

AMERICAN SENIOR COMMUNITIES

Section: Human Resources

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Family and Medical Leave Act (FMLA)

General

The Company complies with all applicable federal and state employment laws, including the federal Family Medical Leave Act of 1993, as amended ("FMLA"). Under the FMLA, eligible employees have rights and obligations with respect to unpaid leave in the event a need arises relating to certain family and medical matters. The function of this policy is to provide employees with a general description of their rights under the FMLA. In the event of any conflict between this policy and applicable law, employees will be afforded all rights required by law.

Eligibility

An employee who has been employed for at least 12 months and who has worked at least 1,250 hours during the previous 12-month period may be eligible for Family Medical Leave per this policy.

Reasons for FMLA Leave

An eligible employee may take up to twelve (12) weeks of FMLA leave during the Leave Year for the following reasons:

- To care for a newborn child, or a child newly placed in the employee's custody through adoption or foster care, for a period of up to one year after the birth or placement.
- To care for the employee's spouse, child, or parent who has a Serious Health Condition.
- Because of the employee's own Serious Health Condition if that condition renders the employee unable to perform his or her job functions.
- Because of a Qualifying Exigency arising from the fact that the employee's spouse, son, daughter, or parent is on Covered Active Duty; or

An eligible employee may take up to 26 weeks of FMLA leave within a Single 12-Month Period to care for a Covered Service member who is the employee's spouse, daughter, son, parent, or next of kin who is (a) a member of the armed forces (including National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness suffered in the line of duty and who was a member of the armed forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's applicable FMLA leave entitlement. An employee may not combine forms of leave to exceed the maximum entitlement under the law.

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Limits on Spousal Leave

If both spouses work for the Company, they are allowed twelve (12) weeks between them in total if the leave is for the birth or placement of a child, for a Qualifying Exigency, or to care for a sick parent (but not a parent "in law.") If the spouses are both employed by the Company and each wish to take leave to care for an injured or ill Covered Service member, the spouses may take a combined total of 26 weeks of leave.

Definitions

Leave Year:

Except for leave to care for a Covered Service Member, the leave year means a "rolling" 12-month period measured backwards from the date the employee first takes FMLA leave.

Covered Service Member:

Means (1) a current member of the Armed Forces (including National Guard or Reserves) who has suffered a Serious Injury or Illness incurred in the line of duty for which they are undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is on the temporary disability retired list; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy.

Covered Active Duty:

For current active-duty members of the armed forces, "covered active duty" means duty during deployment to a foreign country. For members of a reserve component of the Armed Forces "covered active duty" means duty during service in a foreign country as part of any operation designated by the Secretary of Defense as one 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; an operation that results in a call to duty of certain members of the Armed Forces from retirement, the reserves, the National Guard, or state militias; or any other operation which is the result of a national emergency declared by the President or Congress.

Next of Kin:

Means the nearest blood relative of the injured Covered Service Member as defined by applicable law/regulation.

Qualifying Exigency:

Qualifying exigencies include the following relating to the Covered Active Duty of a Covered Service Member:

- Issues arising from the short notice (seven days or less) deployment of the employee's spouse, daughter, son, parent, or Next of Kin in the military ("Service member") for a period of seven days from the date of notification.
- Military events and related activities

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- Certain childcare and related activities
- Making and updating financial and/or legal arrangements
- Attending counseling for the covered military service member or the child of the covered military service member
- Taking up to five days of leave to spend time with a covered military service member who is on short-term temporary rest and recuperation leave during deployment.
- Attending certain post-deployment activities
- Any other event that the Company and the employee agree on is a Qualifying Exigency and agree as to both timing and duration of the leave.

