each other and any other leave provided under federal, state or local law, except that Pregnancy Disability Leave does not count against an employee's CFRA entitlement. Employees on FMLA/CFRA leave under this policy may not combine (i.e., "tack on") any other sort of leave of absence (other than Pregnancy Disability Leave) to provide greater time off than allowed by this policy, unless otherwise allowed by applicable law.

Questions and/or Complaints about FMLA/CFRA Leave

The Company will not unlawfully 1) interfere with, restrain or deny the exercise of any right provided under the FMLA/CFRA, or 2) discharge or discriminate against any person for exercising the right to FMLA/CFRA parental leave, or for opposing any practice made unlawful by the FMLA/CFRA or involvement in any proceeding under or relating to the FMLA/CFRA. If employees believe their FMLA/CFRA rights have been violated, they should contact Human Resources immediately. The Company will investigate complaints and take prompt and appropriate remedial action to address and/or remedy any CFRA violation. Employees also may file FMLA/CFRA complaints with the U.S. Department of Labor or California Department of Fair Employment and Housing, or may bring private lawsuits alleging violations.