



Family and Medical Leave Act (FMLA) Policy

Introduction

If eligible under the Family and Medical Leave Act (FMLA), you're entitled to up to 12 weeks of unpaid, job-protected leave (or 26 weeks of unpaid military caregiver leave) in a 12-month period. In addition, Kimberly-Clark (K-C or the Company) complies with any applicable state or local law or regulation or collective bargaining agreement that provides greater leave or related entitlements. The following is intended to provide you with a summary of some of the important provisions of the FMLA. Further information regarding the FMLA, as well as applicable forms, can be obtained from the K-C Contact Center.

Eligibility for Family and Medical Leave

To be eligible for FMLA benefits you must:

- Have worked for the Company for at least 12 months as of the date the leave is to begin;
- Have worked for the Company at least 1,250 hours during the 12-month period immediately preceding the date the leave is to begin*; and
- Work at a location where the Company has at least 50 employees within 75 miles of a Company's worksite. Employees who work at a remote location beyond 75 miles of a Company worksite are excluded from this requirement.

Periods of absence from work due to or necessitated by military services covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) are counted in determining eligibility for FMLA leave.

Leave Entitlement

If eligible, you're entitled to take up to 12 workweeks of unpaid family, medical and/or qualifying exigency leave, and up to 26 workweeks of unpaid military caregiver leave, within an applicable 12-month period for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for your child after birth or placement for adoption or foster care
- To care for your spouse, son, daughter or parent who has a serious health condition
- Because of your own serious health condition that makes you unable to perform one or more of the essential functions of your position
- To address a qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty or has been notified of an impending call or order to covered active duty status ("qualifying exigency leave"). Covered active duty means:
 - For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country.
 - For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

*Special "hours of service" requirements apply to airline flight crew employees.

- To care for a covered service member, of whom you're the spouse, son, daughter, parent or next of kin, who has a serious injury or illness ("military caregiver leave"). A covered service member is either:
 - A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.
 - A veteran of the Armed Forces (including the National Guard or Reserves) who was discharged or released under conditions other than dishonorable within the five year period before the employee first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

If both you and your spouse are employed by K-C and eligible for FMLA leave, you and your spouse will be entitled to a combined total of 12 weeks of leave during the applicable 12-month period for leave taken for the birth or placement of a child, to care for the child after birth, and to care for your parent with a serious health condition, not 12 weeks each. Similarly, you and your spouse will be entitled to a combined 26 weeks of leave during the applicable 12-month period for leave taken for a combination of military caregiver leave and one of the foregoing reasons. Where both you and your spouse use a portion of your entitlement for the foregoing reasons, you're each entitled to the difference between the amount of leave you have each taken individually for such reasons and the 12 (or 26) weeks of leave for other purposes. When submitting your request to take FMLA leave, you're responsible for self-identifying as being part of a "K-C couple."

Applicable 12-Month Period

In order to determine the applicable "12-month period" for all types of FMLA leave other than military caregiver leave, K-C uses a "rolling" 12-month period measured backward from the date you last used FMLA leave. The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months from the date of the birth or placement.

For purposes of military caregiver leave, the "12-month period" is the 12-month period measured forward from the date your first FMLA leave to care for a covered service member begins. You may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different service members or the same service member with a different injury or illness. If eligible for FMLA, you're entitled to a combined total of 26 weeks of all types of FMLA leave during the "12-month period" applicable to military caregiver leave, and no more than 12 of those 26 weeks may be taken for qualifying reasons other than military caregiver leave.

Intermittent Leave

You may use FMLA leave in one continuous block of time or, in certain circumstances, may use leave intermittently or on a reduced leave schedule. Absent the approval of K-C, leave taken in connection with the birth, adoption, or foster placement of a child may not be taken intermittently or on a reduced leave schedule.

If your need for leave is foreseeable because of planned medical treatment, you must make a reasonable effort, subject to the approval of the health care provider, to schedule the leave so as not to unduly disrupt K-C's operations.

In certain situations involving foreseeable leave (such as when the leave is based on planned medical treatment, is for a period of recovery from a serious health condition or a serious illness or injury of a covered service member, or is used with the K-C's approval for the birth, adoption, or foster placement of a child), K-C may temporarily transfer you to a position that better accommodates such leave, in which case you'll continue to receive pay and benefits equal to your prior position.

If eligible, you may take intermittent leave in time reporting increments established for his/her job and consistent with designation of other types of leaves.

Employee Notice

If you need family, medical, or military FMLA leave, you must notify K-C of your need for leave. Failure to comply with the following notice procedures may result in your request for leave being delayed or denied.

To request leave, you must:

1. **Contact the K-C HR Contact Center**—use AskHR on the @myHR Portal or call **866-444-4516** Monday through Friday from 8 a.m. to 6 p.m. ET. The K-C HR Contact Center will provide you with general information and assign your request to a Leave Specialist. The Leave Specialist will evaluate your eligibility for FMLA, provide the necessary forms to you and communicate with you through the duration of your leave. The Leave Specialist is responsible for verifying that your leave qualifies for FMLA protection.
2. **Follow your site call-in procedure**—while the K-C HR Contact Center Leave Specialist is responsible for verifying your eligibility for FMLA leave and will send notice to your team leader, HR representative and site nurse (if applicable) about the status of your leave request, you're responsible for also providing notice of your absence to your site. If you're not familiar with your site's call-in procedure, contact your team leader or HR representative.

