


<p>Owner: Manager, Employee Relations Local Contact: HR Manager/Business Partner</p>	<p align="center">FAMILY & MEDICAL LEAVE ACT POLICY – U.S.</p>	<p>Policy Center </p>
<p>Approver: Senior Vice President, Human Resources</p>		<p>Date Issued/Revised: 07/01/2019</p>

If you have questions, please contact: [HR Connections](#) at 855-480-6634 or 918-977-7905. For more information please refer to the U.S. Department of Labor, Wage & Hour Division '[Employee Rights under the FMLA](#).'

I. PURPOSE

Unpaid family and medical leave under the Family and Medical Leave Act (FMLA) and equivalent state laws is available to employees for the following qualifying purposes:

- 1) To care for a child after birth, adoption, or foster care placement.
- 2) To care for a spouse, child, or parent with a Serious Health Condition.
- 3) For a Serious Health Condition that makes you unable to perform your job.
- 4) Any Qualifying Exigency arising out of the fact that the spouse, child, or parent of the employee is on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty in the Armed Forces).
- 5) To care for a Covered Servicemember (spouse, son, daughter, parent or next of kin) who requires care as a result of an injury or illness incurred in the line of duty.

II. ELIGIBILITY

To be eligible for family and medical leave under the FMLA, you must:

- Have been employed by Phillips 66 for at least 12 months; and
- Have worked at least 1,250 hours for Phillips 66 during the 12 months before the beginning of the leave.

III. AMOUNT AND DURATION OF LEAVE

Calculation and Tracking Period

The 12-month period for FMLA is measured on a rolling 12-month period, measured backward, from the date you first take FMLA.

Duration of Leave

This unpaid leave may be taken in a minimum one-hour increment and up to a maximum of 12 workweeks in a 12-month period. In the case of birth, adoption or foster care placement, employees are eligible for leave within 12-months following the birth, adoption or placement of the child. Where spouses are both employed with Phillips 66, each spouse is eligible to take up to 12 workweeks of family leave.

If you are eligible, you may take unpaid Military Caregiver Family Leave of up to 26 workweeks in a 12-month period to care for a Covered Servicemember with a serious injury or illness incurred in the line of duty while on active duty for which he or she is undergoing medical treatment, recuperation, or therapy. The treatment, recuperation or therapy may be inpatient or outpatient. If you apply for leave under this provision, any other FMLA leave taken during the prior 12 months will be counted against the 26 workweek leave entitlement

If you are eligible, you may take an unpaid leave of up to 12 workweeks in a 12-month period for any Qualifying Exigency when your spouse, child, or parent is on Covered Active Duty or is notified of an impending call or order to Covered Active Duty:

1. When a spouse, child, or parent is notified of an impending call to Covered Active Duty 7 or less calendar days before their deployment date, eligible employees can take up to 7 days of leave, starting on the spouse, child, or parents notification date, to address any issues that arise as a result of short notice deployment;
2. To attend any official ceremony, program, or event sponsored by the military that is related to a spouse, child, or parents Covered Active Duty or call to Covered Active Duty and to attend family support or assistance programs sponsored by the military, a military service organization or the American Red Cross;
3. To address childcare or school-related issues;
4. To make financial or legal arrangements to address a spouse, child, or parents absence while on Covered Active Duty;
5. To attend counseling if the need for counseling arises from a spouse, child, or parents Covered Active Duty or call to Covered Active Duty;
6. Employees can take up to five days of leave each time a spouse, child, or parent returns on temporary leave;
7. To attend arrival ceremonies, reintegration briefings and events, and any other official military ceremony or program occurring up to 90 days after a spouse, child, or parents Covered Active Duty status is terminated. To address issues

related to the death of a spouse, child, or parent while on Covered Active Duty status;

8. With management approval, to address any other circumstances arising out of a spouse, child, or parents Covered Active Duty status.

Any leave taken under this policy, other Company policies, or law which qualifies as leave under the FMLA, or other state law, will be counted against your available leave under the applicable Company policy(s) and law, as well as the available leave under the FMLA, or other state law. If Short-Term Disability (STD) is applicable, it will run concurrently with FMLA.

