

# STRYKER CORPORATE HUMAN RESOURCES STANDARD

**Standard Name:** *Leaves of Absence*

**Document Number:** *CHR-BEN-001*

**Revision Level:** 1.0

**Effective Date:** *July 1, 2009*

## General Information

### Purpose

The purpose of this standard is to establish the policy, procedures and forms to guide the uniform and legally compliant designation and administration of employee leaves of absence and to ensure proper coordination with other forms of leave and paid leave benefit available to employees.

### Scope

This Standard applies to all Stryker (“the Company”) employees at all U.S. Stryker locations to the extent permitted by applicable law and, where applicable, all U.S. citizens employed by Stryker’s foreign subsidiaries. If any provision of this Policy does not comply with the state/local law applicable to a particular Stryker business unit, that business unit will revise this Policy to comply with applicable state/local law and/or implement a separate policy to comply with state/local law, provided that the revised policy will, to the greatest extent possible, conform with the principles contained within this Policy. All provisions of this Policy that comply with local law will remain in effect.

### Associated References

1. Family and Medical Leave Act of 1993 (FMLA) as amended by the National Defense Authorization Act of 2008 (NDAA)
2. Americans with Disabilities Act of 1990 (ADA) as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
3. Uniformed Services Employment and Reemployment Rights Act (USERRA) 1994
4. Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions 1986
5. State Family and Medical Leave Laws that Differ from the Federal FMLA (National Conference of State Legislatures – September 2008)

### Related Documents

1. CHR-BEN-002 –Supplemental Guidance on Disability Leave of Absence for Sales Personnel
2. Stryker Short Term Disability Plan

### Key Terms

All terms incorporated within the body of the Standard

### General Requirements

This standard will identify the Company’s general policy and administration of employee leaves of absence and the coordination between family medical leave, disability leave, personal leave, bereavement leave, military leave and jury duty leave, where applicable.

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## Roles and Responsibilities

### Corporate

1. A member of the Corporate Comp & Benefits team shall act as the Corporate Leave Administrator (CLA) and shall be responsible for ensuring that all leave of absence policy, procedure, forms and communication, guidance and training documentation is created, reviewed and approved, released and stored according to the corresponding laws, regulations and corporation standards.

### Divisional/Local

1. Each U.S. division or site shall be responsible to assign a member of the Human Resources Department to act as the Division Leave Administrator (DLA) and ensure that the DLA is trained on the corporate standard. This DLA shall be responsible to administer the leaves of absence for employees within the DLA's division in compliance with the corporate and local standards.
2. This DLA shall be responsible for understanding the corporate standard and keeping abreast of current state and local regulation which affects the DLA's employee base and which may require a different level of compliance beyond the corporate standard. In this case, the DLA shall be responsible to develop, gain approval and administer additional state/local policy/procedure as required to ensure regulatory compliance in all associated venues.

## Procedure

### Family Medical Leave (Basic FMLA & Military Family Leave) - General

- 1.1 **Overview of Leave Provisions:** There are two types of Family and Medical Leave Act ("FMLA") leaves available, including the basic 12-week leave entitlement ("Basic FMLA Leave") as well as the military family leave entitlements ("Military Family Leave") described in this standard.
- 1.2 **Coordination with State Family and Medical Leave Law:** In addition to federal FMLA, employees may also be entitled to additional or different leave benefits under applicable state law. Employees should check with their local human resources department or DLA to determine availability and eligibility for any such state benefits.
- 1.3 **Forms and Postings:** All necessary forms to request or certify leave are available in the Human Resources Department. The Company also maintains a general notice about the FMLA and Employee Rights and Responsibilities (WHD 1420) on employee bulletin boards, employee benefit intranet sites and/or in employee handbooks. This notice is available also in the Human Resources department and is distributed to all newly hired employees as part of their induction.

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## Basic FMLA Leave

- 1.4 **Leave Eligibility:** Employees are eligible for Basic FMLA Leave if they:
- Have been employed by the Company for at least 12 months within the last 7 years;
  - Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave of absence (under USERRA regulations, the time spent fulfilling an employee's military service obligations (National Guard or Reserve) will not be counted against the 1,250 hour and 12 month requirement);
  - The leave is for a qualifying reason as set forth in Section 2, below.
- 2.1 Qualifying Reason for **Basic FMLA Leave:** If eligibility requirements are met, employees may take up to 12 weeks of unpaid leave during any 12 month period for one of the following qualifying reasons:
- a. To care for the employee's son or daughter during the first 12 months following the birth or placement with the employee for adoption or foster care;
  - b. To care for an employee's family member defined as a spouse, son, daughter (including adult children incapable of self-care because of a physical or mental disability at the time leave commences), parent (includes adoptive, step or foster parent), declared same sex domestic partner or their dependents, who has a **serious health condition**;
  - c. For the employee's own serious health condition that renders the employee unable to perform the employee's own job, including incapacity due to the employee's pregnancy, pre-natal medical or childbirth.
- 2.2 **Serious Health Condition:** An illness, injury, impairment or physical or mental condition that involves:
- 1) Inpatient care including any associated period of incapacity or subsequent treatment; or
  - 2) Continuing treatment by an healthcare provider ("HCP") that includes any one or more of the following:
    - (a) a period of incapacity of more than 3 days and any associated subsequent treatment or period of incapacity relating to the same condition that involves 2 or more HCP visits within 30 days of the first incapacity unless extenuating circumstances prevent it or a single HCP visit within 7 days of the first day of incapacity which results in a regimen of continuing treatment under supervision of an HCP;
    - (b) any period of incapacity due to pregnancy or pre-natal care;
    - (c) any period of incapacity to receive restorative care following surgery or trauma;
    - (d) any period of incapacity or treatment for such incapacity due to a chronic

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- serious health condition (e.g., asthma, diabetes, epilepsy);
- (e) any period of incapacity that requires periodic treatment by an HCP (at least twice a year) and that may be episodic or continues over an extended period;
- (f) any period of incapacity that may be permanent or long term for which treatment may not be effective (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease); or
- (g) absence or incapacity related to the diagnosis of a serious health condition or to determine treatment.

