

Family and Medical Leave Act



Marathon Petroleum Family and Medical Leave Act

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Table of Contents

Introduction.....	1
Employee Eligibility	1
Leave Entitlement.....	1
Medical Certification.....	3
Serious Health Condition.....	3
Intermittent Leave and Scheduling	4
Use of Paid Leave While on Unpaid FMLA.....	4
Health Insurance Coverage.....	4
Absence Control Programs.....	4
Other Protections Under the FMLA.....	4
GINA Requirements.....	5
Additional Information	5

Family and Medical Leave Act



Introduction

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees of covered employers with unpaid, job-protected leave for specified family and medical reasons. This document serves as a written general employee notice and guideline for the administration of the federal Family and Medical Leave Act, as amended (FMLA) and shall conform to the requirements of that Act.

Note: Certain unionized locations may have special or different provisions related to family and medical leaves and employees are encouraged to contact their local Human Resources Business Partner for information on specific local practices.

There are special rules for the calculation and duration of leave for airline flight crew employees. These employees should seek direct assistance from Human Resources.

Employee Eligibility

To be eligible for FMLA leave, an employee must:

1. Have worked for the Company for at least 12 months;
2. Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
3. Work at a worksite with 50 or more employees within a 75-mile radius.

Leave Entitlement

Once deemed eligible, an employee can receive up to a total of 12 workweeks of unpaid leave in a 12-month period for one or more of the following reasons:

- The birth of a child of the employee, and to care for such newborn child, within the 12-month period following the birth;
- The placement with the employee of a child for adoption or foster care, and to care for the newly placed child, within the 12-month period following the placement;
- The care for an employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the functions of the employee's job;
- Any Qualifying Exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty or call to active duty for deployment to a foreign country. Qualifying Exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.



Family and Medical Leave Act

An employee who is a covered servicemember's spouse, child, parent or next of kin can receive 26 workweeks of unpaid military caregiver (also referred to as Wounded Warrior) leave to care for a covered servicemember. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition." This type of FMLA leave is only available on a per servicemember, per injury basis, but each entitlement must be used within a single 12-month period. That single 12-month period begins on the first day of leave taken and ends 12 months later. Any unused leave within that period is forfeited.

Note: An eligible employee would be entitled only to a combined total of 26 workweeks of FMLA leave for an employee who takes leave to care for a covered servicemember, as well as leave for other FMLA-qualifying reasons during the applicable 12-month period.

Note: Spouses who are both employed by the Company are limited to a combined total of 12 workweeks of family leave during a single 12-month period for all reasons, except when the individual employee is unable to work because of their own serious health condition; the leave is to care for a spouse, son, or daughter with a serious health condition; or the leave relates to a Qualifying Exigency or Wounded Warrior leave.

The Company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

"A single 12-month period" for purposes of Wounded Warrior leave means that each entitlement to Wounded Warrior leave must be used within a single 12-month period that begins with the first day of leave taken and ends 12 months from that date. Any portion of the 26 workweeks not used in the single 12-month period is forfeited.

Eligible employees seeking to use FMLA leave are required to provide:

- 30 days advance notice of the need to take FMLA leave when the need is foreseeable (leave may be delayed if appropriate notice is not provided);
- Notice "as soon as practicable" when the need to take FMLA leave is not foreseeable ("as soon as practicable" generally means at least verbal notice to Human Resources within the same or next business day of learning of the need to take FMLA leave); and
- Sufficient information for the Company to understand that the employee needs leave for FMLA-qualifying reasons.

