

Brand Leave of Absence Guide

For U.S. Employees of Brand Energy &

Infrastructure Services Companies



INTRODUCTION

We recognize that, from time to time, employees need to be absent from work for prolonged periods. Sometimes the need for leave may be related to an employee's own medical condition. Other times, family or other personal obligations require an employee's attention and absence from work. We are pleased to provide leaves to address the many different situations employees encounter as they balance personal health and family obligations with work.

Because of the different protections provided by federal and state law, it is difficult to state exactly how much job-protected leave employees may receive. This is especially so if employees are absent due to injuries or illnesses or pregnancy, childbirth or related medical conditions. For example, depending on the reason for your absence, your length of service with a Brand company ("Brand") and the state in which you work, you may be entitled to leave under the federal Family and Medical Leave Act (FMLA), or a state family, medical leave or pregnancy leave law. At a minimum, we intend to provide employees with leave benefits as required by federal, state and local law, including any additional period of job-protected leave required as reasonable accommodations for individuals with disabilities. Whenever necessary, we will modify or interpret our leave policies to achieve that purpose.

This guide is designed to familiarize you with the most common leaves of absence for which you may be eligible, as well as any responsibilities you may have when seeking or receiving such leaves. Section I of the guide describes family and/or medical leave available to employees.

Section II summarizes state family and/or medical leave laws that may provide employees with greater rights to leave than the Brand leaves described in Section I of the guide. **The summary does not contain all the specific requirements and issues that may arise under state leave laws but, rather, notes where there are important differences between FMLA leave and the leave provided by state law.** Finally, Section III of this guide lists additional state leave entitlements. These leave entitlements vary based on the state or, in some cases, municipalities, in which employees work and generally involve non-medical situations.

Whenever permissible by law, Brand will run concurrently any of the leaves discussed in this guide. Unless otherwise stated in this guide or required by law, leave benefits discussed in this guide do not apply to seasonal employees.

Finally, over time, new policies will need to be written, and old ones revised. While we reserve the right to make these changes without notice, we will do our best to let you know about any changes affecting your employment as soon as possible.

SECTION I. BRAND FAMILY AND/OR MEDICAL LEAVES OF ABSENCE

This section of the guide describes the family and/or medical leave benefits available to you regardless of the state in which you work. These Brand leave benefits are designed to meet or exceed any leave requirements under federal law. Depending on the state or municipality in which you work, you also may be entitled to additional family and/or medical leave benefits under Section II of this guide. Whenever permissible, leaves covered under more than one provision of this guide will be run concurrently.

FAMILY AND MEDICAL LEAVE ("FMLA")

As an employee, you may be entitled to a leave of absence under the federal Family and Medical Leave Act. This policy is intended to provide you with information concerning federal Family and Medical Leave Act entitlements and the obligations you may have during such leaves. In all instances, our FMLA policy satisfies the minimum leave standards provided under the federal Family and Medical Leave Act. In some instances, however, our FMLA policy provides greater benefits than the federal Family and Medical Leave Act. To avoid confusion, throughout this guide, we generally refer to the family and medical leave Brand describes below as FMLA leave with the understanding that this Brand FMLA leave fully complies with the requirements of the federal Family and Medical Leave Act. If you have any questions concerning FMLA leave, please contact your Human Resources representative or Brand Benefits at 314-985-0256.

EMPLOYEE ENTITLEMENTS TO FMLA LEAVE

Under our FMLA policy, eligible employees have a right to paid or unpaid leave, continuation of any health insurance benefits you may be eligible for and, with some limited exceptions, job reinstatement at the end of FMLA leave. To be an "eligible employee", you must have: 1) been employed by the Company for at least 12 months (which need not be consecutive) and (2) worked at least 1250 hours during the 12 month period immediately preceding the start of leave. In addition, you must work at a worksite where fifty (50) or more employees are employed by Brand within seventy-five miles of that site. Pursuant to the Uniformed Services Employment and Reemployment Rights Act USERRA, an employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee has worked the 1250 hours of service.

Basic FMLA Leave Entitlement

Eligible employees are entitled to up to 12 workweeks of unpaid leave in a rolling 12-month period immediately preceding the start of the leave for certain family and medical reasons. Leave may be taken for any one, or for a combination, of the following reasons:

- For the birth of the employee's child, and to care for the newborn child;
- For placement with the employee of a child for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, child or parent (but not in-law) with a serious health condition;
- For the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job;
- For any "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or

parent is a covered military member on active duty or call to active duty status in support of a contingency operation as either a member of the reserve components (Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve) or a retired member of the Regular Armed Forces or Reserve or for a “qualifying exigency” occurring during the deployment of the employee’s spouse, son, daughter, or parent to a foreign country as a member of the Regular Armed Forces.