Substance of Notice

When providing initial notice of a need for leave to K-C, you must provide sufficient information for K-C to determine whether your leave may qualify for FMLA protection, as well as give K-C information regarding the anticipated timing and duration of the leave. Sufficient information may include that you're unable to perform job functions, that your family member is unable to perform daily activities, referencing the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

When providing subsequent notice of a need for leave for a reason for which FMLA leave was previously taken or certified, you should refer either to the reason or to the FMLA.

Timing of Notice

If the need for leave is foreseeable, you're required to provide at least 30 days prior notice to K-C. If 30 days' notice is not possible, you should provide notice as soon as practicable, which typically should be either the same day or the next business day after you learn of the need for leave.

If the need for leave is not foreseeable, you must provide notice as soon as practicable, which typically should be within the time prescribed by your location or unit's call in procedure, usually the same or next business day. Remember, you're responsible for following your site's call in procedure when you are absent from work for any reason, including FMLA.

Notice of the need for qualifying exigency leave must be provided as soon as practicable.

Notices to Employees

After receiving initial notice that you're requesting FMLA leave, K-C will inform you whether you're eligible for FMLA leave, and if you're not eligible, K-C will provide you with at least one reason for the ineligibility. If you're eligible for leave, K-C will notify you of your rights and responsibilities under the FMLA, including any additional information that may be required of you, such as the submission of a certification.

After sufficient information is obtained to determine whether the leave will be designated as FMLA protected, K-C will notify you as to whether the leave has been designated as FMLA leave. If known at that time, K-C will notify you of the amount of leave to be counted against your leave entitlement. If not known at that time, K-C will notify you of the amount of leave counted against your leave entitlement upon request but no more often than once in a 30-day period during which leave was taken.

Certification

Timing

Leave will not be granted or may be delayed in the event that a certification is not submitted within 15 calendar days of when the certification is requested, unless submission of such a certification within that time frame is not possible despite diligent, good faith efforts or due to extenuating circumstances. There are several certification forms depending on the reason for leave and these forms are available from the K-C HR Contact Center Leave Specialist or on the @myHR Portal.

Leave Due To Your or Family Member's Serious Health Condition

If your leave is due to a serious health condition, you'll be required to provide K-C with a medical certification issued by your or your family member's health care provider, as appropriate. Please note that if you're certified by K-C's disability insurance carrier for short-term disability benefits or on an approved workers' compensation leave, you'll not need to submit the FMLA medical certification form unless you continue to be absent from work beyond your approved leave period.

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 prevents you from performing the functions of your job, or prevents your family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by: (a) a period of incapacity of more than three consecutive, full calendar days combined with either: (i) at least two in-person visits to a health care provider (generally, one of these visits must occur within seven days of the first day of incapacity, while the other visit must occur within 30 days of the first day of incapacity); or (ii) one in person visit to a health care provider and a regimen of continuing treatment (generally, the one visit must occur within seven days of the first day of incapacity); or (b) incapacity due to pregnancy, or for prenatal care; or (c) incapacity due to a chronic condition which requires periodic in-person visits to a health care provider (at least 2 visits per year). Other conditions may meet the definition of continuing treatment.

If necessary, K-C may seek authentication and/or clarification of a medical certification from the health care provider. If K-C determines that the certification is incomplete, K-C will provide written notification indicating what additional information is required. K-C will seek your authorization to contact the health care provider prior to seeking clarification. Although such authorization is not required to be given, your request for leave may be denied if you refuse authorization and refuse to otherwise provide clarification.

K-C, in its judgment, may require you to obtain the opinion of a second health care provider at the Company's expense either before or during the leave. In cases where the second opinion differs from that of the original certification provided, K-C may require you to obtain a third opinion of a jointly designated or approved health care provider at K-C's expense, which third opinion shall be considered final and binding upon both you and K-C.

K-C may require you to obtain recertification of the need for leave due to your own serious health condition or the serious health condition of your spouse, child, or parent. In addition, K-C may require a new certification at the commencement of a new 12-month leave year in conjunction with an absence relating to your serious health condition or the serious health condition of your spouse, child, or parent, even if the serious health condition to which the absence relates was certified in the previous leave year.

Military Caregiver Leave – Serious Injury or Illness

If you're seeking military caregiver leave for a current service member you'll be required to provide K-C with a certification completed by an authorized health care provider or a copy of an Invitational Travel Order or Invitational Travel Authorization. If you're seeking military caregiver leave to care for a veteran you'll be required to provide K-C with a certification completed by an authorized health care provider. An authorized health care provider may be a military-affiliated health care provider or a nonmilitary-affiliated health care provider. However, a second and third opinion concerning the current service member's or veteran's serious injury or illness may be required when the certification is provided by a non-military-affiliated health care provider.