IV. EMPLOYEE LEAVE OPTIONS

Serious Health Conditions of Employee or Spouse, Child or Parent Qualifying Exigency/Military Caregiver:

- Continuous Leave -- The employee may elect to take one continuous period of time off for the specific event.
- Reduced Leave Schedule or Intermittent Leave -- **The employee may elect** to work a Reduced Leave Schedule for the duration of the leave or may take an Intermittent Leave if the need for leave is medically necessary or needed for a Qualifying Exigency. In either case, if necessitated by work, safety and health requirements, the employee may be required to transfer to an available alternate position (at equivalent pay and benefits), which can accommodate the employee's Reduced Leave Schedule or Intermittent Leave (excludes Qualifying Exigency). If you have some control over the timing of your leave, you are expected to consult with your supervisor to try to arrange a mutually acceptable time.

Birth, Adoption, or Foster Care Placement of a child:

- Continuous Leave -- The employee may elect to take one continuous period of time off for the birth, adoption, or foster care placement of a child.
- Reduced Leave Schedule or Intermittent Leave -- **With prior management approval**, the employee may take the leave on a Reduced Leave Schedule for the duration of the leave or may take an Intermittent Leave. If necessitated by work, safety and health requirements, the employee may be required to transfer to an available alternate position (at equivalent pay and benefits), which can accommodate the employee's Reduced Leave Schedule or Intermittent Leave.

V. ADMINISTRATION

Notice and Leave Certification Requirement

- For the employee's illness, all absences greater than 3 days must be reported to [HR Connections](#).
- You must give at least 30 days notice for foreseeable leaves, and 1 to 2 days notice for unforeseeable leaves. Failure to provide notice may be grounds for delaying the leave. FMLA requests greater than 15 days from the first day absent will be denied, and retroactive days must be processed as an appeal. You should contact [HR Connections](#) and provide the anticipated date(s) and duration of the leave.
- Certification - Leave for a Serious Health Condition must be supported by an appropriate written medical certification (or Employee Health Report) from the relevant health care provider. You must provide written medical certification before the leave, or within 15 days after the first day absent. If you fail to provide timely written medical certification, your leave may be denied or delayed. If you are on intermittent leave for an on-going medical condition, the Company will request written recertification every 6 months, and/or when circumstances described in the previous certification have changed.
- If you have been pre-approved for intermittent leave you are required to report each intermittent absence to [HR Connections](#) and to your supervisor or site contact within 2 days of your absence.
- Leave for a Qualifying Exigency or to care for Covered Servicemember who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury must be supported by written certification in such time and manner as approved by the Department of Labor.
- Independent Medical Evaluation - As allowed by law, the Company may require that a second opinion from an independent medical provider be obtained at the Company's expense. If there is a conflict in the two opinions, the Company may pay for a third health care provider (agreed upon by both the Company and the employee) to render a third and final, binding opinion.
- The Company reserves the right to verify or authenticate a written medical certification or Employee Health Report ([EHR](#)). If the Company deems a medical certification is incomplete or insufficient, the Company will notify the employee in writing and the employee will be given fourteen (14) days to cure the deficiency. If the Company deems the Employee Health Report is incomplete or insufficient, the Company may contact the employee's health provider as permitted by the signed ([EHR](#)).

Compensation and Benefits during Leave

Upon reinstatement from FMLA, an employee's salary or wage rate shall be adjusted by the amount of rate changes, either Company-wide or generally applicable to employees of the job classification, which were made effective during the period of FMLA.

For information about Company provided benefits available to employees on FMLA, refer to official benefit plan documents.

Because this is unpaid leave, employees will be responsible for paying contributions for insurance and other benefits that they are eligible to continue while on leave.

Reinstatement Following Leave

If you qualify for Family and Medical Leave protections, the Company will hold your job, or an equivalent job, for up to 12 workweeks in a 12-month period. If you qualify for Military Caregiver leave, the Company will hold your job or an equivalent job for up to a combined maximum of 26 workweeks in a 12 month period. You may be eligible for additional family or medical leave under state law. If state law provides greater benefits, then you will be provided with the benefit of whichever law provides greater rights.