Serious Health Condition:

Means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:

(a) A period of incapacity lasting **more than three consecutive**, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:

Treatment two or more times by or under the supervision of a health care provider (e.g., in-person visits, the first within seven days and the second within 30 days of the first day of incapacity unless extenuating circumstances exist for the latter); or

One treatment by a healthcare provider (e.g., an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment under the supervision of a healthcare provider; or

(b) Any period of incapacity related to pregnancy or for prenatal care; or

(c) Any period of incapacity or treatment for a chronic Serious Health Care Condition which:

- Continues over an extended period of time.
- Requires periodic visits (at least twice a year) to a health care provider.
- May involve occasional episodes of incapacity rather than a continuing period of incapacity.

(d) Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. In which case, only supervision by a health care provider is required, rather than active treatment and even if the period of incapacity is episodic rather than lasting more than three consecutive days; or

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(e) Any absences to receive multiple treatments (and recovery from such treatment) for restorative surgery or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

Serious Illness or Injury:

For members of the Armed Forces (including National Guard or Reserves) this means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating. For veterans of the Armed Forces (including National Guard or Reserves) who were members of the Armed Forces (including National Guard and Reserves) at anytime in the 5 years immediately preceding the treatment or therapy, an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (including National Guard and Reserves), or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces.

Single 12-month Period:

The Single-12 Month Period pertaining to leave to care for a Covered Service Member begins the first day the employee takes FMLA leave to care for the Covered Service Member and ends 12 months after that regardless of the Leave Year used by Company for other types of FMLA leave.

Veteran:

means a person who served in the active military, including National Guard, and who was discharged or released from duty or service under conditions other than dishonorable.

Health Care Provider:

means: (1) doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; (2) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; (3) nurse-practitioners and nurse midwives authorized to practice, and performing within the scope of their practice, as defined under state law; (4) Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts. If leave is to care for an injured military service member the healthcare provider must be either a United States Department of Defense health care provider, a United States Department of Veterans Affairs health care provider, a United States Department of Defense network authorized private health care provider, or a United States Department of Defense non-network tri-care authorized private health care provider.

Parent:

means a biological, adoptive, step or foster father or mother, or any other person who stood in the place of the employee's parent when the employee was a son or daughter. The term "parent" does not typically include parents-in-law or grandparents.

Child/Son or Daughter:

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a child/son or daughter means a biological, adopted, or foster child, stepchild, legal ward or child of a person standing in loco parentis who is either under 18 years of age or is 18 years or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. (This definition does not apply to Covered Service Member leave or Military Family Exigency leave. The FMLA regulations have separate definitions of son or daughter for its military family leave provisions that are not restricted by age. The Company will comply will all applicable definitions under the law.)

Requests for Leaves of Absence / Certifications

Employees who notify their supervisor or any member of management of the need for leave should immediately be referred to the Company's Leave Administrator at 1-855-279-9092 or timeoff.sedgwick.com. This team will work directly with the employee to provide all the necessary information to request leave, any forms needed to verify and certify the leave as well as determine eligibility and track all time off to eventually welcome the employee back to work in the near future.

Please note neither Facility Management, the Facility's Payroll Benefits Coordinator, nor onsite HR Management should make any determination, verbally or in writing, as to the employee's eligibility for FMLA or any leave of absence.

Employees should provide at least 30-days' notice of their intent to take time away under FMLA if the leave is foreseeable (such as a scheduled surgery or anticipated birth of a child). Notice of a need for leave due to pregnancy should be provided at least 30 days prior to the due date (and can be provided earlier). If the leave is not foreseeable (such as a medical emergency), employees must make a good faith effort to provide notice as soon as practicable and must generally comply with the Company's customary call-in requirements for absences (unless prevented from doing so by exigent circumstances). Any employee who fails to give this notice may experience a delay in the leave approval process.

Although not required, providing more than 30 days' advance notice is appreciated when the need for future leave is known or anticipated as it allows time to process your request and prepare for your absence. The Company's Leave Administrator can be notified even if the leave of absence start date is several months in the future.

Employees must provide information that allows the Company to determine whether the leave may be FMLA-qualifying and the anticipated timing and duration of the leave. Typically, an eligible employee must provide the Company with a completed and signed health care provider certification indicating that the employee requires FMLA leave. The Leave Administrator can provide these forms.

