

Family and Medical Leave Act (FMLA)

Revised: January 1, 2021

PURPOSE

It is the policy of the Company to provide leave to Eligible Employees to attend to family and medical needs. Employees granted a leave under this policy will have the right to continued benefits participation during the leave and reinstatement upon conclusion of the leave. The Company intends at all times to comply with federal guidelines established by the Family and Medical Leave Act (FMLA) as well as other federal and state laws regarding family and medical leaves. For additional information on other federal and state leave laws, contact the FMLA Administrator.

Eligibility Requirements

To be eligible for family and medical leave under this policy, an employee must have 12 months of employment with the Company and must have worked at least 1,250 hours during a rolling 12-month period prior to the commencement of the leave.

POLICY

Family and Medical Leave (FMLA)

Family and medical leave is defined as an approved absence available to Eligible Employees for:

1. 12 workweeks of unpaid leave in a rolling 12-month period for the following reasons:
 - Birth of, or care for, an employee's newborn child;
 - Placement of a child with the employee for adoption or foster care;
 - Employee care of a child, spouse, or parent with a serious health condition; or
 - A serious health condition which makes the employee unable to perform the essential functions of his or her job.
2. 26 workweeks of unpaid leave in a single 12-month period to care for a child, spouse, parent, or next of kin who is a covered military service member who is recovering from a serious illness or injury sustained in the line of active duty that may render him or her medically unfit to perform the duties of his or her office, grade, rank, or rating. This type of FMLA leave is known as Military Caregiver Leave and additional details are provided later in this policy.
3. 12 workweeks of unpaid leave in a rolling 12-month period for any "qualifying exigency" arising from a child, spouse, or parent that is on active military duty or is being called to active military duty.

Except for employees eligible for Military Caregiver Leave, FMLA leave eligibility is limited to 12 workweeks per rolling 12-month period, regardless of the number of FMLA-covered events the employee experiences during the rolling period/year. For Military Caregiver Leave, all FMLA absences will be counted toward the maximum of 26 workweeks during the single 12-month period, which would commence on the first day of FMLA absence and would conclude eligibility exactly at the end of the twelfth month (i.e. March 11, 2008 to March 10, 2009).

When the need for FMLA leave is foreseeable, an employee should provide the Company and the FMLA Administrator with at least 30 days' notice in advance of the anticipated start date. Where the need for FMLA leave is either unforeseeable or where it is impossible for the employee to provide 30 days' notice, as much notice as possible should be provided to the Company and the FMLA Administrator. Notice must be provided as soon as practicable in accordance with the FMLA regulations and retroactive FMLA will not be allowed if notice is not provided in a timely manner.

Generally, FMLA leave is unpaid. However, employees may be eligible to receive benefits through state-sponsored programs or the Company's sponsored wage-replacement benefit programs. Employees will be required to substitute earned vacation, paid sick leave and floating holidays during any period of unpaid FMLA leave to the extent permitted by applicable law, unless the FMLA leave is due to the birth of, or care for, an employee's newborn child or placement of a child with the employee for adoption or foster care for bonding purposes.

The use of paid benefits will not extend the length of a FMLA leave.

Non-Bargaining Employees may request and be permitted to defer up to five (5) days of unused vacation to be taken following the employee's FMLA leave.

If the Company employs a married couple, their combined time off may not exceed 12 workweeks for the birth or care of a newborn child or the placement of an adopted or foster child. The married couple will also be limited to a combined 26 workweeks of leave during a single 12-month period if leave is used in conjunction with Military Caregiver Leave. Each spouse is still eligible for his or her remaining FMLA hours within a 12-month period for other FMLA-qualifying events.

The duration of approved FMLA leave may be modified as necessary during the leave. Leave that is due to a serious health condition affecting the employee, spouse, child, or parent will be determined in conjunction with competent medical advice and in compliance with applicable law by the Company's FMLA Administrator.

Serious Health Condition Defined

The Company will grant leave for any condition defined as a "serious health condition" under the federal Family and Medical Leave Act and/or any applicable state law. In general, serious health conditions are those conditions which (1) cause incapacity for periods of more than three consecutive calendar days and require either (a) two or more separate episodes of treatment by a health care provider within 30 days of the first day of incapacity or (b) one episode of treatment by a health care provider followed by a regimen of continuing treatment, such as a prescription of antibiotics; or (2) require inpatient care. Treatment by a health care provider (other than continuing treatment) typically means an in-person visit, and not, for example, a follow-up phone call. The first visit to a health care provider for treatment must be within seven days of the first day of incapacity.

