



4.9 MILITARY LEAVE ENTITLEMENT

LADD is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, re-employment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law. If any employee believes that he or she has been subjected to discrimination, the employee should immediately contact the Director of the Human Resources Department and/or Executive Director.

Eligibility

Employees that are members of uniformed services taking part in a variety of military duties qualify for leaves of absences, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Procedures for Military Leave

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Human Resources Department with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred but not required under the law or by LADD.
2. Human Resources will review the Request for Leave of Absence (LOA), coordinate with Management as needed, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.
3. Employees on temporary or extended military leave may, at their option, use any or all accrued flex time during their absence.
4. When the employee intends to return to work, he or she must submit application for reemployment to the Human Resources Department within the application time period set forth below.
5. If the employee does not return to work, the supervisor must notify the Human Resources Department so that appropriate action may be taken.

Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31-day period, the employee and covered dependents can continue group health insurance for up to 24 months at 102% of the overall (both employer and employee) premium rate. Be sure to elect your coverage and make the required payments to the Benefits Department in a timely manner to continue your coverage.
2. Any group term life insurance provided by LADD will terminate the day the employee becomes active in the military due to requirements by the life insurance companies. Any group long-term disability

insurance provided by LADD will terminate the day the employee becomes active in the military as well.

3. Employees do not accrue any Flex Time, i.e., vacation, personal leave or sick leave while on military leave of absence status.
4. With respect to LADD's retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's re-employment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated company matches for such contributions.
5. Any voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active in the military. Converting to an individual policy may continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the termination of coverage.

Re-employment

Upon an employee's prompt application for re-employment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. *Less than 91 days of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by LADD in the position in which the employee had been employed prior to military service.
2. *More than 90 days and less than 5 years of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by LADD in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. *Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by LADD; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Application for Re-employment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

1. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
2. *If service is for 31 days or more but less than 181 days* - the employee must submit an application for reemployment with the Human Resources Department no later than 14 days following the completion of service.

3. *If service is over 180 days* - the employee must submit an application for re-employment with the Human Resources Department no later than 90 days following the completion of service.
4. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with the Human Resources Department no later than two years following completion of service.

Exceptions to Re-employment

In addition to the employee's failure to apply for re-employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. LADD's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon LADD.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee is no longer able to meet employee qualifications per required State/Federal/Contractual requirements of LADD employees.

General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at LADD. Additionally, upon re-employment, a covered employee will not be discharged except for cause for up to one year following reemployment.

Documentation

The Human Resources Department will, upon the employee's reapplication for employment, request that the employee provide LADD with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the ability to still meet the State/Federal/Contractual requirements, i.e., criminal history review, etc.

WE MAKE THE DIFFERENCE