



# **Marathon Petroleum Military Leave Policy**

**Effective April 1, 2020**



# Military Leave Policy



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# Military Leave Policy



## I. Purpose

The Marathon Petroleum Military Leave Policy (“Policy”) establishes uniform military leave treatment and allows eligible employees to fulfill their military obligations required by law or administrative regulation.

## II. Definitions

For the purpose of this Policy, the following definitions apply.

### Uniformed Services

Uniformed Services includes the armed forces (Army, Navy, Marine Corps, Air Force, Coast Guard, the Reserves, Army National Guard, Air National Guard, the Commissioned Corps of the Public Health Service), and any other category of persons designated by the President in time of war or emergency, or as otherwise defined by applicable law.

### Service in the Uniformed Services

Service in the Uniformed Services means duty, on a voluntary or involuntary basis, including: active duty, active duty for training, initial active duty for training, inactive duty training, full time National Guard Duty, funeral honors duty performed by National Guard and reserve members, and any period of absence for an examination to determine the fitness of the person to perform any such duty.

## III. Eligibility

All Regular employees who work on a “full-time” or “part-time” basis are eligible for a Military Leave.

For purposes of benefit eligibility, Regular Full-time basis means the employee has a normal work schedule of at least 40 hours per week or at least 80 hours on a bi-weekly basis.

Regular Part-time means the employee is a non-supervisory employee who is employed to work on a part-time basis (minimum 20 hours but less than 35 hours per week) and not on a time, special job completion, or call when needed basis.

Casual employees who work on a time, special job completion, call when needed, temporary, or seasonal positions are also eligible for participation. However, when a casual employee’s employment with the Company is brief or nonrecurring, and there is no reasonable expectation that the employment will continue indefinitely or for a significant period, the employee is not eligible for reinstatement. While some Casual employees are eligible for participation in the Policy, this does not extend their eligibility under the benefit plans, employment practices and policies to which they would otherwise not be entitled.

Eligibility for re-employment and treatment under the conditions and provisions of the Policy is extended for leaves not exceeding five (5) years. The five year maximum does not include certain periods of time (e.g., service required beyond five years to complete an initial period of obligated service, service required to fulfill additional training requirements, active duty during a war or declared national emergency, etc.) as exempted under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA).

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This policy does not apply to employees subject to collective bargaining agreements as their terms and conditions of employment are separately bargained with the union.

Additionally, if other approved local practices are in effect, those practices will be followed rather than application of this Policy.

This policy is to be applied in compliance with any applicable state law and regulation regarding military leave.

Eligibility in this Policy **does not** extend to anyone whose military service terminates due to:

- A dishonorable or bad conduct discharge;
- Other than honorable conditions;
- Dismissal; or
- Dropping of such person from the military rolls.

## IV. Compensation During Military Leave

The amount of regular Company base pay an employee receives during a leave of less than or equal to two years is determined by the following considerations:

- The employee's "Military Pay, Daily Base Rate" is multiplied by the number of regularly scheduled Company workdays which occur during the tour of duty; the employee's Company pay is offset by this amount. Military base pay offsets Company pay only for regularly scheduled workdays. The employee must complete the Military Leave Request form and submit to their local Human Resources Consultant.

Company base pay ends after two years.

### Example

If an employee is called for duty three days only, Friday, Saturday, and Sunday, and the employee is not scheduled for work Saturday and Sunday, then the employee will receive Company pay, reduced by military pay for Friday only, Company pay is not received for Saturday and Sunday. If the employee is scheduled to work on Friday, Saturday, and Sunday, the employee will receive offset pay (Company pay less Military pay) for all three days.

- Calendar and designated holidays allowed by the Company are considered "regularly scheduled workdays." Military Base Pay received for service on such days will be deducted.

The employee will receive Company base pay, offset by government base pay, for a maximum of two years. Casual employees will receive Company base pay, offset by government base pay, for a period of time equal to the lesser of their uncompleted approved period of company employment or two years. (Casual employees are not eligible for geographic pay differential.)

### In Excess of Two Years

No further compensation received from Company, except in cases where specific exclusions have been designated.

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## Salary Consideration

An employee's merit eligibility date is unaffected by a military leave.

Company base pay includes geographic pay differential and scheduled overtime, if applicable, per governing compensation policies.

## Annual Cash Bonus Plan (ACB)/Success Through People Plan (STP)

Compensation received from the Company by an employee on military leave is included as a pay component for purposes of calculating ACB/STP pay-outs.

## **V. Benefit Status During Military Leave**

Benefit plan status while on a Military 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 can be found in the document entitled "Benefits Status While on a Leave."

## COBRA

A military reservist called to Active Duty is immediately eligible for health coverage by the U.S. Government. Dependents of active military reservists are covered under Tricare. Since this coverage is through the U.S. Government, the coverage does not prohibit the member or dependents from electing COBRA continuation of coverage under the Health Plan and Dental Plans. Tricare is the secondary payer if the dependents are covered under the Health Plan or a Dental Plan.

## Employee Service During Leave

The period of leave is credited to the employee as service, provided the employee returns to work for the Company within the stipulated period of time following discharge from service (refer to "IX. Returning to Work/Applying for Job Reinstatement"). Should the employee delay job reinstatement beyond the stipulated period, on return the employee will be accredited only with such past service as was accredited to the employee on the date the leave began.