FMLA leave is not intended to cover short-term conditions, such as minor illnesses that last only a few days and surgical procedures that typically involve no hospitalization and require only a brief recovery period.

The Company reserves the right to request additional information to assess whether a period of absence should be considered FMLA leave. The Company also reserves the right to deny requests for FMLA leave where such a denial would be appropriate under applicable law.

From time to time, it may be necessary to arrange for a second opinion medical examination to determine whether a period of leave is due to a "serious health condition." The Company will pay for any additional medical opinions to the extent required to do so and consistent with the law.

Intermittent and Reduced-Schedule FMLA Leave

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours of work per workweek or workday) if medically necessary. Re-certification is required for this type of FMLA leave. It will be the employee's responsibility to make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the Company's operations. It is also the employee's responsibility to contact the FMLA Administrator and his or her supervisor for each day of intermittent leave.

The Company does not allow reduced or intermittent leave for adoption, foster placement, to care for a newborn baby or to care for sick children with routine childhood illnesses (non-serious health conditions) except where it may be required by law or approved by senior management.

If FMLA time is unpaid, the employee's salary will be reduced based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave, the Company may temporarily, and at its complete discretion, transfer the employee to an available alternative position that better accommodates recurring leave and which has equivalent pay and benefits.

PROCEDURE

Employee Responsibilities

In order to comply with provisions of this policy, employees should:

- Notify your supervisor and the FMLA Administrator of need for leave in accordance with the provisions set forth above.
- For **all** potential FMLA qualifying absences, the FMLA Administrator will mail the FMLA packet to the employee's address of record.
- Make a reasonable effort to try to schedule intermittent leave so as not to unduly disrupt the Company's operations. For intermittent leave, you must contact the FMLA Administrator and your supervisor for each day of intermittent leave.
- Timely return all required forms and documentation per instructions from the FMLA Administrator. In general, required documentation must be submitted within 15 days. Within five (5) business days of receiving notice from you, the FMLA Administrator will inform you if you are eligible for FMLA. Provide documentation requested by FMLA Administrator that would support Qualifying Exigency Leave.
- Contact the FMLA Administrator with any questions.
- If a leave extension is necessary, contact your supervisor and the FMLA Administrator and provide new documentation prior to the expiration of existing medical documentation.
- Maintain contact with your supervisor during a continuous leave as required by your supervisor.
- Notify your supervisor of your expected return date. If your leave has been due to your serious health condition, provide your supervisor and HR with appropriate documentation that releases you to return to work in accordance with the Return to Work Policy.
- If requesting an accommodation, under the Americans with Disabilities Act, as amended (ADAAA), complete the Reasonable Accommodation Request Form and forward it to Human Resources.

Note: If your health care provider chooses to use another form for certification other than the form provided by the FMLA administrator, it must include all of the following:

- Health care provider's name and type of medical practice;
- Verification of the existence of a serious health condition;
- The date the serious health condition began;
- The probable duration of the condition; and
- Verification that you are unable to perform the essential functions of your job.

Please be aware that the Company may determine and accept that you voluntarily resigned your employment if:

- You are employed elsewhere during the leave without prior written approval from the Company;
- You notify the Company that you do not intend to return to your job;
- You do not report when scheduled to return;
- You fail to provide documentation/certification information required by the Company; and/or
- You refuse a comparable position upon return.

Management Responsibilities

- Verify that the appropriate payroll code is used to report any FMLA absence (paid or unpaid). Partial day absences, whether paid or unpaid, must be reported to Payroll even for exempt personnel.
- If an employee exhausts all eligible FMLA time, the employee may continue using available eligible paid leave time or apply for a Leave of Absence. Leave of Absence requires management approval. Please see the Leave of Absence policy.

- Inform HR if an employee does not return to work following an FMLA absence.

The Company and/or the FMLA administrator may designate the absence as FMLA leave whether or not the employee provided the Certification of Health Care Provider form.

During the leave, the Company and/or the FMLA Administrator may require an employee to submit, as necessary and allowed by law, documentation and other information regarding the current status of the reasons for the leave, including the employee's health care provider's best estimate of the expected return from leave. Documentation will be submitted to the FMLA administrator.

Military Caregiver Leave

Leave may be taken to care for a child, spouse, parent, or next of kin who incurred a serious injury or illness in the line of duty while on active military duty. For Military Caregiver Leave to be taken, the injured or ill service member's medical condition must require them to be undergoing medical treatment, recuperation, or therapy; to be on outpatient status; or to be on the temporary disability retired list. Further, the service member must be rendered medically unfit to perform the duties of their office, grade, rank, or rating for leave to be permitted. This leave does not include leave to care for a former member of the military who has not been in the service at any time during the five-year period prior to the leave request, nor service members on the permanent disability retired list (PDRL).