In cases of leave due to a Qualifying Exigency arising out of the active duty or call to active duty of a covered military service member, the Company requires that an employee's request for leave be supported by appropriate documentation.

In all cases, the forms certifying and supporting the need for FMLA leave must be returned within fifteen (15) calendar days after receipt by the employee, unless not practicable. Failure to return this certification in a timely manner may result in delays in approving the leave. The Company may deny FMLA coverage until the required certification is provided. Failure to return the certification will result in the leave being denied, may be

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considered voluntary termination if the employee is not reporting to work and results in termination of the employee's right to FMLA.

The Company also may require, at its own expense, a second or third health care provider opinion (except with respect to leave to care for a Covered Service member) if there is a question as to the validity of the certification provided by the employee for leave relating to a Serious Health Condition.

An eligible employee may also be requested to provide the Company with updated and/or additional health care provider certifications throughout the course of the employee's leave except if the employee is on leave to care for a Covered Service member.

Completed forms must be submitted to the Leave Administrator when requested. Failure to provide the completed forms may result in termination of the employee's right to FMLA leave. The Company may seek recertification of the need for leave as permitted by law and regulations.

Notification of Designation

Absent extenuating circumstances, the Company will notify employees whether their leave has been approved as FMLA-qualifying no later than five (5) business days after receiving sufficient information to make this designation. If known at the time of the designation, the Company will notify the employee of the amount of leave that will be counted against the employee's FMLA entitlement. If an employee is not eligible, the Company will notify the employee.

Substitution of Paid Leave

Generally, FMLA is unpaid; however, if an employee has accrued but unused paid time off including Regular PTO, PTO Enhancement or prior banked time from acquisitions), the employee must use any accrued but unused paid time off during their FMLA. The Company will apply paid time off during FMLA to the periods the employee would normally have worked without the FMLA. Employees may not use paid time off when receiving worker's compensation benefits. However, FMLA leave will run concurrently with disability or worker's compensation benefits. In the case of an employee using FMLA to care for the serious medical condition of a parent, spouse, or child, if the condition results in death during the FMLA leave, the Company's Bereavement policy will apply.

Genetic Information Nondiscrimination Act (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of employees or their family members. The Company asks that in applying for FMLA leave, employees do not provide any genetic information about themselves or the family member under their care, when responding to any request for medical information. "Genetic information", as defined under GINA, includes a person's family medical history, the results of an individual's or a family member's genetic tests, and the fact that an individual or an individual's family member sought or received genetic services or genetic counseling. See the Genetic Information policy. When an employee is applying for FMLA leave for the care of a family member with a serious health condition, it is obviously necessary to provide some medical information regarding that family member in order to support the request for leave. However, any family member history

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information is only required to the extent necessary to make the FMLA medical certification complete and sufficient under the FMLA and should not otherwise be provided.

Intermittent or Reduced Schedule Leave

In cases of FMLA leave taken for a Serious Health Condition (either an employee's own or that of an immediate family member), a Qualifying Exigency, or to care for a Covered Service member, an employee may take leave on an intermittent (periodic) or reduced hours schedule (e.g., reduced number of working hours per day or per week) when medically necessary as certified by a health care provider. Otherwise, such leave is not permitted except at the sole discretion of the Company. Employees who have requested foreseeable intermittent or reduced schedule leave due to planned medical treatment may be transferred temporarily to an available alternative position at the discretion of the Company and in accordance with applicable law if the alternative position better accommodates recurring periods of leave than the employee's regular position. This is provided the employee is qualified for the alternative position and the position has equivalent pay and benefits. Intermittent leave may be taken in increments of no less than one (1) hour. When calling off during an intermittent leave:

- If the employee does not specify the absence as FMLA when calling off work, that absence may not be counted as FMLA.
- Absent an unusual circumstance (emergencies), the employee must follow appropriate call-in procedures and time limits as specified by the Attendance policy.

