



# **Marathon Petroleum Family Leave Policy**

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# Family Leave Policy



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# Family Leave Policy

## I. Introduction

Family Leave is provided to allow employees to balance their work and family life by taking reasonable time off for certain family and medical reasons. The Family Leave covers absences to care for a child following birth, adoption, or foster placement, absences to care for a covered seriously-ill family member, absences to address certain Qualifying Exigencies arising from a covered family member's active duty, absences to care for a covered family member who has suffered a serious injury or illness in the line of duty while on active duty in the United States Armed Forces and for a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The Family Leave Policy shall, at a minimum, conform to the requirements of the Family and Medical Leave Act of 1993 (FMLA), as amended, any regulations issued by the Department of Labor, and any applicable state or local laws that are more generous than the FMLA. For leave due to an employee's own serious health condition, please refer to the FMLA Policy and the Medical Leave Policy.

## II. Eligibility

All Regular and casual employees who have worked for the Company for at least 12 months (prior service with the Company counts unless a break of over 7 years occurred), who have worked at least 1,250 hours during the previous 12-month period, and who are employed at a worksite with 50+ employees within a 75-mile radius, are eligible to apply for an unpaid Family Leave. The service requirement for Family Leave related to an employee's birth of his/her own child, adoption or foster care placement of a child will be waived.

Special hours of service eligibility requirements apply to airline flight crew employees. These employees should seek direct assistance from Human Resources.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that employees covered under its provisions be given credit for any months and hours of service he or she would have been employed but for the USERRA-covered service in determining eligibility for FMLA leave. These protections extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining the employee's eligibility for FMLA leave.

## III. Reasons for Leave

Reasons for **Family Leave** are specifically defined and limited to the following:

- The birth of your child, in order to care for that son or daughter within the 12-month period following the birth;
- The placement of a child with you for adoption or foster care, within the 12-month period following the placement;
- The care for your spouse, qualified domestic partner, son, daughter, parent, or other dependent household member or individual who depends on you for at least half of their support, who has a documented serious health condition (**Note:** For leaves due to your own serious health condition, refer to the Medical Leave Policy);

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- A covered Qualifying Exigency arising out of the active duty, or call to active duty to a foreign country, of a lawful spouse, qualified domestic partner, son, daughter or parent in the United States Armed Forces in support of a contingency operation (also referred to as Qualifying Exigency leave, further described below); or
- The care for a spouse, qualified domestic partner, son, daughter, parent, or next of kin who suffers a serious injury or illness in the line of duty while serving on active duty in the United States Armed Forces or covered veteran undergoing medical treatments, recuperation or therapy for a serious injury or illness (also referred to as Wounded Warrior leave).

## IV. Definition of Terms

A “parent” means a biological parent, an individual who stands or stood in for the day-to-day responsibility and financial support (in loco parentis) of an employee when the employee was under the age of 18, or age 18 or older and incapable of self-care because of a mental or physical disability, or the spouse of an employee’s parent. “Parent” does not include “in-laws.”

The Company may require that an employee who requests a Family Leave to care for a “dependent household member or individual” with a documented serious health condition submit proof that they provide at least half the support of that dependent household member or individual.

“Serious injury or illness” for current servicemembers and covered veterans includes any injury or illness that existed before the beginning of the current servicemember or covered veteran’s active duty and was aggravated by his or her military service. For covered veterans, the injury or illness must also meet one of the following conditions:

- The injury/illness was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the veteran unable to perform his or her duties;
- The injury/illness is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability (VASRD) ranking of 50% or greater and such ranking is based, at least in part, on the condition precipitating the need for Wounded Warrior leave;
- The injury/illness is a physical or mental condition that substantially impairs the covered veteran’s ability to secure gainful employment by reason of a disability related to military service, or would do so absent treatment; or
- The covered veteran has been enrolled in the U.S. Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers (The VA assistance Program) on the basis of his or her injury, including a psychological injury.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- In-patient care (an overnight stay) in a hospital, hospice or residential medical care facility, and/or any subsequent treatment in connection with such inpatient care;