The single 12-month period available for Military Caregiver Leave starts on the first day of FMLA leave to care for the covered service member and ends exactly 12 months later. It may be taken on an intermittent basis. This leave entitlement is applied to each covered service member on a per-injury basis. However, the employee is entitled to a combined total of 26 workweeks of leave for all types of FMLA leave during the single 12-month period. If an eligible employee does not use all 26 workweeks during the 12-month period, then the leave is forfeited and not carried over into another 12-month period.

Certification for Military Caregiver Leave – In addition to any requirements set forth above in the Procedure section entitled "Employee Responsibilities", when Military Caregiver Leave is taken, an employee may be required to obtain a certification of the covered service member's serious injury or illness completed by an authorized healthcare provider of the covered service member.

Qualifying Exigency Leave

Leave may be taken to care for a spouse, child, or parent who is a member of the military and who has been called to active duty. Reasons for which an eligible employee can take Qualifying Exigency Leave include:

1. **Short-notice deployment** – occurs when a covered military service member is notified of an impending call to active duty seven or less calendar days before their deployment date. Eligible employees can take up to seven days of FMLA leave, starting on the date the service member is notified, to address any issues that arise as a result of the short-notice deployment.
2. **Military events and related activities** – used to attend an official ceremony, program, or event sponsored by the military that is related to a covered service member's active duty or call to active duty. Also, can be used to attend family support or assistance programs sponsored by the military, a military service organization, or the American Red Cross.
3. **Childcare and school activities** – arises when a covered service member's active duty or call to active duty makes it necessary for an eligible employee to address childcare or school-related issues including making arrangements for alternative childcare, providing childcare on an urgent immediate need, enrolling or transferring the child to a new school or daycare facility, or attending meetings with school or daycare staff including meetings related to disciplinary issues, parent-teacher conferences, or meetings with school counselors.
4. **Financial and legal arrangements** – used to make financial or legal arrangements to address a covered service member's absence while on active duty. Examples of such arrangements would include preparing and executing

financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military ID cards, and preparing or updating a will or trust.

5. **Counseling** – used when the need for counseling arises from a covered service member's active duty or call to active duty. The employee can attend counseling for him or herself, for the service member, or for a child (biological, adopted, foster, stepchild, or loco parentis) of a covered service member. Acceptable examples are counseling provided by a military chaplain, pastor, or minister, or counseling offered by the military or military service organization that is not administered by a health care provider.
6. **Rest and recuperation** – used to spend time with a covered military service member who is on temporary leave from active duty. Employees can take up to five days of leave each time the service member returns on temporary leave from active duty.
7. **Post-deployment activities** – to attend arrival ceremonies, reintegration briefings and events, and any other official military ceremony or program occurring up to 90 days after a covered service member's active duty is terminated. Employees also can take leave to address issues related to the death of a service member while on active duty status, such as recovering the remains and making funeral arrangements.
8. **Additional activities** – to address any other circumstances arising out of a covered service member's active duty or call to active duty, provided that Company supervision and employee agree that the circumstances qualify as an exigency and also agree to the timing and duration of the leave.

Certification for Qualifying Exigency Leave – In addition to any requirements set forth above in the Procedure section entitled "Employee Responsibilities," when Qualifying Exigency Leave is taken, an employee may be required to do one or more of the following:

1. *Active Duty Orders.* The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered service member, an employee may be required to provide a copy of the covered service member's active duty orders or other documentation issued by the military which indicates that the covered service member is on active duty or call to active duty status and the dates of the covered military member's active duty service. This information need only be provided once. A copy of new active duty orders or other documentation issued by the military may need to be provided to the Company if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered service member.
2. *Supporting Information.*
 - a. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;
 - b. The approximate date on which the qualifying exigency commenced or will commence;
 - c. If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;
 - d. If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; and

- e. If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and e-mail address) and a brief description of the purpose of the meeting.

An FMLA Qualifying Exigency form must be completed and leave scheduled with supervision as soon as practicable, which means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

Indiana employees

An employee who is a spouse, parent, grandparent, or sibling of a person ordered to full-time active duty that exceeds 89 consecutive days is eligible to take up to 10 days of unpaid leave per year during (1) the 30 days before active duty orders are in effect; (2) the 30 days following the termination of the person's active duty; or (3) while the person is still on active duty but is on leave. Employees eligible for this leave must have 12 months of employment with the Company prior to the leave date and must have worked at least 1,500 hours in the 12 months immediately preceding the leave. An employee requesting leave must provide at least 30 days' advance written notice, including a copy of the active duty orders, of the date the leave will begin, unless the active duty orders are issued less than 30 days before the date the requested leave is to begin.