Maintenance of Group Insurance

During FMLA Leave an employee is entitled to continued group health plan coverage (medical, dental and vision coverage as well as any voluntary, supplemental benefits elected) under the same conditions as if the employee had continued to work. In order to maintain such coverage, employees are required to continue to pay their regular portion of the insurance premiums on a bi-weekly basis and in a timely manner. In some cases, the Company can arrange a more suitable payment plan directly with the employee if they are unable to pay all of the normal premium, with the understanding that upon return to work, the employee will owe the remaining balances due. If the payment of the employee portion of premiums is more than 30 days late, the Company may discontinue the coverage upon notice to the employee. Benefits would then end as of the last date premiums were paid through.

Salary Changes, Holiday Pay

Any planned salary increases for an employee on an approved FMLA leave of absence will not occur until after the end of the leave. Employees are not entitled to Holiday pay during FMLA leave.

Performance Appraisal

If the normal performance appraisal date of an employee falls during FMLA, the date will be changed to the employee's return date. That new date will become the performance appraisal date for future years.

Job Restoration

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Employees returning from Family Medical Leave before their annual FMLA entitlement has expired will be restored to their last held position when the leave commenced, or to an otherwise equivalent position with respect to benefits, pay, and other term and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Certain salaried key employees (as defined by the FMLA) may be denied restoration if their reinstatement would cause substantial and grievous economic injury to the Company. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

Return to Work

Employees returning from FMLA leave of absence must be able to perform all essential functions of their jobs. If reasonable accommodation is required, the employee must notify their Building Leader or the Human Resources Department (see the *Disability Accommodations* policy). In order to return to work following a leave for the employee's own serious health condition, including pregnancy, **the employee must provide written certification from the health care provider** (e.g., fitness for duty) indicating their ability to return to work and perform the essential functions of the employee's position. The Company will furnish the employee with a list of essential job functions or a job description to facilitate this process. Failure to submit a medical release will prevent the employee from being restored to their employment with the Company. This return-to-work certification must be provided to the Company's Leave Administrator.

Failure to Return from Leave

If an employee who is granted a leave of absence fails to return to work upon expiration of the leave, their employment will be administratively terminated unless evaluation of the employee's situation indicates they may be eligible for additional unpaid leave (See *Other Leaves of Absence* policy).

If the employee is released and able to return to work following the conclusion of the FMLA Leave, but chooses not to return, it will be considered a voluntary termination. Earned and unused PTO may be paid out if proper notice is given.

Prohibition Against Working Elsewhere during FMLA

During an employee's leave from the Company, the employee is prohibited from working elsewhere. If the Company learns that the employee is working elsewhere while on leave, the employee will be disciplined up to and including termination.

No Discrimination or Retaliation

The Company will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA. Any employee who believes that the Company has violated his or her FMLA rights should report their concerns to the Chief Human Resources Officer of the Company for investigation and resolution. An employee may also use the Complaint Hotline at 1-888-788-2502. If the employee's concerns are not resolved in compliance with the law, the employee has the right to file a complaint with the U.S. Department of Labor or bring a private lawsuit. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

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Other Leaves of Absence

The Company understands that there will be situations where an employee is faced with an emergency or special circumstances and needs to take a personal leave of absence or needs leave for a medical reason (including because of an illness, injury, or pregnancy) but is not eligible for FMLA or has exhausted FMLA leave. The policy of the Company is to consider an employee's request for a personal or non-FMLA medical leave of absence, in accordance with the guidelines set forth below.

A leave of absence will be granted when required by law, including when a leave is a reasonable accommodation for a disability under the Americans with Disabilities Act, as amended e (ADA). A request for leave that is not legally mandated will be considered by the Company's Leave Administrator in partnership with management and granted at the Company's discretion. In such cases, the Company may consider, among other things, the reason for the leave, the length of the leave requested, the needs of the Company, the employee's length of service, the nature of the employee's job, workflow, impact on other employees, and impact on the Company, to determine whether the discretionary request will be granted. Due to the nature of the Company's business, the Company may not be able to grant all requests for a leave of absence under this policy.