An eligible employee’s right to take leave for a birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement. In other words, leave for this purpose must be concluded during the 12-month period immediately following the birth or placement.

When used in this policy, a “serious health condition” generally includes:

- An absence of more than three consecutive days caused by a condition that requires continuing treatment by a health care provider and renders the individual unable to do his normal activities; or
- Any period of incapacity resulting from a condition requiring inpatient care; or
- Any period of incapacity or treatment for incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity or treatment for incapacity due to a “chronic” serious health condition; or
- Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer’s, a severe stroke or the multiple terminal stages of a disease; or
- Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury, or (b) a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

When used in this policy, “qualifying exigency” 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.

Additional Military Family Care Leave Entitlement

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up 26 weeks of leave during a 12-month period to care for the service member. Leave to care for a service member shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A “covered service member” means a 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 on the temporary disability retired list, for a serious injury or illness. A “covered service member” also includes veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness and who were members of the Armed Forces (including members of the National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces (or had a serious injury or illness that was aggravated by service in the line of duty while on active duty) provided that the injury or illness may render the service member medically unfit

to perform duties of the member's office, grade, rank or rating.

"Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Intermittent Leave and Reduced Leave/Work Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. When it is medically necessary for planned and/or unanticipated medical treatment for recovery from treatment or a serious health condition, eligible employees also may request FMLA leave on an intermittent basis or on a reduced leave/work schedule. FMLA leave also may be taken intermittently or on a reduced leave/work schedule when leave is taken to provide care or psychological comfort to: a) a covered family member with a serious health condition; or b) a "covered service member" as defined above; or c) due to qualifying exigencies, as defined above.

Intermittent leave or a reduced leave schedule also may be taken by eligible employees during the 12-month period immediately following the birth of a child, or placement of a child with the employee for adoption or foster care for the purpose of bonding with the newly born or newly placed child. Absent exceptions approved by the Company in its sole discretion (including but not limited to any exceptions necessary to comply with state or local law), when taking intermittent leave for baby bonding purposes, employees must take leave in increments no smaller than the employee's regular full workday, provide at least two weeks' notice of the need for such bonding leave, and obtain their manager's and the Leave and Disability Administrator's approval before taking such leave. Any denial of an employee's request for such bonding leave shall be reviewed by Brand's Human Resources Department.

Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage as if they had continued to work. You may elect to continue benefit coverage for yourself and your eligible dependents for up to 12 weeks while on a Family and Medical Leave of Absence, as appropriate, provided that you continue to pay all contributions during your leave. If you are receiving any paid time off from Brand, your premiums may be deducted from your salary continuation checks. Otherwise, you will need to remit the employee portion of the benefits cost monthly. Group health coverage will be terminated if payment is not made in a timely manner. If you would like to end coverage while on FMLA, you must contact Brand Benefits at 314-985-0256. You have 60 calendar days from the start date of your leave to end coverage.

Holiday Pay and other Benefits

Employees will not be eligible for holiday pay during periods of Family and Medical Leave of Absence taken in full-week increments. When employees take FMLA leave on less than a full-workweek basis, Brand will

evaluate the circumstances to determine whether employees are entitled to holiday pay. Employees do not accrue paid time off while on leave.

Brand 401(k) Plan

Contributions to the Brand 401(k) Plan will continue if you receive any paid time off benefits through Brand payroll. If you wish to discontinue contributions you can contact the plan administrator at 1-800-835-5097 or on the internet at www.401k.com. If you have a loan from the 401(k) plan and are not being paid, you could be in default if you do not return to work and this will subject you to a taxable event.

Job Restoration

At the end of FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Company substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before the FMLA leave, with equivalent pay, benefits and other employment terms. The Company will notify employees if they qualify as “key employees”, if it intends to deny restoration, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave as long as you return to work for at least thirty days.

EMPLOYEE OBLIGATIONS FOR FMLA LEAVE

Provide Notice of the Need for Leave

Employees who take FMLA leave must notify their manager and Brand Benefits of their need for FMLA leave, the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Company to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee, a family member’s serious health condition, or to care for a covered service member, employees must provide their manager and Brand Benefits with at least 30 days advance notice, or such shorter notice as is practicable. When the timing of the leave is not foreseeable, employees must provide their manager and

Brand Benefits with notice of the need for leave as soon as practicable. You must contact Brand Benefits at 314-985-0256 to request a Family and Medical Leave of Absence. You will receive a leave packet in the mail at your home address within 3 business days. Notification to the Company can be made by e-mail and leave materials may also be transmitted via e-mail as well. Your leave will be in a “pending” status until all required forms are received.

