

## Military Family and Medical Leave of Absence

### INTRODUCTION

To provide leave to employees with family members serving in the military, as required under the National Defense Authorization Act (NDAA) and various state laws.

### POLICY/PROCEDURE

#### 1. Leave to Care for an Ill or Injured Service Member

Eligible employees may take up to 26 weeks of unpaid leave when they are required to care for a **family member** who is a **covered service member** on active military duty who incurs a **serious health condition** while in the line of duty.

- **Family Member** - The employee must be the spouse, child, parent, domestic partner (as defined by the [Gallagher Domestic Partner Policy](#)) or next of kin (defined for purposes of this policy as the nearest blood or adoptive relative) of the covered service member.
- **Covered Service Member**- A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on temporary disability retired list, for a serious illness or injury. Also included are veterans undergoing medical treatment, recuperation or therapy for a serious injury or illness who were members of the Armed Forces at any time during the 5-year period preceding the date on which the medical treatment began.
- **Serious Health Condition** - An injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. This includes pre-existing conditions aggravated by service in the line of duty as well as injuries/illnesses manifested after the service member's discharge from military service.

The leave may be taken on an intermittent or reduced leave (part-time) schedule if *medically necessary* due to the nature of the service member's serious health condition. These absences are **not** counted as chargeable units of absence against an employee's attendance record.

**Note:** The leave is available on a rolling 12-month basis. The rolling 12-month period is measured backward from the date an employee begins an FMLA leave. Leave to care for an ill or injured service member is combined with all other FMLA leaves. In other words, if FMLA is taken for a different reason within the same 12 month period, the combined duration of both leaves may not exceed 26 weeks.

#### 2.0 Leave Due to Active Duty of a Family Member

**Note:** State laws may provide different or additional leave entitlements to the federal entitlements set out here. Please contact your Hartford representative or Corporate Human Resources with specific questions.

Eligible employees may take up to 12 weeks of unpaid leave because of any "**qualifying exigency**" arising out of the fact that the spouse, child, parent or domestic partner (as defined by the [Gallagher Domestic Partner Policy](#)) of the employee is in the Armed Forces and has been called to active duty (or has been notified of an impending call or order to active duty) in support of a **contingency operation** or has been deployed to a foreign country.

- **Qualifying Exigency** - situations of an urgent or one-time nature arising from the Covered Service Member's call to duty. These may include (1) short-notice deployment, (2) military events and related activities, (3) child care and school activities, (4) financial or legal arrangements, (5) attending counseling, (6) rest and recuperation, (7) post-deployment activities, and (8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty status, *provided the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.*
- **Contingency Operation** - A military operation designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force; OR a military operation which results in a call or order to, or retention on, active duty; OR any other provision of the law during a war or national emergency declared by the President or Congress

The leave is available on a rolling 12-month basis and is combined with all other FMLA leaves. The leave may be taken on an intermittent or reduced leave (part-time) schedule if *necessary* based on the type of qualifying exigency. These absences are **not** counted as chargeable units of absence against an employee's attendance record

**Note:** Leave is available on a rolling 12-month basis. The rolling 12-month period is measured backward from the date an employee begins an FMLA leave. Leave due to active duty of a family member is combined with all other FMLA leaves. In other words, if FMLA is taken for a different reason within the same 12 month period, the combined duration of both leaves may not exceed 12 weeks.

### 3.0 Eligibility

Employees are eligible for Military FMLA if they:

- have at least 12 months of service, and
- have worked at least 1,250 hours during the 12 months prior to the effective date of the leave. (Part-time employees are eligible if they meet the 1,250 hour provision.)

When both husband and wife or domestic partner (as defined by the [Gallagher Domestic Partner Policy](#)) are Gallagher employees, the couple is entitled to an aggregate total of 12 or 26 weeks of Military FMLA (depending on the type of leave taken) rather than 12 or 26 weeks each.

#### **4.0 Leave Denial**

Employees are **not** eligible for leave if:

- Eligibility requirements are not met.
- They have previously exhausted 12 or 26 weeks in a rolling 12-month period.
- Reason for leave does not qualify under the NDAA or comparable state laws.

#### **5.0 Pay Provisions**

Military FMLA leave will be unpaid unless the employee has accrued but unused vacation and/or optional days. Once vacation/optional days are exhausted, the remainder of the leave will be unpaid. Paid time off will be applied concurrently with Military FMLA and will be counted as part of the 12- or 26- week period, as applicable.

#### **6.0 Employee's Responsibilities**

1. Provide manager at least 30 days advance notice, when practicable and/or possible, of the need for a leave.

*If 30 days notice is not possible, verbal notice is acceptable within at least two days of learning of the need for leave.*

2. Complete the Leave of Absence Request Form ([click here](#) to access form).

1. File a claim with The Hartford at 1-888-877-0751 or online at <https://abilityadvantage.thehartford.com>.
2. Submit any required medical certifications and forms within deadlines to The Hartford and provide documentation of need for on-going leave as requested.
3. Maintain communication with manager and The Hartford concerning the status of leave.
4. Notify manager if he/she would like to use accrued, unused vacation days to supplement the unpaid portion of the leave.
5. If taking Military FMLA on an intermittent or reduced schedule basis, complete and submit the special Gallagher FMLA/ADAAA Timesheet provided by the Gallagher Leave Administrator to you and your manager. **(IMPORTANT - For non-exempt employees only: The Gallagher FMLA/ADAAA timesheet must be completed in lieu of recording time off in the [Time Module](#) in myHR).**

6. In addition to completing the Gallagher FMLA/ADAAA timesheet for Payroll, the employee must also report each intermittent absence to The Hartford within two (2) business days by calling 888-877-0751 or online at <https://abilityadvantage.thehartford.com>

## 7.0 Manager's Responsibilities

1. Instruct the employee that he/she must file a claim with The Hartford at 1- 888-871-0751 or <https://abilityadvantage.thehartford.com>
2. Respond timely to communications from The Hartford.
3. Act on claims decisions from The Hartford:
  - Approvals - protect the employee's job and benefits during leave
4. Denials - handle in accordance with Company policy (Gallagher Leave Administrator will provide information and the manager should work with their HR Leader. Notify Payroll *via email* at [USPayrollAdministration@ajg.com](mailto:USPayrollAdministration@ajg.com) if employee has asked to use accrued, unused vacation days to supplement the unpaid portion of the leave.

