

FAMILY AND MEDICAL LEAVE POLICY

If you have been employed by the Company for at least twelve (12) months and you have performed at least 1,250 hours of service during that twelve (12) month period, you may be eligible to take up to twelve (12) weeks of family and medical leave during the following twelve (12) month period, for one or more of the following reasons:

- 1) the birth of a child and to care for a newborn child (leave must be completed within one year after the birth);
- 2) the placement of a child with you for adoption or foster care (leave must be completed within one year after placement);
- 3) to care for your spouse, child, or parent with a serious health condition; or
- 4) if you are unable to perform the functions of your position because of a serious health condition.

A "Serious Health Condition" means an illness, injury, or condition that involves one of the following:

- 1) Any period of inpatient care (overnight stay at a hospital or other medical care facility) or subsequent treatment in connection with such inpatient care.
- 2) Any period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
 - (a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or
 - (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- 3) Any period of incapacity due to pregnancy, or for prenatal care.
- 4) Any period of incapacity due to a condition which:
 - (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

- (c) May cause episodic rather than a continuing period. of incapacity. Examples include asthma, diabetes, and epilepsy.
- 5) Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- 6) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for 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. Examples include chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease.

A serious health condition generally does not include an absence of three or less days for a common cold, broken limb or other non-chronic condition that does not require multiple treatments.

To determine if you have unused family and medical leave time, a "rolling" twelve (12) month period will be used. Twelve (12) weeks leave will be allowed within any twelve (12) month period. For example, if on September 1, 1999 an employee needs to take a family and medical leave for one of the above reasons, the Company will go back one year (through August 31, 1998) to determine how many weeks (or portion thereof) of family and medical leave the employee has already used. Assume three (3) weeks have already been used in November, 1998. Therefore, the employee's leave beginning on September 1, 1999 could last up to nine (9) weeks. Assume, however, that the employee takes only four (4) weeks leave in September, 1999. If the employee then wants to take a family and medical leave beginning December 1, 1999, the Company would look back at the amount of leave taken from December 1, 1998 through November 30, 1999. Since the employee took four (4) weeks during this period in September, 1999 the employee's leave beginning on December 1, 1999 could last up to eight (8) weeks. The allowable amount of any subsequent leaves would be calculated in the same manner, looking back at the amount of leave taken in the twelve (12) months previous to the requested leave and deducting that amount from twelve (12) weeks.

An employee requesting family and medical leave must provide the Company with at least 30 days advance notice before family and medical leave is to begin if the need for the leave is foreseeable. In the case of unforeseeable leave, notice must be given as soon as practicable after the need for leave is known. In the case of leave for reasons 3 or 4 above, when leave is foreseeable and based on planned medical treatment, you must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Company. In all cases, you must make all leave requests in writing either prior to foreseeable leaves or as soon as practicable after unforeseeable leaves.

An employee's request for family and medical leave due to his or her serious health condition or to care for a seriously ill family member must be supported by a certification issued by the employee's health care provider or the health care provider of the employee's seriously ill family member at the time leave is requested or soon thereafter. In the case of unforeseen leave, certification must be provided as soon as practicable after leave commences. Under certain circumstances, the Company may require, at its expense, a second opinion by a health care provider chosen by the Company.

While you are on family and medical leave, the Company will continue to pay your premiums for health insurance (less regular employee contributions), and you will not lose any seniority or other employment benefits accrued prior to the leave(s). However, seniority and other employment benefits such as paid personal and vacation leave shall not accrue during any period of unpaid leave. If you do not return to work after the period of leave has expired, the premiums for medical insurance coverage paid for by the Company during the family and medical leave must be repaid to the Company.

If you request leave beyond the time granted by the Family and Medical Leave Act and that leave is granted, the Company will not continue to pay premiums for your medical insurance. Seniority and other employment benefits will not accrue during such additional leave.

In connection with any family and medical leave, you will be required to substitute, or use up, any vacation, sick days, personal or other paid leave before the leave will be on an unpaid basis. Leave under the family and medical leave policy is unpaid leave, and the application of accrued vacation, sick days and the like will not extend the total twelve (12) week period of available family and medical leave.

Upon returning from family and medical leave, you will be returned to the job position you held at the time you went on leave, or an equivalent position. Reinstatement may not apply in certain circumstances to employees among the highest paid ten percent of all employees. However, an employee on family and medical leave has no greater right to restoration or to other benefits than if the employee had been continuously employed instead of on leave.

You may request family and medical leave in non-consecutive blocks of time ("intermittent leave") or by reducing your regularly scheduled hours over a period of time ("reduced leave") for your serious health condition or to care for an immediate family member with a serious health condition if it is medically necessary. When requesting intermittent or reduced leave the request must be supported by the written certification of a physician. While on intermittent or reduced leave, the Company may place you in an alternative position which better accommodates intermittent or reduced leave. Intermittent or reduced leave will not be permitted for the birth of a child or for the placement of a child for adoption or foster care.

If you are not eligible for family and medical leave, you may request personal or other leave pursuant to the personal leave or other leave policy of the Company.

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