If an employee fails to give 30 day notice for foreseeable leave and there is no reasonable excuse for the delay, the Company may delay the taking of leave.

Cooperate in the Scheduling of Intermittent Leave or Reduced Work Schedule

If employees take leave intermittently or on a reduced work schedule basis based on a doctor’s statement of medical condition, employees must, when requested, attempt to schedule the leave so as not to unduly disrupt the Company’s operations. Unless otherwise prohibited by state law, when employees take intermittent or reduced work schedule leave for reasons that are foreseeable (for example, for planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition, for periods of bonding with a new born or newly placed child, or to care for a covered service member or for qualifying exigencies) the Company may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

Submit Initial Medical Certifications Supporting Need for Leave

Employees requesting leave because of their own, or a covered relation’s, serious health condition, or to care for a covered service member, must supply a Certification of Health Care Provider (CHCP) form supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. The leave packet will include the CHCP form. When leave is foreseeable and employees provide at least a 30 day notice, they should provide the medical certification before the leave begins. When it is not possible for employees to provide at least a 30 day notice of the need for leave, or the precise date that an otherwise foreseeable leave is scheduled to begin is not known, the Company will inform employees as to when the medical certification is due although employees shall be provided at least 15 days from the date the leave packet is mailed to them or from the start date of their leave of absence, whichever is later, to submit certification. Failure to provide requested medical certification in a timely manner may result in the delay of FMLA leave or a designation that leave already taken is not authorized as FMLA leave.

If the Company has reason to doubt an initial medical certification, the Company may, with the employee’s permission, have a designated health care provider or Human Resources contact the employee’s health care provider in an effort to clarify or authenticate the initial certification. If the Company has reason to doubt an initial medical certification, the Company may require the employee to obtain a second opinion by an independent designated provider at the Company’s expense. If the initial and second certifications differ, the Company may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

Provide Medical Recertification upon Request during FMLA Leave

Depending on the circumstances and duration of FMLA leave, the Company may require employees to provide

recertification of medical conditions giving rise to the need for leave. The Company will give employees at least 15 calendar days to provide medical recertification.

Provide Return to Work Certifications at the End of FMLA Leave

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide medical certification confirming that they are able to return to work. The Company may delay job restoration until employees provide return to work/fitness for duty certifications.

Substitute Paid Leave for Unpaid FMLA Leave

Employees who are eligible for paid vacation must use accrued vacation while on unpaid FMLA leave. Contact Benefits 314-985-0256 to request a vacation payout if applicable while on Family and Medical Leave. However, in no event may employees supplement pay during a leave of absence and receive more than 100% of their base pay.

Pay Employee's Share of Health Insurance Premiums

As noted above, during FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. If FMLA leave is unpaid, employees must pay their portion of the premium. If you would like to end coverage while on FMLA, you must contact Brand Benefits at 314-985-0256. You have 60 calendar days from the start date of your leave to end coverage.

The Company's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date at least 15 days after the letter unless payment is received before that date.

Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from Brand telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) Brand's designation of leave as FMLA-qualifying or non-qualifying and, if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

Coordination of FMLA Leave with Other Leave Policies

FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please contact Human Resources.

Questions and/or Complaints about FMLA Leave

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right

provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. Brand will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

OCCUPATIONAL MEDICAL LEAVES

Occupational-related medical leaves are coordinated through our workers compensation carrier.

When a medical leave is foreseeable, employees must provide their manager and the Brand Safety Department within at least 30 days advance notice, or such shorter notice as is practicable. When the timing of the leave is not foreseeable, employees must provide their manager and the Safety Department notice immediately. Occupational leave time may be counted towards the FMLA 12 week leave entitlement and will run concurrent with any occupational medical leave.

PERSONAL LEAVE

Unpaid personal leaves of absence for non-medical reasons are made on an exception basis only. If authorized it will only be considered and granted if an employee has one year of service and are limited to a maximum of 90 days. Employees should request personal leave at least 2 weeks prior to the date they need leave, except in cases of emergency. The decision whether to grant personal leave, including the amount of leave, is within the Company's sole discretion, and will be made on a case-by-case basis. Factors that will be considered include the reason for the request for personal leave, the employee's performance history and the Company's anticipated business needs during the period of the absence.

Employees who are on corrective action are not eligible for a personal leave of absence. No personal leave may be taken without the express approval of your Division Manager and Regional Human Resources Director. Employees who are approved for personal leave must substitute any accrued vacation or any other accrued paid time off for unpaid personal leave. Requests to extend personal leave must be made at least two (2) weeks before the expected return to work date.