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- A period of incapacity of more than three consecutive calendar days and either:
  - 2 visits to a health care 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 health care provider within 7 days of the first day of incapacity that results in a regimen of continuing treatment (i.e., a prescription or physical therapy) under the supervision of a health care provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- Any period of incapacity or treatment for incapacity due to a chronic serious health condition. A “**chronic** serious health condition” is one in which a single underlying condition triggers episodic periods of incapacity which may last only a brief time and requires at least 2 visits to a health care provider annually for treatment. Examples may include asthma, diabetes, and epilepsy;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. Examples may include Alzheimer’s, stroke, and terminal illnesses. In such instances, the covered family member must be under the continuing supervision of a health care provider, but need not be receiving active treatment;
- Absences to receive multiple treatments by, or under the order of a provider of health care services, 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 may include chemotherapy, and dialysis;
- **Exceptions:** Unless complications arise, absences for minor ailments such as the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease do not qualify as “serious health conditions.”

A “son” or “daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis for whom the employee has day-to-day care giving and financial support responsibilities, who is either under age 18 or, is age 18 or over and incapable of self-care because of a mental or physical disability at the time the leave is to commence.

“Spouse” means a lawful spouse — wife or husband. Lawful spouse shall also include a common law spouse established under the laws of a state in which common law marriage is legal and for which the member can provide confirmation of such common law marriage as required in the Marathon Petroleum Affidavit of Common Law Marriage form.

To be considered a “qualified domestic partner,” the employee must complete and return to the Company a completed and notarized Marathon Petroleum Company LP Affidavit of Domestic Partner Relationship form.

Wounded Warrior (a.k.a. Military Caregiver) leave is available to eligible employees on a “per covered servicemember, per injury” basis. However, multiple injuries incurred during the same incident (i.e., a broken leg and a punctured lung) would be considered a single injury.

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## V. Duration of Leave

The duration (Start Date and End Date) of the leave should be established before the leave commences. Eligible employees are entitled to take up to a total of 12 unpaid workweeks of Family Leave during any 12-month period, except in the case of Wounded Warrior leave which entitles eligible employees to take up to a total of 26 unpaid workweeks of Family Leave during a single 12-month period. In no case may an employee take any more than a maximum 26 workweeks (total) of FMLA-qualifying leave during any 12-month period under Wounded Warrior leave.

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.

A workweek is based on an employee's normal work schedule. 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.

Any leave taken for reasons that qualify under FMLA will be counted toward the employee's annual FMLA 12-week allotment.

Any time period during which an employee is disabled and receiving sick benefits is not counted as part of a Family Leave. For example, the period of time a female employee receives sick benefits after the birth of a child would not be counted as part of her Family Leave.

## VI. Employment While on Leave

Employees are not permitted to perform in any position of employment with another employer while on an approved leave of absence (including FMLA), whether paid or unpaid, without prior written authorization from the Company.

## VII. Notification Requirements

### **For Birth/Adoption/Foster Care Placement and for Care of a Seriously Ill Family Member, Including Wounded Warriors**

If the requested Family Leave is foreseeable, employees must provide the Company with at least 30 days advance notice of the anticipated Start Date. If 30 days advance notice is not provided, the employee may be required to explain why it was not provided. The Company can deny the taking of Family Leave until at least 30 days after the date the employee provides notice (if the employee fails to give 30 days' advance notice), where the need for leave and the approximate Start Date were clearly foreseeable with no reasonable excuse for the delay.

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If the employee's Family Leave is foreseeable based on planned medical treatment due to the serious health condition of a family member, the employee should make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Company, subject to approval of the family member's health care provider.

If the requested Family Leave is/was not foreseeable, employees must provide notice "as soon as practicable." This means within the time prescribed by the Company's usual and customary notice requirements, and not less than the same or next business day, unless there are unforeseen circumstances.

## **For Qualify Exigency Leave**

Employees requesting Qualifying Exigency leave must give as much notice as is reasonable and practicable.

## **VIII. Documentation**

An employee must complete a Family Leave Request, and will be required to provide documentation that is relevant to the reason for the request and that is sufficient to allow the Company to determine that the leave is qualifying, the expected start date, and the duration of the leave.

### **For Birth/Adoption/Foster Care Placement and for Care of a Seriously Ill Family Member**

If the requested leave is a Family Leave for the birth, adoption or foster care placement of a child, or to care for a covered family member with a serious health condition, it is the employee's responsibility to return to the Company, within 15 calendar days from receipt of the Notice of Eligibility and Rights and Responsibilities (Form WH-381), a "complete" and "sufficient" medical certification (Form WH-380-E or Form WH-380-F). If no certification is returned within that time period, your request for leave may be denied.

