

Corporate Human Resources **Standard**

TITLE: Supplemental guidance on leave of absence for Massachusetts employees **VERSION: 2.0**
EFFECTIVE DATE: May 15, 2024

Massachusetts employees

Purpose

The leave of absence standard adopted by Stryker provides guidance regarding how Stryker handles certain leaves for eligible employees. The leave of absence standard is designed to apply to all eligible employees.

Because of unique aspects related to leaves of absence in Massachusetts, this document provides supplemental guidance to the leave of absence standard that will ensure uniform administration of leaves of absence for Stryker Massachusetts employees.

Scope and Eligibility

This Standard applies to all Stryker, “the company” employees working within the state of Massachusetts, or who routinely perform work in Massachusetts and whose work is directed and controlled in Massachusetts. Interaction with state and federal leave laws shall run concurrently with leave taken under other applicable state and federal leave laws, including the Massachusetts Parental Leave Act and the federal Family and Medical Leave Act of 1993, when the leave is for a qualified reason under both of these acts.

References

Leave of Absence Standard

General Requirements

- This standard will identify the company’s general policy and administration of employee leaves of absence that are covered by Massachusetts law.
- Employees are required to contact myHR Leaves for any leave scenario to determine what, if any, leave type that they may qualify for. Employees are not allowed to make “special arrangements” with their manager or HRBP and are required to involve the myHR Leaves team for leave of absence administration.
- At no time, will Stryker allow an employee to collect statutory benefits from one state if they are not working in that state at the time of their leave of absence. This is the case even if the employee previously lived in the state that provides statutory benefits and later moved to another state. The employee will collect the benefits from the state in which they are working at the time of their leave of absence. For additional questions please contact to myHR Leaves.
- All employees who are on a leave of absence, of any kind, are not permitted to attend any work activities. If a situation arises, that requires an employee to attend a company function, the manager or employee is required to reach out to myHR Leaves team to determine next steps. If an employee or manager does not make arrangements beforehand with myHR Leaves team, it may result in a negative impact to the employee’s leave of absence.

1. Roles and Responsibilities

1.1. Corporate

- 1.1.1. A member of the Workplace Practices team shall act as the Manager Leaves of Absence and Employee Accommodations 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.

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1.2. myHR Leaves team

- 1.2.1. The myHR Leaves team shall be responsible for administering leaves of absence applicable to the employees in compliance with the corporate and local standards.
- 1.2.2. The myHR Leaves team shall be responsible for understanding the corporate standard and keeping abreast of current state and local regulations which may require a different level of compliance beyond the corporate standard, including state-specific eligibility requirements and leave entitlements.

1.3. Employees

- 1.3.1. All employees who are on leave of absence are required to maintain contact with Stryker, including your manager, myHR, or even one of the many Stryker vendors, such as our short term disability or workers compensation vendors. If you receive a request to contact Stryker, it is expected that you will respond to the request within 24 hours. If you fail to contact Stryker, it may have a negative impact to your leave of absence or your employment status. Employees are required to make sure their contact information is accurate and up to date in Work Day before taking any leave of absence

1.4. Managers

- 1.4.1. Managers need to contact myHR to notify the Leaves team when they have employees requesting or talking with them about leave of absence or they receive medical documentation. Managers do not have the authority to approve any leaves of absence or make “special arrangements” with any employee. This coordination will assure that myHR Leaves is aware of all leave of absence scenarios.