Employees on personal leave will not accrue any paid time off benefits including vacation, holiday pay or other benefits. In addition, employees on personal leave may continue health coverage by paying the full cost of the premiums through COBRA. Employees returning from personal leave are not guaranteed reinstatement to the job they held immediately before leave commenced. If their positions have been filled, they may apply for another position for which they are qualified. Employees may also be given an opportunity to interview for positions at other locations. An employee's employment will be terminated if, at the conclusion of a personal leave, the employee rejects an offer to work in an alternative position or if there are no vacant positions for which the Company believes they are qualified. Brand retains the right to choose the most qualified person for each position.

SECTION II. STATE LAW: FAMILY AND/OR MEDICAL LEAVE REQUIREMENTS

This section of the guide describes the additional family and/or medical leave benefits that may be available to you based on the state in which you work. These leave benefits are designed to recognize and satisfy any additional family and/or medical leave requirements provided by the state in which you work. Brand's policy is to grant employees, at a minimum, the entitlement of family/medical leave required under the federal FMLA and applicable state law. Brand also administers such leaves in a manner that provides eligible employees the most favorable elements of federal FMLA and applicable state law. In other words, an employee is entitled to the greater amount of leave under either the family and/or medical leave policies under Section I of this guide or state law (when eligible for such leave under those policies or laws). For example, if state law provides for more leave or makes an employee eligible for leave sooner than the FMLA policy discussed in Section I of this guide, then the employee is entitled to the leave provided under state law, assuming he or she is eligible.

If the benefits and rights provided under state law merely mirror the benefits provided under Section I of this guide, they are not referenced in Section II of this guide. However, leave that qualifies under the policies in Section I of this guide and state law will run concurrently and employee obligations under the policies in Section I will apply to family and/or medical leaves under state law even if a state law is not referenced in Section II of this guide. Whenever permissible, the leaves provided in this section of the guide will be run concurrently with leaves provided in other sections of this guide.

As noted earlier, in all instances, our FMLA policy described in Section I of this guide satisfies the minimum leave standards provided under the federal Family and Medical Leave Act. In some instances, however, our FMLA policy provides greater benefits than the federal Family and Medical Leave Act. To avoid confusion, throughout this guide, we generally refer to the family and medical leave described in Section I of this guide as FMLA leave with the understanding that Brand FMLA leave fully complies with the requirements of the federal Family and Medical Leave Act.

With the above understanding, below is a summary of state family and/or medical leave laws that may provide additional protections or rights not discussed in the policies in Section I of this guide. The summary does not contain all the specific requirements and issues that may arise under state leave laws but, rather, notes where there are important differences between FMLA and the leave provided by state law. *Some of the state laws only apply if there are a minimum number of employees in a specific state. If state minimum employment levels are not reached, the FMLA policy will apply.* Because state leave laws change frequently, please contact your local Human Resources representative if you have questions or seek additional information regarding potential rights to leave under state laws.

CALIFORNIA

Family and Medical Leave

Employees may be eligible for 12 weeks of leave within a 12-month period under the California Family Rights Act (CFRA). We will consider employees eligible for CFRA leave as if they are eligible employees under our FMLA leave policy. With limited exceptions, the medical certification procedures required to be followed to receive CFRA leave mirror those described in our FMLA policy in Section I of this guide. However, some

differences may exist. For example, CFRA's definition of a "parent" also includes biological, foster or an adoptive parent, a stepparent, a legal guardian or other persons who stand in loco parentis to the employee when the employee was a child. CFRA also covers registered domestic partners just like spouses. Also, while our FMLA policy in Section I of the guide requires employees to take leave for parental bonding purposes in full day increments, CFRA permits employees to take leave for parental bonding purposes in less than a full day increment on two occasions. In all other respects, the rules for CFRA leave follow our FMLA policy in Section I of this guide.

Pregnancy Disability Leave

California's Pregnancy Disability Law (PDL) allows a pregnant employee to take a leave of up to 4 months. The employee may also take a 12 week CFRA baby bonding leave after a PDL. PDL will be treated the same as FMLA unless otherwise requested by the employee. The employee should apply for PDL leave using the same process as a FMLA leave. The employee can then take an additional 1 month in addition to the FMLA/CFRA leave by indicating this on the request form.

Parental Leave for School Visits

All employees, including seasonal employees, who are parents, guardians or grandparents having custody of school children from kindergarten through Grade 12 or who attend licensed child day care facilities, may take up to 40 hours of unpaid time off each year (not to exceed 8 hours in a month) to participate in the child's school or licensed day care activities. School or day care activities usually are sponsored by the school or licensed day care facility or a related organization, such as a PTA. Typical activities include student performances (e.g., plays, concerts and recitals), sporting events or practices, or meetings with teachers or counselors.