If the medical certification you return is incomplete (i.e., contains one or more blank entries) or insufficient (i.e., contains vague, ambiguous or unresponsive entries), your certification may be rejected. If so, you will be notified in writing of the deficiencies in your certification and given one (1) opportunity to correct those deficiencies. You will have 7 days to do so, otherwise your leave may be denied for failure to submit a complete and sufficient certification.

Should the Company have reason to question, or to doubt the validity of a medical certification, it may require that the employee obtain a second or, if conflicting, a third and final opinion. Third opinions will be obtained from a health care provider designated or approved jointly by the Company and the employee (at the Company's expense). Health Services personnel may be involved in the review process but cannot provide the second opinion for certification.

The Company may require additional recertification on a reasonable basis, but usually not more often than every 30 days, for Family Leaves due to a family member's serious health condition.

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## **For Qualifying Exigency Leave**

If the requested Family Leave is to address a Qualifying Exigency arising from the active duty, or call to active duty, of a covered family member, it is the employee's responsibility to return to the Company, within 15 calendar days from receipt of the Notice of Eligibility and Rights and Responsibilities (Form WH-381), a complete and sufficient Certification of Qualifying Exigency for Military Family Leave (Form WH-384), including written documentation confirming a covered servicemember's active duty, or call to active duty, and any available documentation supporting the need for leave. If the required documentation is not returned within that time period, your request for leave may be denied.

If the certification you return is incomplete (i.e., contains one or more blank entries) or insufficient (i.e., contains vague, ambiguous or unresponsive entries), your certification may be rejected. If so, you will be notified in writing of the deficiencies in your certification and given one (1) opportunity to correct those deficiencies. You will have 7 days to do so, otherwise your leave may be denied for failure to submit a complete and sufficient certification.

## **For Wounded Warrior Leave**

If the requested Family Leave is to care for a covered family member who is a covered servicemember who has suffered a serious injury or illness in the line of duty while on active duty in the United States Armed Forces, it is the employee's responsibility to return to the Company, within 15 calendar days from receipt of the Notice of Eligibility and Rights and Responsibilities (Form WH-381), a complete and sufficient Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385). If the required documentation is not returned within that time period, your request for leave may be denied.

If the certification you return is incomplete (i.e., contains one or more blank entries) or insufficient (i.e., contains vague, ambiguous or unresponsive entries), your certification may be rejected. If so, you will be notified in writing of the deficiencies in your certification and given one (1) opportunity to correct those deficiencies. You will have 7 days to do so, otherwise your leave may be denied for failure to submit a complete and sufficient certification.

In lieu of the required certification (Form WH-385), an eligible employee may provide to the Company, within 15 calendar days from receipt of the Notice of Eligibility and Rights and Responsibilities (Form WH-381), a copy of an ITO (Invitational Travel Order) or an ITA (Invitational Travel Authorization). These are both government orders that authorize a certain number of family members of a wounded servicemember to travel to the medical facility where the servicemember is being treated. If an ITO or ITA is timely provided, no additional documentation/certification will be required, at least until the expiration date of the ITO or ITA. If the need for leave extends beyond such expiration date, however, a valid Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385) will need to be provided within 15 calendar days of the request for same.

## **Information Regarding GINA**

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.





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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.

## **IX. Approval Requirements and Considerations**

A Family Leave of 12 workweeks or less in a 12-month period under FMLA will ordinarily be automatically approved by the Company, subject to the employee satisfying the eligibility requirements and other prerequisites. Additional time off after the end of the 12 workweeks, or 26 workweeks in the case of the Wounded Warrior leave in a single 12-month period will be at the discretion of the Company under the Personal Leave Policy or Permissible Absences for Personal Reasons Policy.

## **X. Use of Paid Time While on Family Leave**

Employees have the option to substitute paid time off, if available, to cover any or all of the Family Leave (vacation or Parental Pay, if applicable). Any paid time off taken by the employee while on Family Leave will run concurrently and will not extend the total amount of Family Leave to which the employees is entitled. Applicable collective bargaining agreements will dictate the amount of paid time off available to an employee. The Company also has the option to substitute paid leave, if available, which the employee may have accrued, to cover any or all of the Family Leave, and any such election by the Company will not extend the employee’s total Family Leave.