2.3 **Married Couples:** Where a married couple is both employed by the Company, the spouses together may take a combined total of 12 weeks leave during any 12 month period to care for the birth, adoption or placement of a child. Each spouse is then entitled to utilize the rest of his or her 12 weeks of leave for another FMLA purpose as needed. Each spouse may take the full 12 weeks to care for the serious health condition of a family member including their child, even if they both work for the Company.

2.4 **Eligibility Year:** The amount of FMLA leave available to an employee will be based on the 12 month period immediately preceding the date the employee uses any FMLA leave. The available leave will be the balance of the 12 week allowance which has not been used during the preceding 12 months. For purposes of determining leave use, a company holiday occurring within a full week of FMLA leave has no effect; the entire week is counted as FMLA leave. If however, the employee uses FMLA leave in increments of less than 1 week, the company holiday will not be charged against the leave unless they were scheduled to work it.

2.5 **Part Time Employee Calculation.** The leave entitlement for employees whose schedule with Stryker varies from week to week is calculated based on the weekly average hours the employee worked over the preceding 12 months. Usually pro-rata leave is not calculated if the employee works a fixed hour, part-time schedule and is taking leave in full weeks. If the employee requests intermittent leave or needs partial weeks of leave, the pro-rata leave amount will need to be calculated.

For example: Leslie normally works 30 hours per week. Her FMLA entitlement is 12 weeks leave X 30 hours per week = 360 hours FMLA entitlement. If she requests 12 weeks of leave due to a serious medical condition, she will get 12 weeks of 30 hours leave per week. However, should she request 15 hours off each week due to a serious medical condition, Leslie will take half a week of FMLA leave each calendar week and will use all her FMLA leave in 24 calendar weeks. [15 hours X 24 weeks = 360 hours].

## Intermittent and Reduced-Schedule Leave

3.1 **Intermittent & Reduced-Schedule Leave:** An employee may be allowed to take intermittent leave (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workday or workweek) if medically necessary. Any employee taking intermittent leave must make a reasonable effort to schedule the leave so as not

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to disrupt unduly the Company's operations.

- 3.2 **Temporary Transfers:** The company may need to transfer the employee temporarily to an alternative position for which the employee is qualified that can better accommodate the leave schedule. The position must have equivalent pay and benefits, but not necessarily have equivalent duties.
- 3.3 **Accounting for Intermittent Leave:** All time taken under an intermittent or reduced-schedule leave will be accumulated and count toward the employee's 12 week eligibility year entitlement for FMLA leave. The Company will account for the leave using an increment no greater than the shortest period of time that the Company uses to account for other forms of leave provided that it is not greater than 1 hour and the employee's FMLA Leave entitlement is not reduced by more than the amount of leave actually taken.
- 3.4 **Job Safety & Fitness for Duty:** Where reasonable job safety concerns exist, the Company may require a fitness for duty certification when the employee takes intermittent leave.

4.1 **Administration of Leave Process and Designation of Leave:**

## Administration of Leave Process and Designation of Leave

- a. The process is initiated when the employee requests leave or when the Company acquires knowledge that an employee's leave may be for an FMLA-qualifying reason.
- b. When the need for leave is foreseeable, the employee is expected to provide 30 days' advance notice. When the need for leave is not foreseeable, the employee is required to provide at least verbal notice of the need for leave as soon as practicable (within 1-2 business days of learning of the need for leave except in extraordinary circumstances). When leave is needed for planned medical treatment, the employee must attempt to schedule treatment so as not to disrupt unduly the Company's operations. Failure to provide appropriate notice may be grounds for delaying the start of leave.
- c. The employee is obligated to respond to reasonable Company's inquiries regarding leave request, amount of notice and other information in order to determine eligibility for FMLA leave.
- d. The Company will notify the employee of his/her eligibility to take FMLA leave within five business days, absent any extenuating circumstances and once eligibility is determined, the Company will provide a written **Notice of Eligibility** including amongst other information what certification the employee will be required to provide, employee obligations and consequences and use of paid leave (**Form WH-381**).
- e. Medical certification will be required from the employee and his/her relevant healthcare provider to support a request for a leave because of a serious health condition of the employee or of a covered relation (**Form WH-380-E**).

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or WH-380-F). This certification is due within 15 calendar days after the employee requests leave. Failure to provide requested certification in a complete and timely manner may result in denial of leave until it is provided.

- f. The Company will then provide back to the employee a **Designation Notice (Form WH-382)** within five business days, absent any extenuating circumstances, that either approves or does not approve the requested leave and/or requests additional information. If additional information is needed, the employee has an additional seven calendar days to provide that information. This notice includes amongst other things designation as FMLA, amount of leave entitlement applied, whether leave is paid and requirement for fitness for duty certificate upon return.
- g. In certain situations, the Company may retroactively designate leave taken as FMLA leave as long as there is no negative impact on the employee.
- h. If an employee returns from any period of absence that has not been designated as FMLA leave and wishes to designate it as FMLA leave, they must notify the Company within two business days of return to work for approval and retroactive designation as FMLA leave.

## Medical Certification & Recertification & Second and Third Opinions

- 5.1 **General Content of Medical Certification:** The Medical Certification must include the first anticipated date of absence from service, a description of the medical facts supporting the certification, a brief statement describing treatment and the expected date of return. Additional information would be required based on type of leave applied for:
  - a. **For Medical Certification to Support a Leave for the Employee's Own Serious Medical Condition:** The certification (**Form WH 380E**) must also include a statement that the employee is unable to perform the essential functions of the employee's position.
  - b. **For Medical Certification to Support a Leave for Family Medical Reasons:** The certification (**Form WH 380F**) must include a statement indicating that the employee's presence is necessary or would be beneficial for the care of the family member and the period of time care is needed or the employee's presence would be beneficial.
  - c. **For Certification to Support Intermittent Leave or to Work a Reduced Schedule:** The certification must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.
- 5.2 **Recertification:** Employees will be required, in certain circumstances, to recertify the need and/or to extend the duration of leave, based on continuing medical certification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in delay of further leave until it is provided. For employees requesting intermittent or reduced leave in excess of six months, the employer may request recertification every six months in

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connection with the employee's absence.