Employees must give reasonable notice to their manager before taking any time off under this policy. The Company may require employees to provide documentation from the school or licensed day care facility establishing that the employee participated in school activities on the date and time they were absent from work. Employees may elect to use accrued paid time off benefits if applicable. Parents or guardians of school children who have been suspended are also allowed to take unpaid time off to appear in the school of the pupil pursuant to a request from the school. Such time off will not count against the employee's leave entitlement under this policy. Leave under this policy shall run concurrently with any federal, state and/or local law providing an entitlement to leave to participate in a child's school activities.

Kin Care Leave

Employees may take up to one-half of their annual accumulated paid time off benefits if applicable to attend to the illness of the employee's child, registered domestic partner, parent or spouse. Such absences will not be subject to an absence control policy resulting in discipline.

Employees must notify their supervisor whether PTO is being taken for their own illness or to attend to the illness of a child, parent, registered domestic partner or spouse.

CONNECTICUT

Family and Medical Leave

Under the Connecticut Family and Medical Leave Act (CFMLA), employees who have worked for Brand for at least 12 months and worked at least 1000 hours in the 12 months preceding the request for leave are eligible for up to sixteen (16) weeks of leave in a twenty-four (24) month period. Eligible employees can take CFMLA leave to care for a parent-in-law with a serious health condition. In addition, employees returning from CFMLA leave shall be restored to their original job, if it is available. If it is not available, employees shall be returned to an equivalent position.

Pregnancy Disability Leave

All female employees, including seasonal employees, are eligible for leave for a reasonable period of time for a pregnancy-related disability. A “reasonable period of time” generally means the period of time that is medically necessary for leave related to pregnancy, even if that period exceeds the leave period provided in Brand’s FMLA policy.

DISTRICT OF COLUMBIA

Family and Medical Leave

Employees in the District of Columbia are eligible for family/medical leave if they have worked for Brand for 12 consecutive months and for at least 1,000 hours in the 12-month period preceding their request for leave. Eligible employees may take up to 16 weeks of leave in a 24-month period. Eligible employees may take leave for the placement of a child for whom the employee permanently assumes parental responsibility. In addition, DC FMLA covers a family member who is related by blood, legal custody, or marriage, or any person with whom the employee has shared a residence in the last year and with whom the employee has a committed relationship. A “child” is defined more broadly under the DC FMLA than under FMLA to include a child under the age of twenty-one (21), twenty-one (21) or older and disabled, and under twenty-three (23) and a full-time college student. Employees may not be required to substitute paid leave for unpaid leave in certain circumstances.

HAWAII

Family Leave

Under the Hawaii Family Leave Law (HFLL), employees who have worked for Brand for at least six months, regardless of the amount of hours worked, are eligible for up to four (4) weeks of leave during each calendar year. However, an employee is entitled to no more than a total of four weeks of leave in any twelve-month period. The reasons for leave under the HFLL are more restrictive than under FMLA. Leave under HFLL is only available: (i) upon the birth, or adoption, of a child of the employee or (ii) to care for the employee’s child, spouse or reciprocal beneficiary (“reciprocal beneficiary” is a person who has a registered relationship in accordance with Hawaii Revised Statute § 572C), or a parent with a serious health condition. The definition of a “parent” under the HFLL is defined to mean a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, a grandparent, or a grandparent-in-law.

IOWA

Family and Medical Leave

All female employees, including seasonal employees, are entitled to a leave for a period of up to eight (8) weeks because of disability due to pregnancy, childbirth, or related medical conditions. The employee must provide the same advance notice required by Brand's FMLA policy. Brand must approve any change in the leave period requested before the change is effective. Employees who want to take such leave must submit a medical certification confirming that they are unable to perform the duties of the job because of pregnancy, childbirth or related medical conditions.

KANSAS

Family and Medical Leave

All female employees, including seasonal employees, disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence "for a reasonable period of time." Kansas law does not define a "reasonable amount of time" but generally it will mean the period of time that is medically necessary for leave related to pregnancy disability, even if that period exceeds the leave period provided in Brand's FMLA Policy. Following childbirth, and upon signifying her intent to return within the reasonable time provided for leave under Kansas law, an employee taking Kansas Family and Medical Leave will be reinstated to her original job or to a position of like status and pay.

KENTUCKY

Adoption Leave

In Kentucky, all employees are entitled to reasonable leave not to exceed six (6) weeks to adopt a child under the age of seven (7). There are no eligibility requirements for this leave and, therefore, all employees in Kentucky, including seasonal employees, are entitled to this leave, even if they are not eligible for FMLA.