## **XI. Benefits Status During Family Leave**

Benefit plan status while an employee is on a Family Leave is provided under the terms and conditions of each respective plan. Specific provisions governing the status of each benefit can be found in the respective plan document. A summary of the status of all benefit plans while on any type of leave of absence can be found in the document entitled “Benefit Status for Leaves of Absence.”

## **XII. Intermittent Leave or Reduced Schedule Leave**

“Intermittent leave” is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

A “reduced schedule leave” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday. In other words, a reduced schedule leave is a change in the employee’s schedule for a period of time, normally from full-time to part-time.

Family Leave for the birth, adoption or foster placement of a child may NOT be taken intermittently.



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Intermittent or reduced schedule leave can be taken to care for a covered family member with a serious health condition as long as (a) there is an FMLA qualifying and documented medical need for leave (as distinguished from voluntary treatments or procedures), (b) the employee is needed to care for the seriously ill family member, and (c) such medical need is best accommodated through an intermittent or reduced schedule leave. Only the amount of leave actually taken may be counted toward the 12 weeks of Family Leave to which the employee is entitled.

If an employee requests such a leave and it is foreseeable based on planned medical treatment of a family member, including during a period of recovery from a serious health condition, the Company may require (in accordance with any applicable collective bargaining agreement, federal law, and state law) the employee to transfer temporarily to an available alternative position for which the employee is qualified, provided the alternative position has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position but is not required to have equivalent duties. The employee must make a reasonable effort to schedule the family member's treatment so as not to disrupt unduly the operations of the Company, subject to the approval of the health care provider.

Intermittent or reduced schedule leave may also be taken under the Qualifying Exigency and the Wounded Warrior types of Family Leave.

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.

An employee on intermittent leave or a reduced schedule leave maintains eligibility status under the benefit plans as an active employee (rather than benefit eligibility as an employee on a continuous leave).

### XIII. Job Reinstatement

An employee on Family 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 the case of the Wounded Warrior leave).

For a Casual employee, job reinstatement means that such employee shall be returned to casual status, which by definition does not require the Company to provide additional employment.

Employees are not entitled to accrue any seniority or employment benefits during any period of leave nor are they entitled to any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.

**Employees who do not return from any FMLA Leave within 12 workweeks (or 26 workweeks in the case of the Wounded Warrior leave) are NOT guaranteed job reinstatement, and future employment depends on the Company's employment needs at the time the employee returns.** If no suitable employment is available, the termination date is the later of (1) the date that the determination is made that no suitable employment exists, or (2) at the conclusion of the leave period granted to the employee.

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Employees will be considered to have resigned from the Company with the earlier option of:

- If they have not returned to work,
- When their leave expires, or
- If they notify the Company they will not return to work.

The Company has the right to recover all employer-paid health plan premiums for maintaining coverage during the leave in the event the employee fails to return from leave, provided the reason is not due to the continuation, recurrence or onset of a serious health condition which entitles the employee to leave, or other circumstances beyond the control of the employee. An employee who returns to work for at least 1 calendar day is considered to have “returned” to work.

## **USERRA Protections for All Military Members Including Active and Reserves**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that a person reemployed under its provisions be given credit for any months and hours of service he or she would have been employed but for the USERRA-covered service in determining eligibility for Family and Medical Leave Act (FMLA) leave. These protections extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining the employee’s eligibility for FMLA leave.

## **XIV. Anti-Discrimination/Retaliation**

Employees will not have their leave unlawfully interfered with, be discriminated or retaliated against for using or requesting FMLA leave.

## **XV. Participation by Associated Companies and Organizations**

Upon specific authorization and subject to such terms and conditions as it may establish, Marathon Petroleum Company LP may permit eligible employees of subsidiaries and affiliated organizations to participate in this Policy. Currently, these participating companies include, but are not limited to, Marathon Petroleum Company LP, Marathon Petroleum Corporation, Marathon Petroleum Service Company, Marathon Petroleum Logistics Services LLC, Marathon Refining Logistic Services LLC, and MW Logistics Services LLC.

## **XVI. Further Information**

Benefits Administration and Human Resources personnel coordinate the administration of this Policy throughout the Company.

The Manager, Benefits Administration, reviews all leave requests for completeness and compliance with Policy provisions.