- 5.3 **Authentication and Clarification of Medical Certification & Second and Third Opinions:** The Company's DLA may contact a certifying healthcare provider to clarify and authenticate the medical certification after the employee has been given an opportunity to cure deficiencies. The Company may, at its expense, require an examination by a second healthcare provider designated by the Company, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original opinion, the Company, at its expense may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

## Benefits

- 6.1 **Benefits:**
- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation. An employee who fails to return from a leave will be obligated to reimburse the Company for the cost of company-paid benefits, except when the employee's failure to return from leave is due to the continuation, recurrence or onset of a serious health condition or due to other circumstances beyond the employee's control.
  - b. The use of FMLA leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.
  - c. For any leave that is paid during the FMLA period, the employee will continue to receive voluntary benefit coverage (e.g. supplemental life insurance, employee stock purchase plan) according to the terms of the plan. All voluntary benefit coverage that the employee wishes to maintain during FMLA leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the leave, when appropriate.

## Paid Time Off and Coordination with Other Forms of Leave

- 7.1 **Coordination with Other Forms of Leave and Paid Time Off:** FMLA leave is coordinated with other forms of leave. Leave will be unpaid except as covered by any earned and available vacation and sick/personal balances, other paid time-off, medical disability payments under a state or other Stryker disability plan or workers' compensation benefits, as applicable. The use of paid leave time for unpaid leave time does not extend the 12 week leave period. In no

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case can the application of paid leave time for unpaid leave time result in the receipt of more than 100% of an employee's salary. FMLA leave is coordinated with other existing forms of leave and the Company may consider information about an employee's health condition obtained while trying to determine disability status under the ADA or a workers' compensation program. Coordination and paid time off is as follows:

- a. **Work-related serious medical condition:** When FMLA leave is used for the employee's serious health condition which is covered by workers compensation disability laws, the provisions of the regulations covering workers compensations will govern whether the employee receives compensation during the leave. Employees will not be required to use all of their accrued sick/personal and vacation balances prior to using FMLA leave for a work-related injury/illness that is for an employee's serious health condition. If the employee is able to "return to light duty" following a work-related serious medical condition (also concurrent FMLA leave), but is unable to return to the same or equivalent job, the employee may decline the Company's offer of a light duty job. If the employee declines the offer of light duty, the employee may not be entitled to receive lost wages or similar compensation for worker's compensation. The employee would be entitled to remain on unpaid FMLA leave until the FMLA entitlement has been exhausted.
- b. **Other serious medical condition of employee:** When FMLA leave is used for a serious medical condition of the employee and the leave is unpaid and is not eligible under Stryker's disability leave, the employee must use all of his/her sick/personal time and vacation balances available at the leave inception, in that order, unless superseded by state law, except that the employee may choose to save up to five days of accrued vacation balance.
- c. **Serious medical condition of a family member:** When FMLA leave is used to care for a family member with a serious medical condition, the employee must use all his/her sick/personal time and vacation balances available at the leave inception, in that order, unless superseded by state law, except that the employee may choose to save up to five days of vacation balance.
- d. **Birth, adoption or foster care of a child:** When FMLA leave is taken for purposes of birth, adoption or foster care placement of a child, the employee must use all his/her sick/personal time and vacation balances available at the leave inception, in that order, unless superseded by state law, except that the employee may choose to save up to five days of vacation balance.
- e. **Charge Against FMLA Allowance:** All time off work which meets the definitions under FMLA will be charged against the yearly FMLA allowance. This determination is made by the Company. For example, whenever workers' compensation leave, a disability leave or any sick leave is due to

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a serious medical condition, all time off will be charged against the employee's FMLA allowance. Likewise, if an employee uses vacation, sick/personal time or other paid time off balances for any purposes covered by FMLA, all time taken will be charged against the employee's FMLA allowance. This applies even when the employee makes no reference to FMLA at the time of the leave request.

### Return to Work

- 8.1 **Return to Work:** Upon return from FMLA leave, an employee will be restored to his/her same position or to an equivalent position with equivalent pay, benefits, and other employment terms. The employee will not lose any employment benefit that accumulated, accrued or was earned prior to the start of the leave.
- a. **Performance Review:** Any performance review will reflect the employee's performance for time actually worked. Employees will not be treated any differently for review, salary or bonus purposes because they were on an FMLA Leave.
  - b. **Fitness for Duty Certificate:** An employee who is off work because of his/her own serious health condition must provide a fitness for duty certificate verifying he/she is able to perform the essential functions of the job. For employees on intermittent or reduced leave, the Company may require a fitness for duty certification to return from such an absence as often as once every 30 days, if reasonable safety concerns exist regarding their ability to perform their duties. Failure to provide that certificate will result in the delay of the restoration of the employee's job and may result in the denial of the restoration of that employee's job.

### Termination of FMLA Leave

- 9.1 **Termination of FMLA Leave:** An employee's FMLA leave, accompanying benefits and employment will cease under the following circumstances:
- a. The employment relationship would have terminated if the employee had not taken FMLA leave;
  - b. The employee informs the Company of his/her intent not to return from leave;
  - c. The employee obtains other employment;
  - d. The employee fraudulently obtains FMLA leave; or
  - e. The employee fails to return from leave or continues on leave after exhausting the FMLA leave entitlement; unless permission to do so has been granted by the Company in writing or the leave is covered by another approved form of leave. Even though the leave qualifying under the FMLA may cease, termination of the employee's employment may not be warranted at the end of FMLA leave. For example, the employee may be on disability leave or leave that qualifies under workers compensation. The Company should consider other leave requirements and any requirements

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of the Americans with Disabilities Act or similar state law. The DLA will work with other HR personnel, legal and others as necessary to determine if termination of employment is appropriate.