2. Procedure

2.1. Massachusetts Paid Family Medical Leave

- 2.1.1. **Overview of leave provisions** In addition to leave under the Family and Medical Leave Act (FMLA), both “Basic FMLA Leave” and “Military Family Leave” employees who work within the state of Massachusetts have additional leave requirements as dictated by the Massachusetts Paid Family Medical Leave (MAPFML).
- 2.1.2. A company with employees working in Massachusetts for 30 or more days in a calendar year is required to provide paid family leave coverage. Family leave is a benefit for people who work in Massachusetts; it does not matter where the company is headquartered or where the employee lives.
- 2.1.3. Under Massachusetts law leave may be used for one of the following reasons:
 - 2.1.3.1. The birth, adoption, or foster care of an employee’s child within 12 months following birth or placement of the child, bonding leave.
 - 2.1.3.2. To care for a seriously ill family member, spouse, declared domestic partner, child, parent, or parent of a spouse or domestic partner of the covered individual, a person who stood in loco parentis to the covered individual was a minor child, or grandchild, grandparent, or sibling of the covered individual with a serious health condition family care leave.
 - 2.1.3.2.1. Domestic partner is defined by the state of Massachusetts qualifies under the following circumstances:
 - 2.1.3.2.1.1. Common ownership of real or personal property, common household, children in common, intention to marry, shares budgeting, length of the personal relationship, or has registered as a domestic partner with the covered individual
 - 2.1.3.2.2. Parent is defined as the biological, adoptive, step or foster mother or father of the covered individual.

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2.1.3.2.3. Grandparent is defined as a parent of the covered individual's parents.

2.1.3.2.4. Sibling is defined as the biological, adoptive, stepbrother or stepsister of the covered individual.

2.1.4. Employee's own serious health condition

2.1.4.1. **Process for filing** Employees are required to provide notice to myHR Leaves team along with contacting the state of Massachusetts for the benefits. A covered individual must file an application for family leave or medical leave benefits using forms prescribed by the Department. The individual may file an application for benefits with the Department no more than 60 calendar days before the anticipated start date of family or medical leave. Here is the link to the state website: <https://www.mass.gov/orgs/departments-of-family-and-medical-leave> or calling 833-344-7365.

3. Eligibility

All Massachusetts employees and are eligible after a seven (7) day elimination period.

3.1. Continuing Treatment by a Health Care Provider Includes any one or more of the following:

3.1.1. **Incapacity and Treatment** A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

3.1.1.1. **Treatment two or more times**, within 30 calendar days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

3.1.1.2. **Treatment by a health care provider** on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. Treatment includes examination to determine if there is a serious health condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes a course of prescription medication or therapy requiring specialized equipment to resolve or alleviate the health condition.

3.1.1.3. **The requirement for treatment by a health care provider** means an in-person visit or telehealth visit to a health care provider. The first (or only) in-person or telehealth visit must take place within seven calendar days of the first day of incapacity

3.1.1.4. **Additional treatment** visits or a regimen of continuing treatment is necessary within the 30-calendar day period shall be determined by the health care provider.

3.1.1.5. The term extenuating circumstances means circumstances beyond the covered individual's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-calendar day period, but the health care provider does not have any available appointments during that time period.

3.1.1.6. **Pregnancy or Prenatal Care** Any period of incapacity due to pregnancy, or for prenatal care.

3.1.1.7. **Chronic Conditions** Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

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- 3.1.1.8. Requires periodic visits (defined as at least twice per calendar year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
 - 3.1.1.9. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - 3.1.1.10. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - 3.1.1.11. **Permanent or Long-term Conditions** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The covered individual or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - 3.1.1.12. **Conditions Requiring Multiple Treatments** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
 - 3.1.1.12.1. Restorative surgery after an accident or other injury; or
 - 3.1.1.12.2. a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
 - 3.1.1.13. Absences attributable to incapacity under continuing treatment by a Health Care Provider or qualify for leave even though the covered individual or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.
 - 3.1.1.14. Cosmetic treatments are not serious health conditions, unless inpatient hospital care is required or unless complications develop.

4. Employee's serious health condition

Need for leave due to an employee's own serious health condition will have coverage up to 20 weeks. All determinations for the amount of time that will be approved is with the plan program. It is not a determination that Stryker nor the myHR Leaves team will make upon the employee's behalf.

5. Bonding

New bonding leave following birth, adoption or foster care within twelve (12) months of the birth or placement of the child will have coverage up to 12 weeks. All determinations for the amount of time that will be approved is with the plan program. It is not a determination that Stryker nor the myHR Leaves team will make upon the employee's behalf.

