

INDIANA HARBOR BELT RAILROAD
FMLA AND MEDICAL LEAVE OF ABSENCE POLICY
EFFECTIVE JANUARY 16, 2024

PURPOSE

The Indiana Harbor Belt Railroad (IHB) is committed to complying with the Family Medical Leave Act (FMLA) of 1993. This policy serves to provide employees with a basic understanding of their rights under the FMLA, as well as the process for requesting leave.

SCOPE

This policy is effective on January 16, 2024 and cancels and replaces all previous FMLA & Medical Leave policies. This policy applies to all eligible, agreement and non-agreement, IHB employees. To be eligible for Family Medical Leave, an employee must have worked for the IHB for at least 12 months and must have worked 1250 hours in the 12 months preceding the leave.

The Indiana Harbor Belt Railroad (Company) will grant a leave of absence in accordance with the requirements of applicable state and federal law (FMLA). The Company will also consider the requirements as outlined in an employee's Collective Bargaining Agreement (CBA), where applicable. If an employee believes any portion of this policy conflicts with their CBA, they must file a grievance or claim in accordance with their collective bargaining agreement. Employees must comply with this policy until such time as any claim or grievance is resolved.

GENERAL INFORMATION REGARDING LEAVES OF ABSENCE

- Employees should contact the IHB's third-party administrator, Workpartners, as soon as they become aware of the need for a FMLA leave or company-authorized medical leave.
- Accepting other employment, continuing to work in another job, or filing for unemployment insurance benefits while on leave may be treated as voluntary resignation from employment.
- Misuse, dishonesty, or fraud when obtaining or when using leave, will result in disciplinary action up to and including termination of employment. The use of FMLA or medical leave for any purpose other than the purpose for which it was approved is prohibited.

REASONS FOR FMLA LEAVE

An eligible employee may request Family Medical Leave for any of the below reasons:

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (bonding leave).
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- An employee's inability to work because of their own serious health condition. This includes both work-related and non work-related illnesses or injuries.
- A qualifying exigency as defined under the FMLA, which essentially means attending to certain activities in order to prepare for a spouse's, child's or partner's active duty or call to active duty in a foreign country as a member of the Military Reserves, National Guard or Armed Forces.
- To care for a spouse, child, parent or next of kin- who is an Armed Forces member undergoing medical treatment as outlined in the FMLA guidelines.

Employees may review the US Department of Labor's employee's guide to FMLA (available on the IHB's website) or they may contact Workpartners for details regarding what qualifies as a serious health condition, covered family member, or qualifying exigency.

LENGTH OF LEAVE

An eligible employee is entitled to 12 workweeks in any 12-month period when the leave is taken for bonding, family care, serious health condition or military emergency leave. It will be twenty-six workweeks (26) in any 12-month period when leave is taken for military caregiver leave.

- If both spouses work for the company and are eligible for leave, they may be limited to a total of 12 workweeks between the two of them, or 26 workweeks where applicable, for qualifying events.
- The 12-month period will be determined using a 12-month rolling calendar year counting backward from the date the employee uses any FMLA leave.
- An employee's 12 workweeks of FMLA entitlement will be based on an average of their regular work schedule. Employees who do not have a "regular" work schedule will have their entitlement calculated using an average based on the hours worked during the 12 months preceding the requested leave.
- An employee may contact Human Resources or Workpartners for questions regarding the calculation of their leave.

FULL OR INTERMITTENT LEAVE

An employee may request that leave be taken all at once, intermittently, or on a reduced schedule, if it is medically necessary for an employee or their covered family member's serious health condition, per the FMLA.

- Leave for the birth or adoption of a child or placement of a child with an employee for foster care must be taken all at once and may not be taken intermittently.
- In the case of planned medical treatment, the employee must consult with his/her manager and make a reasonable effort to schedule the leave so as not to disrupt the Company's operations when possible and when consistent with the advice of their healthcare provider. The employee must also advise the company why the leave is necessary and the schedule for the leave.
- Some requests (involving reduced schedules or reduction of hours) may not be possible due to conflicts with any applicable collective bargaining agreements or seniority restrictions. These will be handled on a case-by-case basis.

REQUESTING FMLA LEAVE

The Indiana Harbor Belt Railroad uses a third party administrator (Workpartners) to handle all FMLA leave requests.

- Employees requesting FMLA leave are required to submit a leave request through Workpartners as soon as they know of their need for leave.
- In cases of foreseeable leave, requests must be made 30 days prior to the start of the leave. If this is not possible, the request must be made as soon as the employee learns of their need for leave.
- In cases of unforeseeable leave, requests must be made as soon as the employee learns of their need for leave.
- Requests for foreseeable or unforeseeable leave may be made verbally, but documentation will be required within fifteen (15) calendar days of notice of the need for leave. Failure to provide a complete and sufficient medical certification to Workpartners within fifteen (15) days of the date of the request for leave may result in the delay or denial of the request.
- Once a request is received, Workpartners will provide employees with a notice of eligibility, rights, responsibilities, and any additional requirements such as a medical certification form.
- The IHB requires that a medical certification form be completed by the treating physician for all FMLA requests, except in cases of bonding with a healthy newborn child or a child placed for adoption or foster care. In those cases, documentation may be required to confirm the family relationship.
- Employees must obtain approval prior to beginning any leave of absence except in cases of emergency where notice is not possible. Any employee planning a scheduled leave must speak with Workpartners to determine how much leave is available to them and ensure approval of the time off prior to commencement

of the leave. Failure to obtain approval prior to the commencement of a leave may result in the employee being off without authority.