## **Military Family Leave (FMLA) - General**

10.1 **Military Family Leave Overview:** There are two types of Military Family Leave provided under the FMLA regulations, including *Qualifying Exigency Leave* and *Leave to Care for a Covered Servicemember*.

10.2 **Military Family Leave Eligibility:** Employees are eligible for Military FMLA Leave if they:

- Have been employed by the Company for at least 12 months within the last 7 years except that employment periods preceding a break in service of more than 7 years must be counted if the break in service is due to fulfillment of their National Guard or Reserve military service;
- Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave of absence; (under USERRA regulations, the time spent fulfilling an employee's military service obligations (National Guard or Reserve) will not be counted against the employee in determining whether he/she met the 1,250 hour and 12 month requirement);

## **Qualifying Exigency Leave (FMLA)**

11.1 **Qualifying Exigency Leave Eligibility:** If eligibility requirements are met, employees may be entitled to use up to 12 weeks of their unpaid, Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's covered family member including the employee's spouse, son or daughter of any age (including adopted, foster and stepchild, legal ward or a child for whom the employee stands in loco parentis) or parent (including adoptive, foster, stepparent or a parent who stood in loco parentis) receives a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as a member of the National Guard or Reserves only. This does not apply to a covered family member on active duty or called to active duty status who is a member of the regular armed forces. The following circumstances would trigger an employee's right to take leave because of a qualifying exigency:

- a. **Short-notice deployment** - To address any issues that arise from the fact that a covered military member is notified of an impending call to order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Eligible employees may take up to seven days maximum leave;
- b. **Military events and related activities** - This includes attendance at an official ceremony, program or event sponsored by the military that is related to active duty or call to active duty status of a covered military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to active duty or call to active duty

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status of a covered military member;

**c. Childcare and School Activities –**

- (i) To arrange alternative childcare when the active duty or call to active duty status of a covered military member necessitates a change in the existing childcare arrangement for a biological, adopted or foster child, stepchild or legal ward of a covered military member, or a child for whom a covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence (hereinafter referred to as a “covered child”);
- (ii) To provide childcare on an urgent, immediate need basis (but not on routine, regular or everyday basis) when the need to provide such care arises from the active duty or call to active duty status of a covered military member for a covered child;
- (iii) To enroll in or transfer to a new school or day care facility a covered child, when enrollment or transfer is necessitated by the active duty or call to active duty status of a covered military member; and
- (iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a covered child, when such meetings are necessary due to the circumstances arising from the active duty or call to active duty status of a covered military member.

**d. Financial and legal arrangements**

- (i) To make or update financial or legal arrangements to address the covered military members absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account authority, enrolling in military administration systems, obtaining identification cards, or preparing or updating a will or living trust; and
- (ii) To act as the covered military member’s representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits while the covered member is on active duty or call to active duty status, and for a period of 90 days following the termination of the covered military member’s active duty status;

**e. Rest and Recuperation for the servicemember –** To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 5 days of leave for each instance of Rest and Recuperation.

**f. Counseling –** To attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member, or for a covered child, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member;

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- g. **Post-deployment activities** – For up to 90 days after termination of the covered military member’s active duty status:
    - (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status; and
    - (ii) To address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making bereavement arrangements;
  - h. **Other activities** – To address other events which arise out of the covered servicemember’s active duty or call to active duty status provided that the employer and the employee agree that such leave shall qualify as an exigency and agree to both the timing and the duration of such leave.
- 11.2 **For Certification of Active Duty Orders and Documentation:** The first time the employee requests such exigency leave, the Company will require the employee to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates the covered military member is on active duty or called to active duty status in support of a contingency operation and the dates of the covered military member’s active duty service. The documentation of service in support of a “contingency operation” is typically identified in the orders by citation (relevant section of Title 10 of USC) or by reference to the specific named contingency operation. The Company may require, at its discretion, require additional certification to support request for exigency leave based on the leave purpose such as meeting announcements, school note, bill of service for legal or financial affairs.
- 11.3 **Benefits:**
- a. For the approved leave term, the Company will maintain the employee’s benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation. An employee who fails to return from a leave will be obligated to reimburse the Company for the cost of company-paid benefits except when the employee’s failure to return from leave is due to the continuation, recurrence or onset of a serious health condition or due to other circumstances beyond the employee’s control.
  - b. The use of FMLA leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee’s leave. The period of leave will be treated as credited service for

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purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.

- c. For any leave that is paid during the FMLA period, employee will continue to receive voluntary benefit coverage (e.g. supplemental life insurance, employee stock purchase plan) according to the terms of the plan. All voluntary benefit coverage that the employee wishes to maintain during FMLA leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the leave, when appropriate.

11.4 **Coordination with Other Forms of Leave and Paid Time Off:** FMLA leave is coordinated with other forms of leave. When Military FMLA Leave is used to take a qualified exigency leave the employee must use all his/her sick/personal time and vacation balances available at the leave inception, in that order, unless superseded by state law, except that the employee may choose to save up to 5 days of vacation balance. The use of paid leave time for unpaid leave time does not extend the 12 week leave period. In no case can the application of paid leave time for unpaid leave time result in the receipt of more than 100% of an employee's salary. Coordination and paid time off is as follows:

## Leave to Care for a Covered Servicemember (FMLA)

- 12.1 **Leave to Care for a Covered Servicemember:** If eligibility requirements are met, employees may be entitled to use special leave entitlement of up to 26 weeks of leave to care for a covered family member during a single 12 month period. Other conditions include:
  - a. The "single 12 month period" begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 workweeks of leave entitlement for other FMLA – qualifying reasons.
  - b. If an eligible employee does not take all of his/her 26 workweeks of leave entitlement during this single 12 month period the remaining portion of the 26 workweeks entitlement is forfeited.
  - c. Family member under this leave type include a spouse, son, daughter, parent or "next of kin". "Next of kin" of a covered servicemember means the nearest blood relative other than the spouse, child or parent in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, siblings, grandparents, aunts/uncles, first cousins, unless another blood relative has been designated in writing as next of kin for this purpose.
  - d. A "covered servicemember" in this type of leave would include active members of the U.S. Armed Forces as well as National Guard or Reserves and those who are on the temporary disability retired list. This applies to a covered servicemember who requires care from the eligible employee, while

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recovering from a serious injury or illness suffered while on active duty in the armed forces; is unable to perform his/her job due to the injury or illness; and is undergoing related medical treatment, recuperation or therapy, is in outpatient status or is on the temporary disability retired list.

- e. Leave entitlement is applied on a per-covered-servicemember, per-injury basis and the eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different covered serviceperson or to care for the same covered serviceperson but with a subsequent serious injury or illness.
  - f. In any case, no more than 26 workweeks of leave may be taken within any single 12 month period.
  - g. Leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12 month period will be designated as both leaves and taken concurrently; leave will not “stack” in this circumstance.
- 12.2 **Married Couples:** In cases where a married couple is both employed by the Company, the spouses together may take a combined total of 26 weeks leave during any 12 month period to care for the same covered servicemember.
- 12.3 **Certification for Servicemember Caregiver Leave:** The Company will require the employee to provide medical certification by an authorized healthcare provider (HCP) as follows:
- a. Any of the following DOL HCP’s are authorized to complete certification including: Department of Defense HCP or recovery care coordinator, Veterans Affairs HCP or TRICARE network or non-network HCP using **Form WH-385**.
  - b. Invitational Travel Order or Authorization (ITO or ITA) issued from the military for the family member to join an injured servicemember at his/her bedside will be accepted in lieu of the **Form WH-385**. Should the need for caregiver leave exceed the ITA or ITO expiration date, the employee will need to complete the Form WH-385 for additional leave.
  - c. The Company may also require an employee to provide confirmation of the covered family relationship.
  - d. It is the employee’s responsibility to provide the employer with complete certification as failure to do so may result in denial of FMLA leave.
  - e. The Company may seek to authenticate or clarify the certification, but second and third opinions and recertification are prohibited in this kind of leave.

12.4 **Benefits:**

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- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation. An employee who fails to return from a leave will be obligated to reimburse the Company for the cost of company-paid benefits except when the employee's failure to return from leave is due to the continuation, recurrence or onset of a serious health condition or due to other circumstances beyond the employee's control.
- b. The use of FMLA leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.
- c. All voluntary benefit coverages which the employee wishes to maintain during FMLA leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the leave, when appropriate.

12.5 **Coordination with Other Forms of Leave and Paid Time Off:** FMLA leave is coordinated with other forms of leave. When leave is used to care for covered servicemember with a serious medical condition, the employee must use all his/her sick/personal time and vacation balances available at the leave inception, in that order, unless superseded by state law, except that the employee may choose to save up to five days of vacation balance. The use of paid leave time (e.g. vacation) for unpaid leave time does not extend the 26 week leave period. In no case can the application of paid leave time for unpaid leave time result in the receipt of more than 100% of an employee's salary.

## Administration of Military Family Leave

13.1 **Administration of Military Family Leave:**

- a. When the employee requests leave, the Company will notify the employee whether they are eligible under the FMLA. Notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.
- b. If they are eligible, the Company will provide a written **Notice of Eligibility** including any additional details and employee requirements; including certification (refer to **Form WH-381**).
- c. Certification will be required from the employee and in the case of caregiver

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leave from the relevant healthcare provider to support a request for a leave (**Form WH-384 Exigency Leave or Form WH-385 Caregiver Leave for Servicemember**). This Certification is due within 15 calendar days after the employee requests leave. Failure to provide requested certification in a timely manner or that is incomplete may result in denial of leave until it is provided.

- d. The Company will then provide back to the employee a **Designation Notice (Form WH-382)** that either approves or does not approve the requested leave or requests additional information or action.

### Personal Leave

- 14.1 **Eligibility for Personal Leave:** A regular status employee who has been employed for at least 30 days is eligible to apply for personal leave.
- 14.2 **Purpose of Leave:** Unpaid leave may be granted at the Company's sole discretion for appropriate personal reasons that are not covered by any other leave policy (i.e. unpaid bereavement leave or personal health concerns that are not covered by any other applicable policies).
- 14.3 **Advance Notice:** When the need for the leave is foreseeable, an employee is expected to provide 30 days' advance written notice. When the need for leave is not foreseeable, the employee is required to provide written notice of the need for the leave as soon as possible.
- 14.4 **Duration of Leave:** Leave may be taken for a minimum of 1 day and up to a maximum of 30 calendar days within a single 12 month period. All leaves must be continuous. Personal leave is not available on an intermittent basis or through the arrangement of a reduced work schedule.
- 14.5 **Periodic Reporting:** An employee on leave may be required to call in and report to the Company on a periodic basis, as specified at the time that the personal leave is granted, to report his/her progress, the continued need for leave and his/her anticipated date of return to work.
- 14.6 **Forms:** All necessary forms to request a personal leave are available in the Human Resources Department (Form CHR-BEN-001-B).
- 14.7 **Wages:** Personal Leave will be unpaid.
- 14.8 **Benefits:**
- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits Maintenance on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation.

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An employee who fails to return from a personal leave will be obligated to reimburse the Company for the cost of company-paid benefits.

- b. The use of Personal Leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.
- c. All voluntary benefit coverages which the employee wishes to maintain during leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the leave, when appropriate.

