



Policy Summary

LAIKA provides leaves of absence to all Eligible Employee in accordance with federal and Oregon laws. This policy summarizes important information about employee rights and responsibilities under these leave laws. LAIKA administers family and medical leave in compliance with all legal requirements. If there is any error or inconsistency between the description in this policy and the benefits available under an applicable federal or state law, the law takes precedence. This policy is not intended to expand or increase the leave or benefits available under the federal and state laws.

The company does not discriminate against employees as a result of the approved use of family and medical leave, or a proper request for such leave.

If you have any questions about LAIKA's Studio Leave Policy (the "Policy") or would a full copy of either the state or federal laws please contact the Studio's Leave Administrator for more information.

General Overview of Family Medical Leave Laws

There are two family and medical leave laws; the Oregon State law known as Oregon Family Leave Act ("OFLA") and the federal law known as the Federal Family and Medical Leave Act ("FMLA"). Additionally, effective January 1, 2016 the State of Oregon implemented a statewide protected sick leave law called Oregon Sick Leave ("OSL").

Under both FMLA and OFLA, LAIKA provides an Eligible Employee up to 12 weeks of protected leave in a 12-month leave period for qualified family and medical leave purposes. Under FMLA, employees may take up to 26 weeks of leave in a 12-month leave period (combined total; up to 12 of the 26 weeks may be used for a FMLA-qualifying reason other than military caregiver leave) to care for a Qualified Family Member who sustains a serious illness or injury in the line of duty while on active military duty. All leave is unpaid but the employee's job and benefits are protected by these laws. OFLA provides additional leave for pregnancy-related medical conditions and in other situations as more fully described in this policy.

In some instances the state law, OFLA, is more generous than the federal law. LAIKA always follows the law that is most favorable to the employee.

Under OSL, LAIKA provides Eligible Employees up to 40 hours per year of paid, protected sick time for qualified OSL purposes. LAIKA's PTO Plan provides beyond the required annual accrual for OSL for all active LAIKA employees, and employees are able to utilize their accrued PTO for their qualifying OSL purposes or for their personal/vacation time. OSL does not grant employees the right to additional paid leave beyond the LAIKA PTO Plan.

Eligibility Requirements

To qualify for OFLA/FMLA/OSL employees must meet the following qualifications:

OFLA	FMLA	OSL
<p>Employee must have worked for LAIKA for a period of 180 calendar days immediately preceding the date leave begins; and</p> <p>Employee must have worked an average of 25 hours per week during the 180-day period.</p> <p>Exceptions:</p> <p>For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked</p> <p>For Oregon Military Family Leave, employees are eligible if they work at least an average of 20 hours per week, even for one week, without regard to the duration of employment.</p>	<p>Employee must have worked for LAIKA for a total of at least 12 months (not necessarily consecutive); and</p> <p>Employee must have worked for at least 1,250 hours during the 12-month period immediately preceding the leave.</p>	<p>Immediate for all employees.</p>

In certain circumstances an employee may only qualify for one of the family and medical leave laws.

Types of Leave Covered

Determining the type of leave is a two part inquiry:

1. What are the circumstances that are requiring the employee's need for family and/or medical leave? and;
2. Who is the affected person the employee needs to care for?

As described below, there may be an event or Qualified Family Member that may not be covered under both laws. If after reviewing the chart, you are unable to determine if your requested leave is a Qualified Leave, please contact the Studio Leave Administrator.

Type of Leave	OFLA	FMLA	OSL
Employee's own non-serious medical condition or the non-serious medical condition of a family member; if the individual is not able to work due to a personal illness, injury, or needs routine medical appointments or preventative care	No	No	Yes. For the purposes of OSL "family member" is defined as: same or opposite-gender spouse; parent; parent-in-law; biological, adopted, step, or foster child; same-gender domestic partner; child of same-gender domestic partner; parent of same-gender domestic partner; grandparent; grandchild; or any individual in a loco parentis relationship.*
Employee's own Serious Health Condition, including pregnancy related conditions	Yes, but does not include an employee unable to work due to a compensable Workers' Compensation injury.	Yes, and also includes an employee unable to work due to compensable Workers' Compensation injury.	Yes, but does not include an employee unable to work due to a compensable Workers' Compensation injury.
Serious Health Condition of employee's Qualified Family Member	Yes for all. Qualified Family Members include:		
	Same or opposite-gender spouse, parent, parent-in-law, biological, adopted or foster child, same-gender domestic partner, child of same-gender domestic partner, parent of same-gender domestic partner, grandparent, grandchild, in loco parentis relationship.*	Same or opposite-gender spouse, parent, biological, adopted or foster child, in loco parentis relationship.*	
Birth, Adoption or placement of a foster child (" <i>Parental leave</i> ")	Yes	Yes	Yes, same as OFLA
Non-serious illness of a child requiring home care (" <i>Sick Child leave</i> ")	Yes	No	Yes, same as OFLA

Type of Leave	OFLA	FMLA	OSL
Family member injured/ill in line of duty while on active military duty	Yes, as a Serious Health Condition of Qualified Family Member.	Yes. Specifics can be found on the FMLA Notice under Military Family Leave Entitlements.	Yes, same as OFLA, as a Serious Health Condition of Qualified Family Member.
Leave related to family member's call to active military duty	Yes. Specifics can be found on the OFLA Notice under Oregon Military Family leave	Yes. Specifics can be found on the FMLA Notice under Qualifying Exigency leave	Yes, same as OFLA
Bereavement	Yes. Covering Qualified Family Members only	No	Yes, same as OFLA
For certain reasons related to domestic violence, harassment, sexual assault or stalking;	No.	No.	Yes.