LOUISIANA

Family and Medical Leave

All female employees disabled due to pregnancy, childbirth or related medical conditions are entitled to leave for a reasonable period of time during which the female employee is disabled because of pregnancy, childbirth or related medical conditions, not to exceed four (4) months. There are no eligibility requirements for this leave and, therefore, all female employees in Louisiana, including seasonal employees, are entitled to this leave. A pregnant employee may be entitled to temporarily transfer to a less strenuous or hazardous vacant position for the duration of the employee's pregnancy, where the transfer can be reasonably accommodated. The request for a temporary transfer must be supported by a written medical certification from the employee's health care provider that the transfer is medically advisable.

MAINE

Family and Medical Leave

All employees who have been employed for 12 consecutive months are entitled to up to 10 work weeks of

family/medical leave in any 2 years. Unlike FMLA, there is no minimum hours worked requirement and this leave applies even if employees are not entitled to FMLA leave because they have not worked 1,250 hours in the 12 month period preceding the leave.

Paid Leave to Care for Immediate Family Member

An employee may use accrued paid time off benefits if applicable, to care for the employee's spouse, child or parent. Paid time off does not include paid short-term or long-term disability benefits.

MASSACHUSETTS

Maternity Leave

Under the Massachusetts Maternity Leave Act (MMLA), female employees who have completed three months of employment are eligible for eight weeks of unpaid maternity leave for the purpose of giving birth, or for the purpose of adopting a child under the age of 18, or a person under the age of 23 if that person is physically or mentally disabled. Since female employees are eligible for MMLA leave after three months of employment, a female may be eligible for MMLA leave even though she is not eligible for FMLA leave. Employees wishing to take leave under this policy must provide at least two weeks' notice of the intended departure date for leave, and notice of the intention to return to work. Massachusetts maternity leave runs concurrently with FMLA. However, if an employee has exhausted her entitlement to FMLA at the time she gives birth or adopts a child, the employee is still entitled to a full eight weeks of unpaid leave.

Family Leave

The Massachusetts Small Necessities Leave Act entitles employees to up to 24 hours of leave during a 12-month period for certain "small necessities." Employees are eligible for this leave if they have worked at least twelve (12) months and a minimum of 1,250 hours in the 12 month period preceding leave. This leave may be taken to (i) participate in school activities directly related to the educational advancement of an employee's child, such as parent teacher conferences or interviewing for a new school; (ii) accompany an employee's child to routine medical or dental appointments; or (iii) accompany an employee's elderly relative (an individual who is at least 60 years of age and is related by blood or marriage to the employee) to routine medical or dental appointments or appointments for other professional services related to elder care.

MARYLAND

Family Leave

Employees who have earned leave with pay – such as vacation pay – are permitted to use such leave with pay to care for an immediate family member (child, spouse or parent) who is ill under the same conditions as the employee can use such leave with pay for his or her own illness.

MINNESOTA

Family and Medical Leave

Employees who have worked for Brand for at least 12 months, and worked an average of at least one-half

the full-time equivalent position in the employee's job classification per week during the previous 12 months immediately prior to their leave are eligible for up to 6 weeks of unpaid leave to care for the employee's child after birth or placement for adoption. Leave for the birth or adoption of a child may begin not more than 6 weeks after the birth or adoption; ~~except~~ that, where the child must remain in the hospital longer than the mother, the leave may not begin more than 6 weeks after the child leaves the hospital.

Paid Leave to Care for a Family Member

Employees who have worked for Brand for at least 12 months, and worked an average of at least one-half the full-time equivalent position in the employee's job classification per week during the previous 12 months may also use accrued paid time off benefits if applicable for absences to care for an injured or ill child (under the age of 18 years of age or under age 20 who still attends secondary school, so long as caring for the child is medically necessary).

MONTANA

Pregnancy Leave

Female employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a reasonable amount of leave, and for so long as the employee's doctor certifies that the employee is disabled even if that period exceeds the leave period provided in Brand's FMLA Policy. The employee will be reinstated to her original job or to an equivalent job with equivalent pay and benefits at the end of the leave, unless a change of circumstances makes it impossible or unreasonable to do so. There are no eligibility requirements for this leave, so it applies to all female employees, including seasonal employees, including those who are not eligible for FMLA leave.

NEW JERSEY

Family Leave

Employees who have worked for Brand for 12 months and at least 1,000 hours in the 12-month period preceding family leave are entitled to 12 weeks of leave in a 24-month period under the New Jersey Family Leave Act (NJFLA). An employee may not take leave for his/her own serious health condition or to place a child in foster care, but, may take leave to care for newly born or adopted child or to care for a parent, child under 18, spouse or civil union partner with a serious health condition. The definition of a parent in the NJFLA is broader than FMLA and includes a parent-in-law, a step parent, and anyone with legal or physical custody, care or visitation with the child. Leave for the birth or adoption of a child under the NJFLA must commence within the first year after the child's birth or adoption.