A leave of absence may not be used for engaging in employment outside of the Company or pursuing an independent business venture.

Absences covered under an approved leave of absence will not be counted as occurrences of absenteeism under the Company's attendance policy. However, employees may be subject to discipline, up to and including termination if, during their leave, they engage in activities inconsistent with the stated purposes of the leave of absence. For example, as stated above, employees are prohibited from engaging in other employment during a leave of absence. Misrepresentations or any act of dishonesty related to a leave of absence will also be grounds for discipline, up to and including termination.

If a leave of absence is approved, the employee may arrange to continue insurance benefits under the same conditions as if the employee had continued to work, as long as the employee continues to pay their regular portion of the insurance premiums in a timely manner. In some cases, the Company may arrange a more suitable payment plan directly with the employee if they are unable to pay all of their premium payments, with the understanding that upon return to work, the employee will owe the remaining balances due. If the payment of the employee portion of premiums is more than 30 days late, the Company may discontinue the coverage upon notice to the employee. Benefits would then end as of the last date premiums were paid through. The Company reserves the right to legally automatically deduct the amounts owed from future paychecks until the balance has been paid in full.

Unless otherwise required by law, employees will not be entitled to accrue any other benefits, including those that function on an accrual basis (e.g., PTO), during a leave of absence and will not be paid for holidays during a leave of absence.

Procedures for Other Types of Leaves

Non-FMLA Medical Leave of Absence

General

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An employee may request an unpaid leave of absence for medical reasons where the leave does not qualify for protection under the FMLA, including for the employee's own serious medical condition, or when an employee has exhausted their FMLA leave. This leave will be considered for employees who need to be out of work for five (5) or more consecutive days. Intermittent leave is not permitted unless such leave has been approved as a reasonable accommodation for a qualified individual with a disability pursuant to ADA. Requests for intermittent leave as a disability related accommodations should be made to the Company's Leave Administrator as well as the Supervisor in accordance with the *Disability Accommodations* policy. Employees are limited to a maximum of twenty (20) weeks of leave if combining FMLA and any type of non-FMLA medical leave during any "rolling" 12-month period.

Types of Non-FMLA Leaves

Medical Extension:

When an employee has exhausted all eligible time under the Family Medical Leave (FMLA) (12 weeks) but may not be able to return to work due to their own medical condition or that of a child, spouse or parent, the Company will consider an additional 8 weeks of time away under a medical extension.

The employee is required to recertify their need to remain off work via certification from a licensed healthcare provider. This information must be returned as soon as possible prior to the end of the original FMLA allocated 12 weeks or within 15 days of the start of the medical extension request. Failure to provide this information in a timely manner will result in the medical extension being denied.

Medical Leave (Non-FMLA):

Employees who have not met the eligibility requirements for FMLA job protected leave due to tenure or hours worked, may be eligible for non-job protected medical leave. This could be for their own serious health condition, pregnancy and delivery or that of a child, spouse or parent. Medical Leave (Non-FMLA) may be approved for up to 8 continuous weeks. Only Full Time or Part Time status employees are eligible. PRN and temporary Status employees are not eligible.

Requesting a Non-FMLA/Certifications Medical Leave

Please refer to the earlier section "Request for Leaves of Absence" for details. As noted, the employee should contact the Company's Leave Administrator at: 1-855-279-9092 or timeoff.sedgwick.com

Certifications for Non-Medical Leave

Please note Facility Management or the Facility's Payroll Benefits Coordinator or onsite Human Resources should not make any determination, verbally or in writing, as to the employee's eligibility or approval for FMLA or any leave of absence.

If the leave of absence is for the employee's own serious medical condition, the Company will require certification of the need for leave from the employee's health care provider. The Company's Leave Administrator can provide the necessary forms and will work with the Employee to manage the certification process. The employee must ensure they or their healthcare provider respond to the request for certification within fifteen (15) calendar days. Failure to comply with the Company's requirements will

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result in denial of leave or reinstatement from leave, in which case the employee's absence would be unauthorized, subjecting the employee to discipline up to and including termination.