- *In loco parentis is when one party has been responsible for day-to-day care and financial support of the individual. A legal or biological relationship is not required.*
- *Parental leave is available to both male and female employees with a newborn child or newly-placed adopted or foster child.*

Length of Leave

An employee meeting the above qualifications may take up to the maximum leave allowance for a qualified condition based on the following:

OFLA	FMLA	OSL
<p>12 weeks per leave year</p> <p>Exception: A female who takes leave for a <i>pregnancy-related disability</i> (including routine prenatal care) may take up to an additional 12 weeks for any OFLA-qualifying purpose.</p> <p>Exception: Male or female employees who have used the full 12 weeks of <i>Parental leave</i> may take up to 12 additional weeks in the same year for <i>Sick Child leave</i>.</p>	<p>12 weeks maximum per leave year</p> <p>Exception: Eligible employees may take up to 26 weeks in a single leave year (combined total) to care for a Qualified Family Member who sustained a serious illness or injury in the line of duty while on active military duty.</p>	<p>40 hours per year as part of but not in addition to an employee's accrued PTO</p>

Exception: Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of death of a Qualified Family Member. The two weeks of bereavement leave counts against the 12-week total allowance.		
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- *If an employee qualifies for both OFLA and FMLA, LAIKA concurrently counts qualified absences against both the OFLA and FMLA entitlement simultaneously as allowed by law.*
- *An employee's use of OSL may run concurrently with other leave under state and federal law, including leave taken pursuant to the Oregon Family Leave Act or the Family Medical Leave Act.*
- *Family medical leave entitlement is based on a rolling 12-month period going backward. LAIKA measures back, from the date the leave begins, 12 months to determine if leave is available to an employee. An employee may use any balance of the eligible leave bank which has not been used during the preceding 12 months.*
- *Length of leave is measured in hours based on the employee's work schedule up to 40 hours per week. For example an employee who regularly works 30 hours per week is generally entitled to 360 hours of leave (12 weeks X 30 hours).*

Spouses Who Work for LAIKA

If both same or opposite-gender spouses or same-gender domestic partners work for LAIKA, and are eligible under OFLA, then there is no restriction to a combined total of 12 weeks of leave. Each is eligible for 12 weeks of leave for the covered event. LAIKA may require each employee to take the leave at different times, rather than concurrently unless the reason for the leave is for one of the employees with a Serious Health Condition.

Required Documentation for a Leave

The employee is required to provide the following documentation for OFLA/FMLA qualified medical leave; this includes the employee's own Serious Health Condition, Bonding Leave for the Birth of a Child, Qualified Family Member with a Serious Health Condition, or Qualified Military Family Member with Illness/Injury:

- Complete and submit a **Leave Request Form** to the Studio Leave Administrator; and
- A **Certificate of Health Care Provider** completed by the attending physician of the patient. This Certification must be completed and returned to the Studio Leave Administrator within 15 days of receipt of this form or the requested leave may be delayed or denied and the absences will be considered unexcused.
- Submit a **Fitness for Duty Certification/Return to Work Release** to the Studio Leave Administrator prior to returning for work. This is required for employee on leave for their own Serious Health Condition. A release to return to work must be provided to the Leave Administrator before returning to work. Employees will not be allowed to return to work without a release.

For military exigency leave under FMLA, the employee is required to complete a leave request form plus additional information required to show eligibility for military exigency leave.

For OFLA Sick Child leave, verification from the child's medical provider noting the need for home care may be requested after the third instance of Sick Child leave in an OFLA leave year.

For time off under OSL, the employee is required to notify their direct supervisors by phone or in writing as soon as is practical but no later than the start of your regularly scheduled shift; if the need to take sick leave is foreseeable,

the employee is requested to notify the supervisor as far in advance as known. PTO is available for use up to 40 hours per year for qualifying OSL instances.

Use of Leave

With the exception of parental leave, leave may be taken in a continuous block or intermittently, in increments of one hour or more.

Parental leave must be completed within one-year of the birth, adoption, or placement. Intermittent parental leave is allowed prior to the adoption or placement of a foster child if the employee's presence is required for the adoption or placement. In other situations, parental leave must be taken in a continuous block unless a request for intermittent or reduced schedule parental leave is agreed upon by both LAIKA and the employee prior to the start of the leave. Intermittent or reduced schedule parental leave is at the sole discretion of LAIKA and is considered based on departmental needs.