There is no elimination period for bonding, if the bonding leave immediately follows the maternity medical leave. All determinations for the amount of time that will be approved is with the plan program. It is not a determination that Stryker nor the myHR Leaves team will make upon the employee's behalf.

6. Family care

Massachusetts employees will be eligible for up to 12 weeks of family leave to care for a family member with a serious health condition upon approved determination by the State. This coverage will not go into effect until 07/01/2021 per

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the state of Massachusetts. All determinations for the amount of time that will be approved is with the plan program. It is not a determination that Stryker nor the myHR Leaves team will make upon the employee's behalf.

7. Active military exigency

- 7.1.** Family leave benefits for a qualifying exigency arising out of the fact that a family member is on active military duty or has been notified of an impending call or order to active duty in the Armed Services. Military exigency examples are below:
- 7.1.1. Employees can take leave to assist with obligations arising out of deployment of the military member.
 - 7.1.2. providing for the care or other needs of the military member's child or other family member,
 - 7.1.3. making financial or legal arrangements for the military member,
 - 7.1.4. attending counseling,
 - 7.1.5. attending military events or ceremonies,
 - 7.1.6. spending time with the military member during a rest and recuperation leave or
 - 7.1.7. following return from deployment or
 - 7.1.8. making arrangements following the death of the military member.

8. Military caregiver

- 8.1.** Military caregiver will be eligible up to twenty-six (26) weeks of leave upon determination by the State. Family leave benefits for a member of the Armed Forces including a member of the National Guard or Reserves, who is:
- 8.1.1. undergoing medical treatment, recuperation or therapy;
 - 8.1.2. otherwise in outpatient status; or
 - 8.1.3. is otherwise on the temporary disability retired list for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or
 - 8.1.4. a serious injury or illness that 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; or
 - 8.1.5. a former member of the Armed Forces, including a former member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces, or a serious injury or illness that 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 manifested before or after the member was discharged or released from service.

9. Benefits

- 9.1.** For the approved leave term, the company will maintain the employee's healthcare coverage. Any employee contributions to employee benefit plans must be maintained during coverage. If the employee's premium payment is more than 30 days late, the company may elect either to cancel benefits coverage after written notice to the employee at least 15 days in advance or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. 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

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employee’s control. 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. 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, etc.) according to the terms of the plan. All voluntary benefit coverage that the employee wishes to maintain during unpaid 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.

- 9.1.1. **Performance review** Any performance review will reflect the employee’s performance for the time actually worked. Employees will not be treated any differently for review, salary or bonus purposes because he/she was on leave. Employees must meet all other eligibility requirements for merit increases and bonus payments.
- 9.1.2. **Merit increase** Any pay increases that are provided during this leave will be granted at the same time all active employees receive their pay increase.

10. Return to work

- 10.1. Before an employee will be allowed to return to work following a leave of absence , he/she must provide the myHR Leaves team with a certification from the treating health care provider that he/she safely can perform all of the essential duties of his/her position, with or without reasonable accommodation. If the employee fails to provide such a release prior to or upon reporting for work, he/she will be sent home until a release is provided. Any time before the release is provided will be unpaid.
- 10.2. Upon return from 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. The company may deny an employee’s request to return to work prior to the prearranged expiration of the leave.
- 10.3. Prior to return to work, the employee must communicate with myHR Leaves team and the employee’s manager before any work can be performed.
- 10.4. **Performance review** Any performance review will reflect the employee’s performance for the time actually worked. Employees will not be treated any differently for review, salary or bonus purposes because he/she was on leave. Employees must meet all other eligibility requirements for merit increases and bonus payments.
- 10.5. **Merit increase** Any pay increases that are provided during this leave will be granted at the same time all active employees receive their pay increase.

Document Change History

Version No.	Revision Level	Reason and Description of Revision	Effective Date
1.0	Initial Release of policy	Not Applicable	April 1, 2021
2.0	Template/format update only	No changes made to policy	May 15, 2024