The Hartford will notify the manager of any intermittent FMLA time taken, if applicable, by signing off on Gallagher FMLA/ADAAA timesheets. (**IMPORTANT** - For non-exempt employees only: The timesheet must be completed in lieu of recording time off in the [Time Module](#) in myHR).

## 8.0 Job Protection

When the employee returns from 12 to 26 weeks of *approved* Military FMLA leave, he/she will be restored to the position he/she held when the leave began or to an equivalent position. If an employee does not return at the end of an approved leave, the employee may not be entitled to reinstatement and the manager may staff the position.

When both husband and wife (or domestic partner, as defined by the [Gallagher Domestic Partner Policy](#)) are Gallagher employees, the couple is entitled to an aggregate total of 12 or 26 weeks of Military FMLA (rather than 12 weeks or 26 weeks each).

**EXCEPTION:** A "key employee" who is among the highest paid ten percent (10%) of employees within a 75 mile radius of his/her office need not be restored to his/her former or equivalent position if job restoration would result in "substantial and grievous" economic injury to the Company. However, in this situation, the manager must notify the employee of his/her intent to replace the position and give the employee an opportunity to return to work prior to the time the position is replaced. The manager must document such notification. **Human Resources must be consulted prior to taking any action under this exception.**

**EXCEPTION:** If the employee's job is eliminated due to close-down of a business unit or as part of a layoff, which would have affected the status of the employee regardless of his/her Military FMLA leave, the employee is not entitled to reinstatement. Such job elimination may entitle the employee to the same or equivalent benefits given other employees whose positions are eliminated, including

severance pay. **Human Resources must be consulted prior to taking any action under this exception.**

### **9.0 Status Of Employee Benefits During Military FMLA Vacation**

Employees may elect whether or not to use vacation accrued, but not yet taken, to supplement partial days of disability benefits and unpaid time during his/her leave.\* Optional days may not be used during a leave of absence.

\* If/when the employee requests vacation to be used to supplement his/her pay during leave, the manager should notify Payroll at [USPayrollAdministration@ajg.com](mailto:USPayrollAdministration@ajg.com)

For purposes of determining vacation and optional days earned, absence from work for up to 1 month shall be considered time worked. In the event the employee is absent in excess of 1 month and has not fully accrued vacation prior to leave, vacation will continue to accrue upon an employee's return to active employment.

Once an employee physically returns to work following an absence of more than 1 month, any unused vacation and/or optional days remaining may not be taken until he/she has worked at least 30 business days.

### **Holidays**

Holidays run concurrently with Military FMLA and do not extend any periods of leave. If an employee is in an unpaid status, he/she will not receive pay for the holiday.

### **Basic Life and Long-Term Disability Plans**

Coverage will be continued by the Company for the duration of the approved leave.

### **Elective Plans (Group Health, Supplemental AD&D, Flexible Spending, Vision)**

The Company will maintain the Company's contributions for the employee's elected benefits for the duration of the approved leave. During periods of unpaid leave (when payroll deductions for the employee's portion cease), the employee must pay his/her contribution with a personal check. The employee will receive notification of eligibility to self-pay his/her benefits from Corporate Human Resources once he/she reaches an unpaid status. If payment is not received by the indicated due date, benefits may be suspended or terminated.

### **Supplemental Life**

CIGNA will bill the employee while he/she is on unpaid leave. Employees should remit payment directly to CIGNA.

### **Savings & Thrift Plan [401(k)]**

When a leave is unpaid, ongoing contributions into an employee's 401(k) account will cease. If the employee has a loan, it will be suspended. Upon return from leave, contributions will be re-initiated and the loan will be re-amortized. Retroactive contributions will not be made.

### **Pension Plan (frozen as of 7/1/05)**

Leave time will be counted as service for vesting purposes only in accordance with Federal laws governing such benefits.

### **Company Car Program**

If an employee who is out on leave also participates in the Company Car Program, his/her car allowance and insurance coverage will continue. The maximum period of time an employee on leave can continue on the Company Car Program is two (2) months from the date of leave. Employees may be reinstated in the Company Car Program upon his/her return to work.

### **10.0 Effect on Next Due Date of Performance Appraisal**

When an employee's Military FMLA leave overlaps a performance appraisal due date, the employee's performance appraisal should be completed as soon as practicable upon the employee's return to work. The employee's appraisal should cover the period of time the employee actually worked during the appraisal cycle.

### **11.0 Contacts for Questions**

Questions about your pay while out on leave should be directed to the Gallagher Leave Administrator at [ajgloa\\_AJGLOA@ajg.com](mailto:ajgloa_AJGLOA@ajg.com).

Questions about the policy and/or procedures listed above should be directed to Corporate Gallagher Leave Administrator, Amanda Mejia, at 630-694-5223 or Kristen Trigsted, at 630-285-3565.

Questions about notifications regarding vacation usage should be directed to the Payroll Department.

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