

MARKLUND
HUMAN RESOURCES POLICY AND PROCEDURE

POLICY NO. 6-6

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SUBJECT: FAMILY BEREAVEMENT LEAVE ACT (FBLA) POLICY

DEPARTMENTS AFFECTED: ALL

APPROVED BY: GF

ISSUE DATE: 1/1/23

EFFECTIVE DATE: 1/1/23, 03/13/24

PURPOSE:

To comply with the requirements of Illinois' Family Bereavement Leave Act, which takes effect 1/1/2023.

POLICY AND PROCEDURE:

Marklund will provide up to ten (10) days of unpaid leave from work to an employee who may miss work due to one of the following reasons:

- Attend the funeral of a covered family member.
- Make arrangements necessitated by the death of a covered family member.
- Grieve the death of a covered family member.
- Be absent from work due to a following event:
 - An unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure
 - A failed adoption match or an adoption that is not finalized because it is contested by another party
 - A failed surrogacy agreement
 - A diagnosis that negatively affects pregnancy or fertility
 - A stillbirth or miscarriage

Covered family members: For purposes of this policy, a covered family member includes an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

Notice Requirements: Bereavement leave must be completed within 60 days after the date on which the employee receives notice of the qualifying event listed above. An employee must provide Marklund at least 48 hours advance notice of their intention to take bereavement leave unless providing notice is not reasonable and practicable.

Certification Requirements: Marklund requires the employee to provide certification to Marklund that:

- The leave is for one of the purposes enumerated in the above "Policy and Procedure" paragraph.
- This certification must be provided to Marklund within a reasonable period after the employee's request for time off under this policy.

An employee may satisfy the certification by one of the below:

- In the event of a death of a covered family member: a death certificate, published obituary, or written verification of death, burial, or memorial services.
- For covered events related to pregnancy, adoption, surrogacy, and fertility, reasonable documentation includes a form to be filled out by a healthcare practitioner, or documentation from the adoption agency or surrogacy agency.
- Marklund does not require the specific event category if the leave is related to a pregnancy or adoption related event.

Confidentiality: All information provided to Marklund, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by Marklund, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

Eligibility: Employees are eligible for leave under this policy only if they have worked for Marklund for at least 12 months and have worked at least 1,250 hours in the past 12 months, pursuant to the eligibility requirements of the Family Medical Leave Act.

Death of More than One Family Member in a 12 month Period: In the event of the death of more than one covered family member in a 12-month period, the employee is entitled to up to a total of 6 weeks of unpaid leave under and pursuant to the terms of this policy.

Restoration to Position: In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

- A. To be restored by Marklund to the position of employment held by the employee when the leave commenced; or
- B. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Loss of Benefits: The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, the employee is not entitled to:

- A. The accrual of any seniority or employment benefits during any period of leave; or
- B. Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

Reporting to Marklund: Marklund may require an employee on leave under this policy to report periodically to Marklund on the status and intention of the employee to return to work.

Maintenance of Health Benefits: Except as provided under “Loss of Benefits,” during any period that an employee takes leave under this policy, Marklund shall maintain coverage for the employee and any family or household member under any group health plan for the duration of

such leave the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

Applying Time Off: During an approved leave under the Family Bereavement Leave Act, Marklund will supplement an employee's time off, up to three (3) days for full-time staff, and up to one (1) day for part-time staff. Staff that have PTO available in their bank will have PTO applied to their timecard for any additional time missed, if their leave is to extend longer than three (3) days. Staff that do not have PTO available will have unpaid time off applied, per the policy and the law.

Failure to Return from Leave: Marklund may recover the premium that Marklund paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if the employee fails to return from leave under this policy after the period of leave to which the employee is entitled has expired; and, the employee fails to return to work for a reason other than the reasons listed above in the "Policy and Procedure" paragraph.

Marklund may require an employee who claims that the employee is unable to return to work because of a reason described above to provide, within a reasonable period after making the claim, certification to Marklund that the employee is unable to return to work because of that reason.

Family Medical Leave Act (FMLA) Leave: If an employee has previously used FMLA leave, pursuant to Marklund's FMLA policy, then the 2 weeks available under the FBLA policy shall count towards the FMLA leave. For example, if an employee uses all 12 weeks (if eligible and approved by Marklund) of FMLA leave prior to requesting FBLA leave, then there is no additional leave available to that employee under this policy. Also, for example, if an employee previously used FMLA leave of 11 weeks then the employee can only take one week of FBLA leave. However, if an employee uses the time available under this FBLA policy prior to using any FMLA leave, then it does not in any way affect the employee's ability to use up to 12 weeks of proper and approved FMLA leave, pursuant to Marklund's FMLA policy.

Marklund will not fail to hire, refuse to hire, discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.