## **VI. Administration**

Advance written or oral notice by the employee is not required in order to authorize a Military Leave. However, written notice, along with a copy of the reporting orders, is required in order to receive paid leave, if applicable. The employee must provide a copy of each Leave and Earnings Statement or other suitable documentation, which will be used to calculate Company pay. Company pay will end if the documentation requested is not received timely.

## **VII. Employment While on Leave**

Employees are not permitted to perform in any position of employment with another employer while on an approved leave, whether paid or unpaid and including Military Leave, without prior written authorization from the Company, except as employed by the Uniformed Services for which this leave has been granted.

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## VIII. Job Reinstatement Rights

The following job reinstatement standards as provided under USERRA are applicable to the Policy.

An employee whose Service in the Uniformed Services lasts one (1) to ninety (90) days will be promptly re-employed in the following order of priority:

- a. in the job the person would have held had they remained continuously employed (if the person would have been promoted, with reasonable certainty, had they remained on the job, then the employee will be placed in that higher level of job upon return), so long as the individual is qualified for the job or can become qualified after reasonable efforts by the Company to qualify the person; or
- b. if the employee cannot become qualified for the position in (a) above, then they will be placed in: the employee's pre-service position so long as they are qualified for the job or could become qualified after reasonable efforts by the Company to qualify the person; or
- c. if the employee cannot become qualified for the positions under either (a) or (b) above, then the employee will be placed in any other position which is the nearest approximation to a position referred to first in clause (a) and then in clause (b) which such person is qualified to perform, with full seniority.

If Service in the Uniformed Services is for 91 days or more, upon return individuals will be placed:

- a. in the job the person would have held had the person remained continuously employed, or a position of equivalent seniority, status and pay, so long as the person is qualified for the job or can become qualified after reasonable efforts by the Company to qualify the person; or
- b. if the employee cannot become qualified for the position in (a) above, then they will be placed in the employee's pre-service position, or a position of equivalent seniority, status and pay, so long as the person is qualified for the job or could become qualified after reasonable efforts by the Company to qualify the person; or
- c. if the employee cannot become qualified for the positions under either (a) or (b) above, then the employee will be placed in any other position which is the nearest approximation to a position referred to first in clause (a) and then in clause (b) which such person is qualified to perform, with full seniority.

Re-employment for persons with service-connected disabilities is as follows:

- a. the Company will make reasonable efforts to accommodate a person's disability so that they can perform the position they would have held if the person would have remained continuously on the job;
- b. if, despite reasonable accommodation, an individual is not qualified to perform this position due to their disability, the person will be employed in a position of equivalent seniority, status and pay so long as the employee is qualified to perform the duties of the position or could become qualified to perform them with reasonable effort by the Company; and
- c. if the employee is not employed under (a) or (b) above, then the employee will be placed in a position which is the nearest approximation to a position referred to in clause (b) in terms of seniority, status, and pay consistent with the circumstances of such person's case.

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Re-employment rights **do not** extend to persons whose employment with the Company is for a brief non-recurrent period and where there is no reasonable expectation that such employment will continue indefinitely or for a significant period (e.g., casuals).

## IX. Returning to Work/Applying for Job Reinstatement

The following application for re-employment standards, as provided under USERRA, is applicable to the Policy:

- a. An employee whose Service in the Uniformed Services is for 30 days or less must report to his or her employer at the start of the next regularly scheduled shift following eight hours of returning safely home, unless reporting within eight hours is impossible or unreasonable through no fault of the employee.
- b. An employee whose Service in the Uniformed Services extends more than 30 days but less than 181 days must apply for reinstatement no later than fourteen (14) days after completion of the service. If that is impossible or unreasonable through no fault of the employee, they must apply as soon as possible. Reinstatement does not require completion of an application for re-employment; rather the procedures for returning employees to active from inactive leave status should be followed.
- c. An employee whose Service in the Uniformed Services extends more than 180 days must apply for reinstatement no later than ninety (90) days after completion of the service. If that is impossible or unreasonable through no fault of the employee, they must apply as soon as possible. Reinstatement does not require completion of an application for re-employment; rather the procedures for returning employees to active from inactive status should be followed.
- d. The above deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing because of the service-connected illness or injury. The two (2) year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two (2) year period impossible or unreasonable.

The employee may perform Service in the Uniformed Services for a cumulative period of up to five (5) years, under the current statute, and retain reemployment rights with the employer.

## X. Separation from the Company

An employee cannot be separated from the Company, except for cause, within six months of re-employment if the military leave was between 30 and 181 days and within one year of re-employment if the military leave was in excess of 180 days.

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## **XI. Participation by Affiliates**

Upon specific authorization and subject to such terms and conditions as it may establish, Marathon Petroleum Company LP may permit subsidiaries and affiliated companies to participate in the Policy. Currently, these participating companies include Marathon Petroleum Service Company, Marathon Petroleum Logistics Services, Marathon Refining Logistics Services LLC, and Treasure Card Company LLC.

For purposes of the Policy: (i) the term “Company” and other similar terms means Marathon Petroleum Company LP and, where the context requires, such participating affiliates; and (ii) the term “Employee” and other similar terms mean an eligible employee of Marathon Petroleum Company LP, and, where the context requires, an eligible employee of a participating affiliate.

## **XII. Further Information**

Human Resources, Absence Management, and Payroll coordinate the administration of the Policy throughout the Company.

Marathon Petroleum Company LP may modify or terminate this Policy, in whole or in part, in such manner as it shall determine, at its sole discretion.

The Company may terminate Military Leave under this Policy and take disciplinary action, up to and including termination, against an employee who use Military Leave for purposes other than those described in this Policy.