- Employees with a medical condition that is expected to continue beyond one year will be required to provide a new medical certification annually. Certification must be submitted prior to the expiration of the current leave and the request is subject to eligibility calculations each year.
- Leave requests that are not submitted according to policy, as requested by Workpartners, and as soon as practicable, may be delayed or denied.
- An employee will be provided seven (7) calendar days to correct or complete an incomplete or insufficient certification. Failure to provide a complete certification may result in the delay or denial of the request.
- If an employee is on a leave of absence and is unable to return to work by the end of the approved leave, they must notify their department and contact Workpartners to provide updated paperwork to request an extension a minimum of one week prior to the expiration of the leave.

PAY AND BENEFITS DURING LEAVE

Unless otherwise noted in the employee's collective bargaining agreement or other applicable policy, FMLA leave is an unpaid leave.

- The Company will require employees to use any accrued but unused vacation, personal or sick time as allowed by the statute and by any applicable collective bargaining agreements.
- An employee may choose to use any accrued but unused vacation, personal or sick time as allowed by company policy and by collective bargaining agreements in cases where it is not required by the Company. Employees choosing this option must notify their department to obtain payment. Payment will be made "in lieu" while off FMLA.
- Employees may apply for benefits through the RRB or through any other supplemental plan available to them while on FMLA leave.
- Any paid time used while on FMLA leave, whether voluntary or mandatory, runs concurrently with an employee's FMLA leave and does not extend the 12-week period of the leave. Although the employee would be using paid time, the leave would still count against the employee's 12-week entitlement.
- Health insurance benefits will be maintained while an employee is off work on FMLA leave pursuant to the employee's collective bargaining agreement. The Company will continue to make its regular contributions to the employee's insurance provider. The employee is required to contact their insurance provider for any additional requirements needed to maintain their benefits while on leave.
- A proof of disability form may be required by your provider in order to maintain health benefits while off work for medical reasons. If requested, an employee is required to provide the requested information or coverage may be terminated.
- Employees receiving vacation, personal, or sick pay while off will have all normal deductions taken out of their pay check in compliance with Norfolk Southern's standard payroll practices.
- Employees receiving no pay while off may still be responsible for payments normally deducted from their pay checks and must make other arrangements for those payments to be made while they are off work. (Examples such as child support payments, loans, etc.)

RETURNING TO WORK

- Employees must contact Workpartners if there are any changes to their leave status (returning earlier than expected or being gone longer than expected). If an employee would like to extend their leave, it is their responsibility to contact Workpartners to ensure that they have the time available and to provide the appropriate documentation prior to the expiration of their leave and within the timeline provided by Workpartners.
- Employees must contact the IHB's Human Resources Department prior to returning to duty to provide a release from their doctor and to arrange for any return to work requirements, including but not limited to a return to work physical with a company physician/facility. Employees who exhaust their FMLA leave entitlement and cannot return to work or fail to return to work upon expiration of their approved FMLA leave

are not protected by the FMLA and are not guaranteed any of the protections that it provides including reinstatement to their prior position.

- Employees are responsible for maintaining contact with Workpartners throughout their leave and submitting appropriate documentation to protect their absence.

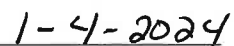
AUTHORIZED MEDICAL LEAVES

An employee who is not eligible for FMLA leave, or has exhausted all available FMLA leave, and is medically unable to return to duty, may request a company-authorized medical leave of absence. A leave may be afforded at the discretion of the Company and is determined based on manpower and business levels at the time of the request. Leave may be denied if it presents a hardship to the Company.

- A company-authorized medical leave that may be granted will be for the employee's own serious health condition and will be a full leave only. No intermittent leaves will be granted.
- An employee may request a medical leave of absence by contacting Workpartners.
- Employees must obtain approval prior to beginning any leave of absence except in cases of emergency where notice is not possible. Any employee planning a scheduled leave must speak with Workpartners to determine how much leave is available to them and ensure approval of the time off prior to commencement of the leave.
- Employees are responsible for providing appropriate documentation within the timelines provided, to support any leave of absence. Failure to provide any requested documentation may result in the leave being denied and the employee being off without authority.
- A company-authorized medical leave is an unpaid leave. An employee may choose to have any accrued but unused vacation, personal, or sick time paid out to them while off, pursuant to any applicable CBA's or policies. Any time paid out will be paid "in lieu" while off medical. Employees may also apply for sickness benefits through the RRB or any other supplemental plan available to them. (Non-agreement employees fall under the short-term salary continuation policy)
- A proof of disability form may be required by your insurance provider to maintain health benefits while off work for medical reasons. If requested, an employee is required to provide the requested information or coverage may be terminated.
- A medical leave that may be granted will not exceed 3 months.
- A company-authorized medical leave that may be granted in conjunction with an FMLA leave will not exceed a total of 6 months from the onset of the leave. This means that no leave for any singular absence inclusive of the FMLA is to exceed six months.
 - Example 1: If an employee uses 12 weeks of FMLA for their own serious health condition and is unable to return upon exhaustion of the 12-week entitlement, the Company may choose to grant them a medical leave of absence to continue treatment/recovery for their illness for a period of up to an additional 3 months for a total of 6 months only. At the end of the additional 3-month leave given by the Company, the employee will have been off work for a total of 6 months and no additional leave will be granted. The employee will be expected to return to duty at that time.
 - Example 2: If an employee is not eligible for FMLA leave, but has a serious medical condition, the company may afford them a company-authorized medical leave of absence to allow time for treatment/recovery for a period of up to 3 months only.
- Exceptions to the six-month limit may be made in cases where an employee provides documentation showing they have applied for a disability with the RRB or with Social Security.



Melanie Lindner, Director of Human Resources



Date