Military Caregiver Leave

Military caregiver leave allo ø s an eligible associate ø ho is the spouse Σ son Σ daughter Σ parent Σ or ne È t of kin of a covered servicemember ø ith a serious in ² ury or illness to take up to a total of нс ø ork ø eeks of unpaid leave during a single мнπ month period to provide care for the servicemember ◊

A covered servicemember is a current member of the Armed Forces Σ including a member of the National Guard or Reserves Σ ø ho is receiving medical treatment Σ recuperation Σ or therapy Σ or is in outpatient status Σ or is on the temporary disability retired list for a serious in ² ury or illness ◊

A serious in ² ury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office Σ grade Σ rank Σ or rating ◊ A serious in ² ury or illness also includes in ² uries or illnesses that e È isted before the servicemember ⁄ s active duty and that ø ere aggravated by service in the line of duty on active duty ◊

Intermittent Leave and Reduced Work Schedule

Intermittent/reduced schedule leave may be taken ø hen medically necessary to care for a seriously ill family member Σ or because of your serious health condition ◊ Intermittent/reduced schedule leave may be taken to bond ø ith a ne ø born or ne ø ly placed adopted or foster care child ø ith . elk ⁄ s approval ◊

If you need an intermittent/reduced schedule leave for foreseeable medical treatment you must ø ork ø ith your manager to schedule the leave so as not to unduly disrupt . elk ⁄ s operations Σ sub ² ect to the approval of your health care provider ◊ In such cases Σ . elk may transfer you temporarily to an alternative ² ob ø ith equivalent pay and benefits to accommodate recurring periods of leave ◊

Substitution of Paid Leave

¸ ou may choose to use accrued paid time off to cover some or all of the FMLA leave taken ◊

Applying for/Requesting FMLA leave

First Σ contact your manager and follo ø the specific requirements of your line of business regarding reporting an absence or leave ◊

Second Σ contact the Leave of Absence Administrator to initiate a leave by phone at м◊y00◊pyy◊3т00 or through the self π service portal ◊ ¸ ou must provide sufficient information for the Leave of Absence Administrator to determine if the leave may qualify for FMLA protection Σ as ø ell as the anticipated timing and duration of the leave ◊

Planned Leaves

In general Σ you must give . elk at least 30 days advance notice of the need to take FMLA leave ø hen you kno ø about the need for the leave in advance and it is possible and practical to do so ◊

If 30 days advance notice is not possible because the situation has changed or you do not kno ø e È actly ø hen leave ø ill be required Σ you must provide notice of the need for leave as soon as possible and practical ◊ When you have no reasonable e È cuse for not providing at least 30 days advance notice Σ . elk may delay the FMLA leave until 30 days after the date notice is provided ◊

When you could not have provided 30 days advance notice Σ but have no reasonable e È cuse for not providing a shorter period of advance notice Σ . elk may delay the FMLA leave by ø hatever amount of time that you delayed in notifying . elk ◊

In the case of FMLA leave for a qualifying e È igency Σ you must give notice of the need for such leave as soon as possible and practical Σ regardless of ho ø far in advance the leave is needed ◊

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For planned medical treatment, you must consult with your manager and try to schedule the appointment at a time that minimizes the disruption to Belk. You should consult with Belk prior to scheduling the treatment in order to arrange a schedule that best suits the needs of both you and Belk. Any schedule of treatment is subject to the approval of your treating health care provider.

Unplanned Leaves

When the need for leave is unexpected, you must provide notice to Belk as soon as possible and practical. When you do not give timely notice of unforeseeable leave and do not have a reasonable excuse, Belk may delay or deny the FMLA leave. The extent of Belk's ability to delay FMLA coverage for leave depends on the facts of the particular case. For example, if it was possible for you to give notice of the need for leave the same day it was needed, but instead gave notice two days after the leave began, then Belk may delay FMLA coverage of the leave by two days.

Extension of FMLA

During an approved leave and prior to the expected return to work date, if you would like to extend FMLA, you should contact your manager to provide an updated anticipated return date. In addition, you should contact the Leave of Absence Administrator to request an extension of the leave.

Certification requirements

Once the leave has been requested, the required health care provider certification and request forms generally must be completed and returned to the Leave of Absence Administrator within **15 calendar days.** Failure to provide the required timely documentation could result in a denial of the leave request or delay the leave start date.