If the employee provides a medical certification that is incomplete or otherwise deficient or ambiguous, the Leave Administrator will provide the employee with an opportunity to either have the health care provider correct the certification or provide a written release for Human Resources to contact the health care provider directly. The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days, the identified deficiencies have not been resolved, the request for leave will be denied.

Pay Status While on Non-FMLA Medical Leave

An employee who is taking non-FMLA medical leave is required to use all accrued but unused Paid Time Off (PTO) including PTO Enhancement. Once PTO is exhausted, the time off is unpaid.

Job Restoration from Non-FMLA Medical Leave

Except as otherwise required by law, employees who take a non-FMLA medical leave do not have job restoration rights. However, the Company will generally endeavor to reinstate the employee to the same position or a position with equivalent status, pay, benefits, and other employment terms, upon the employee's return to work or before the end of the approved leave of absence. In the event the Company will not be able to restore the employee, the employee will receive written notice from Human Resources.

Notice Requirements for Returning from Non-FMLA Medical Leave

Employees are expected to be able to return to work by the end of their approved leave. Prior to returning from a leave of absence for a personal health condition, the employee must secure a medical release or return to work certification (e.g., fitness for duty) from their healthcare provider confirming the release to return to work to perform regular duties or set forth any restrictions. A medical release/return to work certification form should be completed and submitted to the Company's Leave Administrator at least three (3) business days in advance of the expected date of return indicated in the employee's written request for a leave of absence. The Company will provide employees with a job of his/her job description or list of essential job functions in order to facilitate this process. Failure to submit a medical release will prevent the employee from being restored to their position.

If the employee is released to work with medical restrictions which impact the employee's ability to perform the essential functions of his/her job, the employee should first contact the Company's Leave Administrator and work in partnership with the supervisor, in consultation with Human Resources, to determine whether the restrictions can be reasonably accommodated.

If an employee on a leave of absence for personal medical reasons is released to return to work sooner than the expected return to work date listed on the employee's written request for leave of absence, the employee should coordinate this return to work with the Company's Leave Administrator who will work with HR and the Supervisor to release the employee for return to work.

If an employee is not medically released to return to work at the end of their leave of absence and the employee has not been granted any additional leave (whether as an accommodation under the ADA or

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otherwise), employee's employment will end as "unable to return from leave" effective the last day of the approved leave of absence.

An employee who fails to return to work as scheduled after a leave of absence may be terminated.

Workers' Compensation

A non-FMLA medical leave for an employee's personal medical condition can run concurrently with workers' compensation. A leave for an employee's medical condition relating to a work injury involving workers' compensation should follow the Company's process for workers' compensation with respect to the verification or clarification of the medical certification. Please see the Company's workers' compensation policies for more information on benefits and pay status while on leave.

Personal Leave of Absence

Full-time employees who have been employed for six (6) continuous months are eligible for a discretionary, unpaid Personal Leave of Absence (PLOA) of up to four (4) weeks off of personal time if they need to be away from work for an extended period of time for reasons not covered by the Company's other leave policies, such as where the bereavement policy may not provide sufficient time away, domestic violence matters, natural disaster or other accidents. A PLOA is not intended or permitted for intermittent leave or as additional leave after a Non-FMLA Medical leave under the Other Leaves of Absence policy. A PLOA is granted at the Company's discretion. The Company may consider, among other things, the reason for the PLOA, the length of the PLOA requested, the needs of the Company, impact on other employees, and impact on the Company, to determine whether the discretionary request will be granted. A request for a PLOA should be directed to the Executive Director or the regional Sr. Human Resources Consultant. An employee who is approved for a PLOA is required to use all accrued but unused Paid Time Off (PTO), otherwise the PLOA is unpaid. An eligible employee is limited to one (1) PLOA per calendar year.