For a current service member, a serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the military duties of his or her office, grade, rank or rating. Serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

For a veteran, a serious injury or illness is one that was incurred by the veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

- A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
- A physical or mental condition for which the veteran has received a U.S. Department of Veteran's Affairs Service-Related Disability Rating of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
- A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury, including psychological, that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Qualifying Exigency Leave

If you're seeking qualifying exigency leave you're required to provide K-C with: (a) a copy of the active duty orders or other military documentation that indicates that the military member is on active duty or call to active duty status in a foreign country and the dates of such service; and (b) a certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, spending time with a military member who is on Rest and Recuperation leave during deployment, addressing issues arising from short notice deployment, and certain activities relating to caring for the military member's parent. Additional information regarding qualifying exigency leave, including information about restrictions which may apply with respect to the circumstances which may qualify for such leave and the maximum time period of leave permitted, can be obtained from the K-C HR Contact Center.

Dishonesty or Misuse of FMLA Leave

All employees are prohibited from engaging in FMLA fraud, abuse or misuse. The submission of false information in support of a request for FMLA leave, or the abuse or misuse of approved FMLA leave, may result in discipline, up to and including immediate termination.

Use of Paid Time

FMLA leave is generally unpaid leave, however, you may substitute certain types of accrued paid leave, such as personal holidays and vacation. Any FMLA leave taken after accrued paid leave is exhausted will be unpaid. In order to take paid leave concurrently, you're required to comply with the terms and conditions of the Company's Time Off policies and your site's work rules related to substituting paid time off with FMLA. In these circumstances, both the paid and unpaid leave count as family and medical leave. Family and medical leave will run concurrently with short or long term disability leave, paid parental leave, FMLA-qualifying emergency leave, or workers' compensation leave.

Disability/Workers' Compensation Benefits

If you're on FMLA leave due to your own serious health condition or workplace injury, you may be eligible for payments from other sources such as disability or workers compensation benefits. Contact the K-C HR Contact Center if you're not sure whether you're eligible for these benefits.

Continuation of Benefits

If you take FMLA leave, you'll not lose any employment benefit accrued prior to the date your leave began. However, seniority and employment benefits will not continue to accrue during the leave period, except to the extent a specific policy, plan or collective bargaining agreement provides otherwise.

If, at the time of leave, you're eligible for coverage under K-C's health insurance plans, then, during the leave period, K-C shall maintain coverage for you under the same conditions of coverage as would have existed had you continued working for the duration of the leave, provided that you continue to make any contributions (e.g., premium payments) that you made to the plan before taking leave. If you're on a paid leave, your payment will continue to be deducted from your paycheck. If you're on an unpaid leave, it's your responsibility to timely pay your portion of the premium. If premium payments are more than 30 days late, insurance coverage may be terminated. You may be required to reimburse the Company for any premium payments you missed that the Company pays on your behalf and, to the extent permitted by law, K-C may deduct these missed premium payments from your paycheck upon your return to work.

If you choose not to participate in the plan(s) while on leave (or lost coverage due to your failure to make timely payments), you may re-enroll, within 30 days following your return from FMLA leave, in the same plan (s) in which you participated prior to leave.

Return to Work/Restoration of Position

During the leave, K-C may require periodic reports from you regarding your status and intent to return to work. Unless otherwise permitted by law, where the leave is taken due to your serious health condition, you must provide a return-to-work release from your health care provider before you return to work. The return-to-work release should state that you're able to resume work and that you're able to perform all essential functions of your position. The return-to-work release should be submitted to your site nurse or Human Resources if your site doesn't have an on-site nurse.

At the end of the approved FMLA leave, you'll be offered restoration to the same position you held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment so long as you're able to perform the essential functions of your position, with or without reasonable accommodation. However, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the leave period. Thus, for example, restoration may not apply if there has been a workforce reduction, a reorganization, or similar business change affecting your position while you was on FMLA leave. In addition, K-C may choose to exempt from this requirement certain "key employees," as defined by the FMLA, and not restore them to employment on completion of the FMLA leave, in accordance with the FMLA.

If your FMLA leave exceeds 12 weeks (or 26 weeks for military caregiver leave) within the applicable 12-month period you will not be guaranteed a job upon return from the leave, unless otherwise required by law. Failure to return to work at the conclusion of your approved leave may result in termination of your employment.

Protecting Employee Rights

It's against K-C's policy to interfere with, restrain, or deny the exercise of any right provided by the FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for participating in any proceeding under or related to the FMLA.

Employees who have concerns with how their FMLA leave requests have been handled are encouraged to bring their concerns to the attention of Human Resources. Employees also may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Company. Additional information may be obtained through the Department of Labor Wage and Hour Division at **1-866-4US-WAGE (1-866-487-9243)** (TTY **1-877-889-5627**) or **www.wagehour.dol.gov**.

The FMLA doesn't affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Note: This policy supersedes all prior policies regarding FMLA leave, and is intended to comply with the FMLA and applicable state laws. As such, this policy shall be construed in all cases consistent with such statutory requirements and, in the event of an inconsistency between this policy and the law, the law will apply.