If the certification is incomplete or insufficient, Belk will provide you a written notice stating what additional information is necessary to make the certification complete and sufficient. You must provide the additional information to Belk within **seven calendar days**, in most circumstances.

- A certification is considered "incomplete" if one or more of the *applicable* entries on the form have not been completed.
- A certification is considered "insufficient" if the information provided is vague, unclear, or non-responsive.

The Leave of Absence Administrator may contact the health care provider to authenticate or to clarify the certification.

If Belk has received a complete and sufficient certification but has a reason to doubt that it is valid, Belk may require you to obtain a second medical certification. Belk can choose the health care provider to provide the second opinion, but generally may not select a health care provider who it employs on a regular or routine basis. If the second opinion differs from the original certification, Belk may require you to obtain a third certification from a healthcare provider selected by both you and Belk. The opinion of the third health care provider is final and must be used by Belk. Belk is responsible for paying for the second and third opinions, including any reasonable travel expenses for you or the family member. While waiting for the second (or third) opinion, you are provisionally entitled to FMLA leave.

Recertification

In general, Belk may request that you provide a recertification no more often than every 30 days and only in connection with an absence. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, Belk will generally wait until that minimum duration expires before requesting recertification.

However, in all cases, including cases where the condition is of an indefinite duration, Belk may request a recertification for absences every six months.
Belk may request a recertification in *less than 30 days* only if:

- You request an extension of leave.
- The circumstances described by the previous certification have changed significantly.
- Belk receives information that causes doubt to your stated reason for the absence or the continuing validity of the existing medical certification.

In general, Belk may ask for the same information in a recertification as that permitted in the original medical certification. However, Belk may provide the health care provider with a record of your absences and ask if the serious health condition and need for leave is consistent with the leave pattern.

FMLA Provisions

- Paid time off hours do not accrue while you are on FMLA.
- You are not eligible for any paid holidays that are observed during unpaid leave.
- Any pay you receive for which you are not eligible will be considered a pay advance or overpayment. The overpayment amount will be reconciled from pay, or otherwise recovered, to the extent permitted by law.

Benefits Coverage During Leave

While on FMLA Leave, you are eligible to continue participating in most health and insurance plans provide through the Belk Group Benefits Program. You must continue to timely pay any required contributions.
When on unpaid leave, you will receive a bill for your required contributions. **Failure to timely pay required contributions will result in termination of health and insurance benefits coverage.** Belk will continue to pay the company portion of your health and insurance benefits from the date the leave begins as long as your required contributions are paid. While on an unpaid leave of absence, where applicable, Flexible Spending Account (FSA) and Health Savings Account (HSA) contributions cease, and Long-term Disability coverage stops.

Job Restoration

Upon return from FMLA leave, you will be restored to your original job, or to an equivalent job, which means virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions. Your use of FMLA leave will not result in the loss of any employment benefit that you earned or were entitled to before using (but not necessarily during) FMLA leave.

Key Associate Exception

Under limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, Belk may refuse to reinstate certain highly-paid, salaried "key" associates. Belk will notify the associate in writing of his/her status as a "key" associate (as defined by FMLA), the reasons for denying job restoration, and provide the associate a reasonable opportunity to return to work after so notifying the associate.

Unlawful Acts

FMLA makes it unlawful for Belk to interfere with, restrain, or deny the exercise of any right provided by this law. It is also unlawful for Belk to discharge or discriminate against any associate for opposing any practice, or because of involvement in any proceeding, related to FMLA. Belk will not use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions; nor will FMLA leave be counted under "no fault" attendance policies.

Enforcement

FMLA is enforced by the Wage and Hour Division of the U.S. Department of Labor's Employment Standards Administration. This agency investigates complaints of violations. If violations cannot be satisfactorily resolved, the Department may bring action in court to compel compliance.

An eligible associate may bring a private civil action against Belk for violations. An associate is not required to file a complaint with the Wage and Hour Division prior to bringing such action.

Notice of Disclaimer: This policy is subject to change at any time with or without notice, and Belk reserves the right to interpret the policy at its sole discretion. This policy doesn't establish enforceable employee rights, contractual or otherwise and does not alter the at-will employment status of any associate.