As noted above, because the NJFLA is only a "family leave" law, employees also should note that leave granted due to an employee's own serious health condition is not covered by the NJFLA. This can result in important distinctions in the calculation of available leave. For example, because the period of leave caused by an employee's disability due to pregnancy or childbirth is more properly classified as leave due to an employee's own serious health condition, the Company normally would count such time toward the employee's FMLA allotment only. Once the period of disability due to pregnancy or childbirth has ended, an employee would use her 12 weeks of leave under the NJFLA to care for her newborn child and run that time concurrently with any remaining FMLA leave. In instances where an employee remains disabled due to **childbirth** and an employee

already has no FMLA leave remaining, the Company will allow employees to begin using NJFLA leave.

OHIO

Pregnancy Leave

Full-time and part-time female employees, including seasonal employees, are eligible for an unpaid leave of absence for pregnancy, childbirth and related medical conditions upon hire. Such leave, which can extend up to 12 weeks, must be medically recommended. An employee seeking pregnancy/maternity leave must provide advance notice of the need for leave and complete a medical certification form. Pregnancy/maternity leave shall be available to female employees without regard to FMLA eligibility; however, if the employee is eligible for FMLA leave, any pregnancy leave shall run concurrently with FMLA leave.

OREGON

Family and Medical Leave

An employee who has worked for Brand for at least 180 days immediately prior to taking leave; and work at least 25 hours per week¹, may be eligible to take family and medical leave under the Oregon Family Leave Act (OFLA) for the following reasons:

- Care for an infant or newly adopted child less than 18 years of age, or for a newly placed foster child less than 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability. (Parental leave).
- Care for a family member with a serious health condition. (serious health condition leave).
- Recover from or seek treatment for a serious health condition of the employee that renders the employee unable to perform at least one of the essential functions of the employee's regular position. (serious health condition leave).
- Care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition but that requires home care. (sick child leave).

Generally, leave under the OFLA is limited to 12 weeks in a 12-month period. In addition to the 12 weeks of leave for the reasons listed above, female employees are entitled to 12 weeks of leave within a 12-month period for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing any job duties offered by Brand. All Oregon employees who have exhausted parental leave may be eligible for an additional 12 weeks of sick child leave.

Leave can be taken to care for the following family members with a serious health condition: spouse, parent (biological, adoptive or foster parent), child, a parent-in-law of the employee or the person with whom the employee was or is in a relationship of in loco parentis, grandparent, grandchild, same-gender domestic partner and children of the same-gender domestic partner. Employees should contact Human Resources if they have questions regarding the class of people that might be considered to have acted in loco parentis.

¹ The weekly hour's requirement does not apply for family leave taken to care for a newborn infant, a newly adopted or foster child under age 18, or an adopted or foster child older than age 18 if the child is incapable of self-care because of a mental or physical disability.

PUERTO RICO

Maternity Leave

All female employees, including seasonal employees, are entitled to a period of paid leave for childbirth and reinstatement to their jobs upon returning from leave. The leave period generally may begin four (4) weeks before and end four (4) weeks after childbirth. At the option of the employee, leave may begin one (1) week before childbirth and extend up to seven (7) weeks after childbirth, provided the employee presents a medical certification showing that she is able to work up to one (1) week before childbirth. The pay during leave is based on the employee's average salary, wages, day wages or compensation that she has been receiving during the six (6) months prior to commencing her maternity leave or, if it is not possible to calculate the employee's pay on this basis, the salary, wages, day wages or compensation the employee received when her maternity leave begins.

If the employee gives birth before the prenatal leave period, she may choose to add such time to the post-natal leave period. If the employee has exhausted her four (4) weeks of prenatal leave without giving birth, her paid prenatal leave period is extended until she gives birth. If the employee has post-natal complications which prevent her from returning after the four (4) week post-natal leave period, leave may be extended up to twelve (12) additional weeks, provided that she submits before the expiration of the usual 4 week post-natal leave period, a medical certification confirming her inability to return to work. However, in this case, leave beyond the four (4) week post-natal period is unpaid.

Adoption Leave

A female employee, including a seasonal employee, who adopts a pre-school aged child (i.e. a child who is five (5) years of age or less and is not registered in school under Puerto Rico law), is entitled to the same benefits as a female worker has who gives birth to a child. However, adoption leave begins as of the date the child joins the family. A female employee who wants leave must provide Brand at least thirty (30) days advance notice of her intention to adopt a child, plans for maternity leave and reinstatement to her job. Furthermore, she shall submit evidence to Brand of the adoption procedures issued by a competent organization.

RHODE ISLAND

Family and Medical Leave

Employees who have worked for Brand for 12 consecutive months and an average of 30 or more hours a week are eligible for up to 13 consecutive weeks for parental and family leave in any two calendar year period. Rhode Island FMLA also allows leave to care for a parent in-law with a serious health condition.