Indiana Military Family Leave

Under Indiana's Military Family Leave Act (IMFLA), eligible employees are entitled to an unpaid leave of absence to spend time with certain family members who are engaged in or called to active military service. An eligible employee under IMFLA is an employee who has been employed for at least 12 months, has worked at least 1,500 hours during the 12-month period immediately preceding the leave, and who is the spouse, parent, grandparent, child, sibling, or court appointed guardian or custodian (all as construed according to the statute) of a person who is ordered to active duty. The term "active duty" means full-time service on active duty orders in the armed forces of the United States or the National Guard for a period that exceeds 89 consecutive calendar days.

An eligible employee may take IMFLA leave up to ten (10) cumulative working days per calendar year during one or more of the following periods:

- Within the 30-day period before a spouse, son, daughter, grandson, granddaughter, parent or sibling ("Military Family Member") begins active duty;
- During a period when the Military Family Member is on leave; or
- During the 30-day period after a Military Family Member's active duty orders are terminated.

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Generally, IMFLA leave is not paid. However, ASC will allow eligible employees to use all available forms of accrued but unused paid time off under the IMFLA. Paid leave will be counted toward the employee's 10 days of IMFLA leave granted per calendar year.

Any eligible employee who takes leave under the IMFLA and who returns to work before or at the time his or her IMFLA leave entitlement has expired will be restored to the position the employee held when the leave started or to an equivalent position with respect to seniority, pay, benefits and other terms and conditions of employment.

An eligible employee must give the Company at least 30 days written notice of intent to take IMFLA leave unless the Military Family Member's active-duty orders are issued less than 30 days prior to the requested leave. An eligible employee must also provide a copy of the active-duty orders, if available, along with the leave request.

The Company reserves the right to require verification of the employee's eligibility for IMFLA leave. If an employee fails to provide such verification, then his or her absence will be considered unexcused.

The Company will maintain the employee's benefits during the IMFLA leave as if the employee had been employed continuously during such a period. An employee may choose not to continue coverage. An employee who continues such coverage must continue to pay his or her share of the required premiums during any unpaid portion of the IMFLA leave period to maintain coverage. Premium payments are due on the same schedule as premiums would otherwise be deducted via payroll deductions.

The Company will not interfere with, restrain, or deny an employee's exercise of rights under the IMFLA.

Military Leave

The Company complies with all federal and state laws regarding military leave of absence and service, including the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). An employee who leaves a position (other than a temporary position) with the Company for voluntary or involuntary service in the Armed Forces of the United States, the Army, the National Guard, the Air National Guard, or any other uniformed service under competent authority or any other category of persons designated by the President of the United States of America in time of war or emergency (Military Service), including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and fitness examinations, is entitled to a military leave of absence upon request and shall be accorded certain benefits and re-employment rights, subject to and consistent with USERRA and all other applicable laws.

The leave is unpaid, unless otherwise required by law; however, an eligible employee may use accrued but unused paid time off during the military service but is not required to do so.

The Company will not discriminate against any employee on the basis of his or her membership, application for membership, performance of service, application for service or performance of any other obligation in the military.

For further information about military leaves of absence, please contact Human Resources.

Indiana Emergency Response Leave

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Any employee who is a volunteer firefighter or member of a volunteer emergency medical service will be provided unpaid leave to respond to a fire or emergency call. In addition, the employee may be provided up to six (6) months of unpaid leave to recover from an injury caused during a fire or emergency call.

Employees must notify the Company, in advance of requesting leave under this policy, that he or she is a member of a volunteer fire department or emergency medical service. Employees requiring leave under this policy should provide as much advance notice as the situation allows.

Employees must provide documentation of their need to take leave under this policy. For leave for an emergency call, the employee must provide a written statement from the fire chief or other officer in charge at the time of the emergency activity, indicating that the employee was engaged in the emergency response. For leave to recover from an injury, the employee must provide documentation from a physician or other medical authority substantiating that the injury occurred during an emergency response and that the employee's absence was caused by the need for treatment. Leave related to an injury will run concurrently with any FMLA leave, if applicable and to the extent permitted by law.