Family and Medical Leave Act



Medical Certification

Employees are required to have all FMLA leave requests relating to an employee's own serious health condition, to care for a covered family member with a serious health condition, or to care for a covered Wounded Warrior, supported by a Medical Certification completed by a health care provider. In most locations, the Medical Certification is Form WH-380-E (for employees), WH-380-F (for family members), WH-384 (for Qualifying Exigencies), WH-385 (for Wounded Warriors), or WH-385-V (for veterans) created by the Department of Labor and used by the Company to substantiate the need for FMLA leave. The required Medical Certification will be sent to employees upon requesting FMLA qualifying leave, which must be completed and returned to the Company in 15 calendar days from the date the Company requested the information. Failure to return the Certification may result in denial of the leave and/or other protections provided by the FMLA. The employee may also be required to submit a fitness for duty certification as a condition of the employee's return to work with regard to an employee's health condition that caused the need for an FMLA leave.

Serious Health Condition

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider as described below:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- A period of incapacity of more than three calendar days that also involves either:
 - 2 visits to a healthcare provider within 30 days of the first day of incapacity, with the first visit occurring within 7 days of the first day of incapacity; or
 - 1 visit to a healthcare provider within 7 days of the first day of incapacity, that results in continuing treatment by (or under the supervision of) a health care provider (i.e., a prescription, physical therapy, etc.); or
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity or treatment due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.), such condition requiring at least 2 visits per year to a healthcare provider; or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).



Family and Medical Leave Act

Intermittent Leave and Scheduling

Employees may take intermittent leave to care for a covered family member with a serious health condition, for their own serious health condition, to address a Qualifying Exigency related to a covered family member's call to covered active duty that requires deployment to a foreign country, or to care for a covered Wounded Warrior. Intermittent FMLA leave is not permitted for the birth/adoption/foster placement of a child. Only the amount of leave actually taken may be charged as FMLA leave, either in whole days or hours. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment should work with their supervisor and Human Resources to schedule the leave. All leave schedules are subject to review and authorization by the Company.

Use of Paid Leave While on Unpaid FMLA

Unless otherwise prohibited by law, either the Company or employees have the option to substitute unused accrued paid leave benefits for which the employee is otherwise eligible and for which the leave qualifies under the terms of the applicable benefit plan to cover any or all of the FMLA leave (for example, paid sick leave, short-term disability benefits, vacation). Substitute means that the accrued paid leave will run concurrently with the unpaid FMLA leave. Applicable Collective Bargaining Agreements will dictate the amount of paid time off available to a union employee.

Health Insurance Coverage

Marathon Petroleum Company LP is required to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to be actively at work. An employer's obligation to maintain health benefits under FMLA stops if and when an employee informs the Company of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. It will be the employee's responsibility to continue to pay his/her portion of health insurance premiums even if not actively receiving pay from the Company.

Absence Control Programs

Certain locations have absence control programs. The Company will not count properly documented FMLA qualifying absences under any applicable absence control program. However, the failure of an employee to comply with his/her obligations under the FMLA (such as notifying the Company of the need for qualifying leave, returning a timely, complete, and sufficient Medical Certification form, and following any established call-in procedures) will result in an absence being counted in the applicable absence control program.

Other Protections Under the FMLA

An employee on FMLA leave has the right to return to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon return to active status, provided the leave was not in excess of 12 workweeks within any 12-month period, or 26 workweeks in a single 12-month period for Wounded Warrior leave to care for a covered servicemember with a serious injury or illness. Employees will not have their leave unlawfully interfered with, be discriminated or retaliated against for using or requesting FMLA leave.



Family and Medical Leave Act

GINA Requirements

An employer is obligated to comply with the confidentiality requirements of the Genetic Information Non-Discrimination Act (GINA) of 2008. Information obtained for FMLA purposes containing “family medical history” or “genetic information” as defined in GINA must be maintained by the employer in accordance with the confidentiality requirements of Title II of that Act.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. Information obtained for FMLA purposes that contains “family medical history” or “genetic information” as defined by GINA will be maintained in accordance with the confidentiality requirements of Title II of GINA.

Additional Information

FMLA information and related documents can be found in the Employee Rights poster linked [here](#) or on the [U.S. Department of Labor’s website](#).

If the need for FMLA leave arises, employees should contact local Human Resources for assistance.