TENNESSEE

Pregnancy and Adoption Leave

Employees who have worked for Brand for at least a year in a full-time capacity may take up to four (4) months of leave for adoption, pregnancy, childbirth, and nursing an infant. With regard to adoption, the

four-month period shall begin at the time an employee receives custody of the child. To qualify for this leave, the employee must give at least 3-months' notice of the anticipated date of departure for leave, the length of leave, and the intent to return to full-time work after leave, unless the failure to provide timely notice is due to a medical emergency which necessitates that leave begin earlier. Such leave is unpaid and runs concurrently with any leave taken pursuant to FMLA or other Brand policies. Upon returning from leave, employees shall be restored to the previous or a similar position they held before such leave began.

VERMONT

Family and Medical Leave

An employee who has worked for Brand for an average of 30 hours a week for a year is entitled to parental leave or family leave. During any 12-month period, the employee is entitled to up to 12 weeks of unpaid leave (i) for the birth of the employee's child; (ii) the initial placement of a child 16 years of age or younger with the employee for adoption or (iii) for the serious illness of the employee, the employee's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent-in-law.

In addition to the leaves listed above, the employee also is entitled to Short-Term Family Leave of up to 4 hours in any 30-day period (but not more than 24 hours in any 12-month period) of unpaid leave. Short-Term Family Leave is available to eligible employees (i) to participate in preschool or school activities directly related to the academic advancement of the employee's child, stepchild, foster child or ward who lives with the employee; (ii) to attend or to accompany the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse, or parent-in-law to routine medical or dental appointments; (iii) to accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; (iv) to respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law. Brand may require that Short Term Family Leave be taken in a minimum of two-hour segments. An employee's use of Short Term Family leave is counted separately from the employee's use of parental or family leave.

WASHINGTON

Family Care Leave

Under the Washington Family Care Act, employees may use their available paid time off benefits if applicable, to care for their child with a health condition that requires treatment or supervision, or to care for a spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency health condition. A "health condition requiring treatment or supervision" means (i) any medical condition requiring treatment or medication that the child cannot self-administer; (ii) any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or (iii) any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize such treatment.

A "serious health condition" is a condition: (i) requiring an overnight stay in a hospital or other medical-care facility; (ii) resulting in a period of incapacity or treatment or recovery following inpatient care; (iii) or continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities. An "emergency health condition" means a health condition that is a

sudden, generally unexpected occurrence or set of circumstances that relate to one's health demanding immediate action and is typically very short term in nature.

The Washington Family Care Act defines a "child" of the employee as including the employee's biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. The child must be either (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability. An adult child is "incapable of self-care" when a mental or physical disability limits one or more activities of daily living.

An employee who takes available paid time off benefits for family care reasons must comply with Brand's policies for using such benefit.

WISCONSIN

Family and Medical Leave

Under the Wisconsin Family Medical Leave Act, an employee of either sex who has worked for Brand for more than 52 consecutive weeks and for at least 1,000 hours during that 52-week period is entitled to (i) up to 6 weeks of leave in a calendar year for the birth or adoption of the employee's child, providing the leave begins within 16 weeks of the birth or placement of that child; (ii) up to 2 weeks of leave in a calendar year for the care of a child, spouse or parent with a serious health condition or (iii) up to 2 weeks leave in a calendar year for the employee's own serious health condition.

SECTION III. STATE LAW: NON-MEDICAL LEAVE REQUIREMENTS

This section of the guide is intended to inform you that, depending on the state or municipality in which you work, you may have additional entitlements to non-medical leave benefits not described in Section II of this guide. Brand's policy is to grant employees the maximum amount of non-medical leave required under applicable law. Under this policy, an employee is entitled to the greater amount of leave under either the non-medical leave policies under Section II of this guide or applicable law. Whenever permissible, the leaves provided pursuant to this section of the guide will be run concurrently with leaves provided in other sections of this guide.

These types of non-medical leaves vary widely by state and municipality and may include the following:

- Medical or Blood Donor Leave
- Parental Leave
- Military Family and/or Spousal Leave
- Voting Leave
- Jury Duty Leave
- Victims of Domestic or Sexual Violence Leave
- Crime Victims Leave
- Rehabilitation Leave
- Literacy Assistance Leave
- Elected Official/Legislative Leave
- Election Duty Leave
- Emergency Duties Leave
- National Guard/Temporary Military Leave
- Public Health Emergency Leave
- Breastfeeding Leave

Please contact your local Human Resources representative or Brand Benefits to find out additional information about the various types of leave that may be available in the state or municipality in which you work.