After those first 12 workweeks under Family and Medical Leave Act or the combined maximum of 26 workweeks of Military Caregiver Leave, or equivalent state law, the Company is not required to protect your job. Generally, upon return from FMLA, you will be reinstated to the same position or to an equivalent position with equivalent pay, benefits, and other employment terms, to the extent required by law. If you take leave because of your own Serious Health Condition, then you will be required to present a fitness-for-duty certification upon return to work. If you fail to provide a release to return to work when required to do so, you will not be permitted to resume work until it is provided.

An exception regarding protection of your job or an equivalent job would occur if business circumstances would require organizational changes, such as workforce reductions and your job or the equivalent job is eliminated.

Key employees, who are notified of their status when they first request FMLA leave and who take FMLA leave are reinstated to their former or equivalent positions only if their reinstatement does not cause the Company substantial and grievous economic injury.

Appeals

If your FMLA leave has been denied you may request an appeal of the leave denial. You have 30 days from the date of the denial or the date of your leave to request an appeal of your leave denial, unless it is not practicable under the particular circumstances to do so despite your diligent, good faith efforts. Please include information relevant to your claim and your belief as to why your FMLA leave should have been approved or why your leave qualified under the FMLA.

If you fail to file an appeal within the required timeframe, your appeal (review) will be denied.

All appeals (reviews) must be submitted in writing to the appeal administrator:

Appeals Administrator:

Manager, HR Operations, Matt Epperson, at 460-01 Adams Building, Bartlesville, OK 74004. Fax 918-977-9344

When you file an appeal, you and your covered dependents consent to the release of any information that the Appeals Administrator requests to parties who need the information for claims processing purposes; and you must consent the release of any information the Appeals Administrator requests to parties who need the information for appeal processing purposes; and the release of medical information (in a form that prevents individual identification) to Phillips 66 for use in responding to your appeal, as permitted by applicable law.

VI. DEFINITIONS

Covered Active Duty: a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101 (a)(13)(B) of title 10, United States Code.

Covered Servicemember: a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness; or b) 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 a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

Next of Kin: The nearest blood relative other than the Covered Servicemember's spouse, parent, son, or daughter.

Parent: A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined above.

Serious Health Condition: Unless otherwise defined by applicable state law, an illness, injury, impairment, or physical or mental condition that involves a) inpatient care in a hospital, hospice or residential medical care facility; or b) continuing treatment by a health care provider.

Son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing 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.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage where it is recognized.

This policy is not a contract and does not alter the at-will nature of employment at the Company. Each situation will be reviewed and governed on a case-by-case basis.

Policy Contact: Human Resources
 Employee Relations

The Company establishes plans, policies and programs appropriate to the business needs and requirements of its various operations and organizations. The plans, policies or programs shown here are provided as guidelines to employees. Company plans, policies and programs are continually under review, and are subject to revision at any time without notice, at the sole discretion of the Company subject to applicable law and/or the terms of any applicable collective bargaining agreement or contract. The plans, policies and programs may differ by location, business, or employee group. Accordingly, individual employees are advised to confirm whether the information accessed here applies to them. Employees may contact HR Connections at 855-480-6634 or 918-977-7905 or their local HR representative if they have any questions. Nothing contained on this site is intended to create, nor is it to be construed to constitute, a contract between Phillips 66 or its subsidiaries and any employee or employees of Phillips 66 or its subsidiaries. Absent a specific written contract to the contrary, employment with Phillips 66, its subsidiaries and affiliates may be terminated with or without cause at any time by the employee or the Company. Nothing contained in these plans, policies or programs shall create a required procedure, practice or policy that must or should be followed in the investigation, evaluation, or disposition of any personnel matter. The information provided is not intended to supersede applicable local, state or federal law or the terms or provisions of any current collective bargaining agreement. In the event of conflict, the law or collective bargaining agreement shall prevail.