Pay, Benefits and Protection

Leave is unpaid, except as follows:

- PTO is to be used for qualifying OSL instances up to 40 hours per year (all employees accrue PTO)
- Sick Pay may be used in place of PTO for qualifying OSL instances. Regular Staff employees receive 24 hours of Sick Pay per calendar year.
- If an employee is eligible to accrue Disability Bank:
 - LAIKA deducts from the employee's Disability Bank, if eligible, for any absence for approved leave for the employee's own Serious Health Condition. If there is insufficient leave in the Disability Bank, LAIKA deducts from the employee's Sick Pay (if eligible) first, then from their PTO bank.
 - If an absence(s) is deducted from an employee's PTO bank or Sick Pay (if eligible) and that absence(s) is determined to qualify for FMLA/OFLA leave for the employee's own Serious Health Condition then the PTO bank will be credited and the leave will be deducted from the employee's Disability Bank.
 - Leave to care for a Qualified Family Member with a Serious Health Condition is first deducted from the employee's Disability Bank up to 120 hours per instance (if available) and then from the employee's PTO.
 - Sick Child leave is deducted from the employee's Disability Bank up to 120 hours in a leave year (if available) with verification from the child's treating medical provider. Disability Bank can be used on the first instance of Sick Child leave if a note is provided, but this is not a requirement to use Sick Child leave. LAIKA only requires medical verification for Sick Child leave after the third instance of Sick Child leave in a leave year. Any use of Sick Child leave without medical verification will be deducted from the employee's Sick Pay (if eligible) or PTO bank.
- All other qualifying OSL/FMLA/OFLA leave is deducted from the employee's Sick Pay (if eligible) or PTO bank.
- After one month of consecutive leave employees are eligible to be evaluated for Catastrophic Leave Bank pay. See the Catastrophic Leave Bank Policy for details.
- Leave is unpaid when the applicable leave bank(s) is exhausted.

Employees may not opt to have unpaid leave in lieu of Disability/Sick Pay/PTO bank deductions during an OSL/FMLA/OFLA event.

During an approved statutory leave, LAIKA maintains the employee's health benefits; however, the employee is required to pay his/her own portion of the monthly premium in the same manner as if the employee were not on leave.

Upon return from leave under FMLA, LAIKA return the employees to his/her pre-leave position or to an equivalent position with like pay and benefits. If the leave was qualified under OFLA, LAIKA returns the employee to his/her pre-leave position unless it has been eliminated, and then any available equivalent position.

Definitions

A *Certificate of Health Care Provider* is a form to be completed by the patient's health care provider in order to determine if the medical condition qualifies for protected leave and the duration of the leave. A leave for a Serious Health Condition of the employee and/or a Qualified Family Member will not be approved without this certification.

An *Eligible Employee* is one that has met the eligibility requirements to take leave under the Family Medical Leave Act and/or Oregon Family Leave Act.

A *Qualified Leave* is a leave that meets all the qualifications, including eligibility, type of leave, and amount of leave time available under OFLA, FMLA or both.

Qualified Family Members differ between OFLA and FMLA, and are defined as follows:

OFLA	FMLA	OSL
Same and opposite-gender spouse, child, parent, parent-in-law, same-gender domestic partner and children or parents of same-gender domestic partner, grandparent or grandchild, and in loco parentis*	Same and opposite-gender spouse, child, parent, and in loco parentis*.	Same and opposite-gender spouse, child, parent, parent-in-law, same-gender domestic partner and children or parents of same-gender domestic partner, grandparent or grandchild, and in loco parentis*
*In loco parentis relationship is where one individual is or was in the place of a parent and providing the day-to-day care and financial support for another individual.		

Rolling 12-month Period Backward is measuring back 12 months from the first date of leave to determine if additional leave is available to an employee. An employee may use any balance of the 12 weeks which has not been used during the preceding 12 months.

A *Serious Health Condition* is defined as an illness, injury, impairment, or physical or mental condition which involves:

- Inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment connected with such inpatient care; or
- Continuing treatment by a health care provider for Serious Health Condition for:
 - Incapacity of more than three days, which requires two or more treatments by a health care provider or one treatment by a health care provider followed by a regimen of continuing treatment;
 - Any period of incapacity for pregnancy or prenatal care;

- Any period of incapacity for treatment of a chronic Serious Health Condition (i.e. asthma, diabetes, epilepsy, etc.);
- Permanent or long-term incapacity or treatment for which treatment may not be effective (i.e. Alzheimer's, severe stroke, terminal stages of a disease, etc.); or
- Multiple treatments for restorative surgery or a condition that, if not treated, would likely result in incapacity for more than three consecutive calendar days (i.e. chemotherapy, physical therapy, dialysis, etc.).

Questions?

Email the LAIKA Studio Leave Administrator at benefits@laika.com