14.9 **Coordination with Other Forms of Leave and Paid Time Off.** The employee is required to exhaust all forms of applicable leave including, but not limited to, accumulated sick/personal time balances, vacation balances, FMLA leave and disability leave before they can take a personal leave.

14.10 **Return to Work.**

- a. Upon return from personal leave, the Company will endeavor to restore the employee to his/her same or similar position with equivalent pay, benefits and other employment terms. The employee will not lose any employment benefit that accumulated, accrued or was earned prior to the start of the leave.
- b. If an employee has taken personal leave for any reason that places into question the employee's ability to perform the essential functions of the position, the employee will be required to provide the necessary medical certification of the ability to perform the essential functions of the position before returning to work.

14.11 **Termination of Leave.** An employee's personal leave and employment will cease under the following circumstances:

- a. The employment relationship would have terminated if the employee had not taken personal leave;
- b. The employee informs the Company of his/her intent not to return from leave;
- c. The employee actively seeks and/or obtains other employment;
- d. The employee fraudulently obtains the personal leave; or
- e. The employee fails to return from leave or continues on leave after exhausting his/her personal leave entitlement unless permission to do

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so has been granted by the Company in writing.

### Disability Leave

- 15.1 **Eligibility for Disability Leave.** All active employees who regularly work at least 20 hours per week become eligible, as of their date of hire, to apply for disability leave under the terms of Stryker's Short Term Disability Plan.
- 15.2 **Purpose of Leave.** Leave may be granted to an employee who is unable to work on account of an approved disability under the STD Plan.
- 15.3 **Duration of Leave.** Leave may be taken for a minimum of 1 day and up to a maximum of 180 days.
- 15.4 **Determination of Leave Eligibility.** The determination of eligibility for Disability Leave will be determined according to Stryker's Short Term Disability Plan and/or state law as applicable.
- 15.5 **Forms.** All necessary forms to request a disability leave are available in the Human Resources Department (Form CHR-BEN-001-A).
- 15.6 **Wages.** If eligible, benefits may be available under the Short Term Disability Plan or through state disability insurance programs. Where state law permits, the employee may be eligible to have disability leave payments integrate/supplement state disability benefits. Under no circumstance would integrated benefits pay more than 100% of employee's salary.
- 15.7 **Benefits:**
- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation. An employee who fails to return from a personal leave will be obligated to reimburse the Company for the cost of company-paid benefits.
  - b. The use of Disability Leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.
  - c. All voluntary benefit coverages which the employee wishes to maintain during leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the

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leave, when appropriate.

- 15.8 **Coordination with Other Forms of Leave and Paid Time Off.** Disability Leave runs concurrently with FMLA leave taken due to an employee's own serious health condition and will count in the leave entitlement permitted under FMLA. .
- 15.9 **Return to Work.**
- a. **Job Restoration:** Upon return from disability leave, the Company will endeavor to restore the employee to his/her same or similar position with equivalent pay, benefits and other employment terms, but cannot guarantee such restoration. Return to the same or equivalent position cannot be guaranteed, unless covered under an approved FMLA Leave.
  - b. **Performance Review:** Any performance review will reflect the employee's performance for time actually worked. Employees will not be treated any differently for review, salary or bonus purposes because they were out of work due to Disability Leave.
  - c. **Fitness to Return to Work:** Any employee who takes leave pursuant to this policy will be required to provide the necessary medical certification of his/her ability to perform the essential function of the position before returning to work.
- 15.10 **Termination of Leave.** An employee's disability leave and employment will cease under the following circumstances:
- a. The employment relationship would have terminated if the employee had not taken disability leave;
  - b. The employee informs the Company of his/her intent not to return from leave;
  - c. The employee actively seeks and/or obtains other employment;
  - d. The employee fraudulently obtains the disability leave; or
  - e. The employee fails to return from leave or continues on leave after exhausting his/her disability leave entitlement unless permission to do so has been granted by the Company in writing. Even though disability leave may cease, termination of employment may not be warranted at the end of disability leave. The Company should consider other leave requirements and any requirements of the Americans with Disabilities Act or similar state law. The DLA will work with other HR personnel, legal and others as necessary to determine if termination of employment is appropriate.
- 15.11 **Compliance with Laws Related to Individuals with Disabilities:**

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To ensure that our practice provides equal opportunity for qualified individuals with a disability, the Company will make reasonable accommodation for the known physical or mental limitations of an otherwise qualified individual with a disability unless the accommodation would impose an undue hardship on the operation of the business and/or would create a direct threat to the health and/or safety of the individual or others, including customers. Should the employee identify the need for a reasonable accommodation upon his/her return from disability leave of absence in order to be able to perform the essential functions of his/her job, the employee should contact his/her Human Resources representative. Together they shall engage in an interactive process that could include the involvement of the employee's healthcare provider so that a determination can be made of specific limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

## Bereavement Leave

- 16.1 **Eligibility for Bereavement Leave:** All regular employees are entitled to paid bereavement leave as of their date of hire.
- 16.2 **Purpose of Leave:** Bereavement leave is available upon the death of an employee's immediate family member. *Immediate family* is defined as the employee's spouse, same sex domestic partner, child, stepchild, same sex domestic partner's child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, domestic partner's father, same sex domestic partner's mother, stepfather, stepmother, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, step-brother, step-sister, same sex domestic partner's brother or same sex domestic partner's sister.
- 16.3 **Notice:** As soon as is reasonable under the circumstances, the employee shall notify his/her immediate supervisor of the death and the need for bereavement leave. Such notification shall include the anticipated duration of the leave.
- 16.4 **Duration of Leave:** An eligible employee shall be provided three paid days of bereavement leave. The leave may be extended through the use of personal leave, solely at the Company's discretion and based on business necessity.
- 16.5 **Forms:** All necessary forms to request a bereavement leave are available in the Human Resources Department. Proof of the bereavement may be requested to approve the leave.
- 16.6 **Wages:** Leave will be paid for a maximum of three days. Bereavement pay is based on the employee's scheduled work hours missed at his/her straight time hourly rate.
- 16.7 **Benefits:** For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. The use of Bereavement Leave will not result in the loss of any employment benefit that accrued, accumulated or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to

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participate in a benefit plan.