Ohio employees

Once per calendar year, an employee who is a parent, spouse, or legal custodian of a member of the uniformed services, who is called into active duty for more than 30 days or more, or is injured, wounded, or hospitalized while serving on active duty, may take up to 10 days or 80 hours, whichever is less, in connection with the deployment of the uniformed services member. Employees eligible for this leave must have 12 months of employment with the Company and must have worked at least 1,250 hours in the 12 months immediately preceding the leave. The leave cannot occur more than two weeks prior, or one week after, the uniformed service member's deployment, and the employee must have no other leave available, except for sick or disability leave.

Benefit Continuation

The Company will continue an employee's group health plan benefits during FMLA time. The employee's cost for benefit premiums will be deducted from an employee's pay. If an FMLA leave is unpaid, arrangements will be made for the payment while on leave or the cost will be deducted beginning with the first pay period and any subsequent pay periods, if necessary, after the employee returns from FMLA leave. If the employee fails to return to work following a period of unpaid FMLA, the employee is required to repay the Company for any employee and employer contributions that accrue during the leave.

Restoration to Former or Equivalent Position

Upon return to work from approved FMLA time, the Company will make every effort to place an employee in his or her former position or a position equivalent to the one held when the employee began the leave. This placement is subject to any extenuating circumstances that may have occurred to the Company's operations during the leave and that would have affected the employee had leave not been taken.

Upon return from leave, the Company will reinstate the employee's credited service and other aspects of employment consistent with the law.

Intent to Fully Comply with All State or Local Leave Laws

To the extent that any state or local law contains leave requirements which differ in any way from those stated in this policy, the Company will satisfy the governing federal, state, or local requirements.

This policy is not necessarily all inclusive. Please contact the Company's FMLA Administrator should you have any questions or concerns about FMLA time.

The Company reserves the right to deny requests for family and medical leave where such a denial would be appropriate and authorized under federal law and any applicable state law.

DEFINITIONS

Eligible employee - means any employee with at least one year of service who has worked at least 1,250 hours with the Company during the preceding 12-month period.

Employment benefits - means all benefits provided or made available to employees for which the employee is eligible under the employer's benefit plans and/or law.

FMLA Administrator – means The Reed Group at 1-844-556-6374 (weekdays between 8 a.m. and 8 p.m. central time).

Health care provider - as defined in the Family and Medical Leave Act means a licensed physician, podiatrist, dentist, clinical psychologist, optometrist, or certain nurse practitioners and nurse midwives or Christian Science practitioners.

In loco parentis - describes a person who has day-to-day responsibilities to care for and financially support a child or, in the case of an employee, an individual who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Next of Kin - means the nearest blood relative other than the service member's spouse, parent, or child, in the following order: blood relatives who have been granted legal custody of the service member, siblings, grandparents, aunts and uncles, and first cousins.

Parent - means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a minor, but does not mean parents-in-law.

Son or daughter - means a biological, adopted or foster child, stepchild, legal ward or a child of a person in loco parentis who is (1) under 18 years of age, or (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.

Serious health condition - means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility or (2) incapacity for periods of more than three consecutive calendar days that require either (a) two or more separate episodes of treatment by a health care provider within 30 days of the first day of incapacity or (b) one episode of treatment by a health care provider followed by a regimen of continuing treatment, such as a prescription of antibiotics. Treatment by a health care provider (other than continuing treatment) means an in-person visit, and not, for example a follow-up phone call. The first visit to a health care provider for treatment must be within seven days of the first day of incapacity.

Spouse - as defined by the Department of Labor (DOL) in compliance with federal and state statutes and regulations.

FORMS

Contact the FMLA Administrator for all FMLA forms.

POLICY REVIEW

LAST REVIEWED: 10/15/20

IMPORTANT POLICY NOTICE

Corporate policies may be terminated or changed by the Company at any time, and interpretation of these policies is solely within the discretion of the Company. All employees are governed by these policies unless there is a conflict between labor agreements or state or local law and these policies, in which case the labor agreement/state/local law governs. CenterPoint Energy business units may develop additional policies that address issues specific to their business needs. These policies may be more restrictive than those at the corporate level but they may not be more lenient.