



Family Medical Leave Act (FMLA)

TITLE:	Family Medical Leave Act (FMLA) Policy
EFFECTIVE DATE:	June 1, 2010
BUSINESS AREA:	Human Relations
COVERED:	Full-time/Part-Time; Non-union/Union; Salaried/Hourly; U.S.

I. PURPOSE AND SCOPE

Bimbo Bakeries USA (“BBU” or the “Company”) provides leaves of absence for up to twelve weeks in a rolling twelve-month period of time, as defined by the Family Medical Leave Act of 1993, as amended (FMLA), for associates to care for family members with a serious health condition, birth or adoption of a child, a serious health condition of the associate, or qualifying exigencies arising from active duty or a call to active duty of a covered relation. Where state laws include additional provisions, those will apply.

II. POLICY

A. Eligibility

An associate is eligible for FMLA leave after having been employed by the Company at least twelve months (which need not be consecutive) and having worked 1,250 hours in the 12-month period immediately preceding the commencement of the leave. Associates must also be employed at a worksite where 50 or more employees are located within 75 miles of their worksite.

B. Reasons for Leave

The Company will allow associates up to twelve weeks of family medical leave in a rolling 12-month period for any one, or for a combination, of the following reasons:

- To care for the associate’s child after the child’s birth, or placement for adoption or foster care;
- To care for the associate’s spouse, son, daughter or parent (but not in-law) who has a serious health condition;
- For the associate’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the associate unable to perform one or more of the essential functions of the associate’s job; and/or
- Because of any qualifying exigency arising out of the fact that an associate’s spouse, son, daughter or parent is a covered military member on covered active duty or has been notified of an impending call or order to covered active duty status.

The 12-month period is calculated using a rolling 12 months immediately preceding a request for leave.

In addition to the basic FMLA leave entitlement discussed above, an eligible associate who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible associate takes leave to care for the injured service member.



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C. Concurrent Use of Other Forms of Leave

Since FMLA leave is unpaid, all associates granted an FMLA leave will be required to use all accrued paid time off, except for one week, and all personal/floating days as part of family or medical leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an associate's FMLA entitlement. If an associate is receiving pay from any source as part of a leave that is running concurrently with FMLA leave, the associate will not be required to use their vacation and sick time but may elect to do so.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

D. Intermittent Leave

An associate may take FMLA on an intermittent basis because of their own serious health condition, the serious health condition of a covered relation, the serious illness or injury of a covered service member, or a qualifying exigency. When an associate takes intermittent or reduced work schedule leave for foreseeable planned medical treatment for the associate or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, the Company may temporarily transfer the associate, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the associates are qualified and which better accommodate recurring periods of leave.

E. Benefits and Protections

Under the provisions of the FMLA, subject to some exceptions including situations where job restoration of "key employees" will cause the Company substantial and grievous economic injury, associates generally have the right to return from an FMLA leave to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Company will notify associates if they qualify as "key employees", if it intends to deny reinstatement, and of their rights in such instances.

During the FMLA leave, the Company will continue an associate's medical benefits; however, an associate must pay their portion of the benefit cost during the leave. Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an associate's leave.

III. DEFINITIONS

"Covered active duty" means (A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

A "covered service member" means a 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 on the temporary retired list, for a serious injury or illness. A "covered service member" also includes veterans



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who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who were members of the Armed Forces (including members of the National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation, or therapy. A member of the Armed Forces would have a serious injury or illness if they incurred an injury or illness in the line of duty while on active duty in the Armed Forces (or the condition existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) provided that the injury or illness may render the service member medically unfit to perform duties of the member's office, grade, rank or rating. A veteran who was a member of the Armed Forces would have a serious illness or injury if they incurred an injury or illness in the line of duty on active duty in the Armed Forces (or the condition existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that condition manifested itself before or after the member became a veteran.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the associate from performing the functions of the associate's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of continuing treatment.

"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.