16.8 **Return to Work:**

a. **Job Restoration:** Upon return from bereavement leave, an employee will be restored to his/her equivalent position with the equivalent pay and benefits.

16.9 **Termination of Bereavement Leave:** An employee's bereavement leave, accompanying benefits and employment will cease upon the following circumstances:

- a. The employment relationship would have terminated if the employee had not taken bereavement leave;
- b. The employee informs the Company of his/her intent not to return from leave;
- c. The employee actively seeks and/or obtains other employment;
- d. The employee fraudulently obtains bereavement leave; or
- e. The employee fails to return from leave or continues on leave after exhausting his/her leave entitlement unless permission to do so has been granted by the Company in writing.

### Military Leave

17.1 **Eligibility for Military Leave:** All regular status employees shall be entitled to military leave in accordance with federal USERRA statutes and other applicable laws.

17.2 **Purpose of Leave:** The Company provides military service leave in accordance with the law. Military leave includes active military duty in any branch of the armed forces, reserve training and activities, and reporting for examinations to determine an employee's fitness for military service. It also includes national guard and reservists who perform active duty for training and inactive training duty.

17.3 **Request for Leave and Advance Notice:** All necessary forms to request or certify leave are available in the Human Resources Department (Form CHR-BEN-001-B). An employee is required to provide reasonable notice of the need for military leave consistent with the requirements for the leave. Failure to provide such notice may result in the denial of the leave and the employee's termination. A copy of the military order will be required.

17.4 **Duration of Leave:** An employee shall be entitled to a total of five years for active duty and may be entitled to additional time if the initial enlistment lasts longer than five years; the employee takes periodic leave for National Guard or Reserve duty; or the government requires involuntary active duty, extensions or recalls.

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17.5 **Wages:** An employee on approved military leave will be paid as follows:

- a. Employees attending short-term annual military exercise/duties will be paid the difference between their military pay and their regular salary or base wage for a maximum of 10 days per year. For commission pay employees, base pay on a daily rate means the commissions earned over the preceding 12 month period divided by 260.
- b. Employees called to military duty for any reason other than annual military exercise/duties will be paid the difference (if any) between their military basic pay and their regular salary or wage base for the first 6 months of their military leave of absence. For commissioned pay employees, base pay on a daily rate means the commissions earned over the past 12 month period divided by 260.
- c. The employee must present a copy of his/her total gross military pay for the covered time period to the Human Resources Department before they will receive payment. Payments can be made on a monthly basis during leave or in a lump sum upon the employees return to work at the Company, at the employee's choice. If lump sum payment method is selected, employees must apply for their payment within 60 days of return to the Company following conclusion of leave.

17.6 **Benefits:**

- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A.
- b. **Health Insurance during Military Leave:** For employees called to military duty for any reason other than annual military exercise/duties the Company shall offer COBRA continuation health coverage to employees enrolled in the Company's health plan on the effective date of military leave, for up to 24 months. If continuation coverage is elected, the Company will pay the full cost of coverage for the first 6 months of military leave. The employee will be responsible for the full cost of coverage for the remaining 18 months, if they so choose, to continue it.
- c. **401(k) Benefits:** Upon reemployment by Stryker after eligible military leave, the employee shall be treated as if no break in service occurred with respect to 401(k) Savings and Retirement Plan pension benefits. Refer to the Summary Plan Descriptions for more details
- d. **Other Benefit Programs during Military Leave:** Vacation benefit that was accumulated prior to the departure for military leave may be paid in lieu of use at the employee's request. Alternatively the employee may choose to carryover 1 week of vacation for use upon his/her return from leave and cash out the remaining balance. All carryover vacation must be used within 90 days of return. For all military leaves other than annual military

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exercise/duties the Company shall cash out accumulated/accrued unused sick/personal days at leave inception. All other benefit programs will cease at the onset of military leave.

### 17.7 **Return to Work.**

**Job Restoration:** Upon return from a military leave of 90 days or less, the employee will be restored to:

- a. the position the employee would have held if his/her continuous employment had not been interrupted by military leave, or
- b. his/her former position, if the employee is not qualified to perform the position he/she would have held after the Company has made reasonable efforts to qualify the employee.

If the leave is for more than ninety 90 days, the employee may be returned to:

- a. the position the employee would have held if his/her continuous employment had not been interrupted by military leave, or a position of like seniority, status and pay that he/she is qualified to perform; or
- b. the employee's former position or a position of like seniority, status and pay, if the employee is not qualified to perform the position he/she would have held after the Company has made reasonable efforts to qualify the employee.

Periods of leave will be treated as credited services only as required by law (such as the amount of time within which an employee must resume employment following military leave) for purposes of determining the employee's compensation and benefits.

Upon reemployment by Stryker after eligible military leave, the employee shall be treated as if no break in service occurred with respect to the Company's benefit programs including vacation and sick/personal time off plans.

### 17.8 **Termination of Military Leave:** An employee's military leave and accompanying benefits, including his/her employment, will cease under the following circumstances:

- a. There is a change in the Company's circumstances making reemployment impossible or unreasonable.
- b. The employee has waived his/her re-employment rights.
- c. The employee is separated from the military service with a dishonorable or bad conduct discharge.
- d. The employee is separated from the military service under other than honorable conditions.
- e. The employee fails to reapply for his/her position within the time frame and in accordance with the requirements specified by law.

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### Jury Duty Leave

- 18.1 **Eligibility for Leave:** Any employee who is summoned for jury duty is eligible for jury duty leave.
- 18.2 **Purpose of Leave:** To allow an employee to meet his/her civic obligations.
- 18.3 **Notice:** All necessary forms to request or certify leave are available in the Human Resources Department (Form CHR-BEN-001-B). The employee must provide a copy of the jury summons at least 5 days before the need for the leave for the leave to be approved and to be eligible to receive the paid benefit provided by the Company.
- 18.4 **Duration of Leave:** The employee will be allowed as much time as is required by the Court for jury duty leave. An employee will not be required to work on any day that his/her jury duty time equals or exceeds the numbers of hours the employee is typically scheduled to work. On days when the employee does work, the employee will not be required to work in excess of the number of hours the employee is typically scheduled to work when the employee's jury duty time is combined with the employee's work time. On days when the case is not in session or physical attendance is not required, the employee is required to report to work.
- 18.5 **Wages:** For the first 4 weeks of jury duty leave, the employee will be paid the difference between the payment received for the jury duty and the employee's base wage or salary. All other jury duty leave will be unpaid. The employee must submit to the Human Resources Department official court records of all jury duty compensation (except mileage received) before the employee will be provided with his/her paid jury duty leave from the Company. Employees must submit their request for payment within 60 days of receipt of their official court records to receive their Company jury duty leave payment.
- 18.6 **Benefits:**
- a. For the approved leave term, the Company will maintain the employee's benefits as detailed in the attached Benefits on Approved Leave matrix in Appendix A. Any employee contributions to employee benefit plans must be maintained during the leave to continue coverage. If the employee fails to make such contributions, the Company may elect either to cancel benefits coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation. An employee who fails to return from a personal leave will be obligated to reimburse the Company for the cost of company-paid benefits.
  - b. The use of Jury Duty Leave will not result in the loss of any employment benefit that accrued or was earned prior to the start of the employee's leave. The period of leave will be treated as credited service for purposes of all benefit accrual, accumulation, vesting or eligibility to participate in a benefit plan.

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- c. All voluntary benefit coverages which the employee wishes to maintain during leave is the responsibility of the employee. The employee will either make arrangements for payments during the leave, or will reimburse the Company by payroll deduction at the conclusion of the leave, when appropriate.

### 18.7 **Return to Work:**

- a. **Job:** Upon return from jury duty leave, an employee will be restored to his/her same or equivalent position with the same equivalent pay, benefits, and other employment terms. The employee will not lose any employment benefit that accrued prior to the start of the leave.
- b. **Performance Review:** Any performance review will reflect the employee's performance for time actually worked. Employees will not be treated any differently for review, salary or bonus purposes because they were out of work due to Jury Duty Leave.
- c. **Partial Days:** When the employee's jury duty time is less than the number of hours the employee is typically scheduled to work, the employee must report to work and work the employee's typical work day when the employee's jury duty time is combined with the employee's work time.

### 18.8 **Termination of Leave:** An employee's jury duty leave, accompanying benefits, and employment will cease under the following circumstances:

- a. The employment relationship would have been terminated if the employee had not reported to jury duty leave;
- b. The employee informs the Company of his/her intent not to return from leave;
- c. The employee actively seeks and/or obtains other employment;
- d. The employee fraudulently obtains jury duty leave; or
- e. The employee fails to return from leave or continues on leave after exhausting his/her jury duty leave entitlement, unless permission to do so has been granted by the Company in writing.

## **Appendix A *Benefits on Approved Leave matrix***

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Continuation of Benefits while on leave	Bereavement Leave	Jury Leave	Personal Leave	FMLA	FMLA Military QE	FMLA Military Caregiver	Military Leave (Annual Training)	Military Leave
Maximum Allowable Leave Duration	3 days	maximum time required by court**	30 days	12 weeks	12 weeks	26 weeks	2 weeks	5 years
Health Coverage (Medical, Prescription, Dental, Vision)‡	√	√	√	√	√	√	√	
Life Insurance (Supplemental Life/Child Life/Spouse Life)‡	√	√	√	√	√	√	√	
Long-term Disability‡	√	√	√	√	√	√	√	
Long-term Care‡	√	√	√	√	√	√	√	
401(k)‡	√	√	√	√	√	√	√	*
Vacation Accumulation/Accrual	√	√	√	√	√	√	√	
Vacation Applied while on leave				√	√	√		
Sick/Personal/PTO Accumulation/Accrual	√	√	√	√	√	√	√	
Sick/Personal/PTO Applied while on leave				√	√	√		

‡The Company will maintain the employee's benefit coverage. Any employee contribution must be maintained during the leave to maintain coverage.

\*Salary deferrals to the 401(k) plan will continue during the six month salary/wage differential continuation period.

\*\*Up to first 4 weeks of jury duty leave is, the employee will be paid the difference between jury duty payments and the employee's base wage or salary.

## STRYKER CORPORATE HUMAN RESOURCES STANDARD

**Standard Name:** *Leaves of Absence*

**Document Number:** *CHR-BEN-001*

**Revision Level:** 1.0

**Effective Date:** *July 1, 2009*

### *Document Revision History*

Revision Level	Revision Date	Effective Date	Reason and Description of Revision
1.0		July 1, 2009	Obsolete Corporate Policy #5 and reissue as HR standard, updated to comply with new FMLA amendments

### *Forms Revision History*

*(\*forms for this standard included Stryker forms and forms issued by the US DOL/ESA/WHd bearing their form number and revision date nomenclature)*

Form Number	Revision Level	Revision Date	Effective Date	Reason and Description of Revision
WH380-E		January 2009	January 16, 2009	DOL revision of form
WH-380-F		January 2009	January 16, 2009	DOL revision of form
WH-381		January 2009	January 16, 2009	DOL revision of form
WH-382		January 2009	January 16, 2009	DOL revision of form
WH-384		January 2009	January 16, 2009	DOL revision of form
WH-385		January 2009	January 16, 2009	DOL revision of form
CHR-BEN -001A		July 2009	July 1, 2009	Revision based on change of law and policy
CHR-BEN-001B		July 2009	July 1, 2009	New form based on change of law and policy