

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

Leaves of Absence

Purpose

The purpose of this Standard, along with its seven accompanying addenda (see Related Documents section) is to establish the policy, procedures and forms to guide the uniform and legally compliant designation and administration of Stryker provided 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. If any provision of this Standard does not comply with the state/local law applicable to a particular Stryker business unit, please consult your myHR, Leaves team to determine whether there is an applicable state law standard. Stryker will interpret this standard to comply with state or local law. All provisions of this standard that comply with state and/or local law will remain in effect.

Related documents

This Standard is accompanied by seven addenda, which are considered to be a part of this Standard and applied according to their respective scopes. Those addenda are:

1. Supplemental Addendum on Leaves of Absence for California Employees, CHR-OPS-Leaves 001.01
2. Supplemental Addendum on Leaves of Absence for New York Employees, CHR-OPS-Leaves 001.02
3. Supplemental Addendum on Leaves of Absence for New Jersey Employees, CHR-OPS-Leaves 001.03
4. Supplemental Addendum on Leaves of Absence for Commissioned Sales or Service Employees, CHR-OPS-Leaves 001.04
5. Supplemental Addendum on Leaves of Absence Regarding Access to Documentation, CHR-OPS-Leaves 001.05
6. Supplemental Addendum on the Governance Model for Leaves of Absence Escalation, CHR-OPS-Leaves 001.06
7. Supplemental Addendum on Leaves of Absence for San Francisco Employees, CHR-OPS-Leaves 001.07.

General requirements

This Standard will identify the Company’s general policy and administration of employee leaves of absence and the coordination between Family and Medical Leave, disability leave, parental leave, personal leave, bereavement leave, military leave, jury duty leave and victims of crime leave, where applicable.

Roles and responsibilities

Corporate

1. A member of the Corporate Total Rewards team shall act as the Benefits Manager 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.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

myHR Leaves team

1. The myHR, Leaves team shall be responsible for administering leaves of absence applicable to the employees working within their respective business units, in compliance with the corporate and local standards.
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.

Procedure

1.0 Family Medical Leave (Basic FMLA & Military Family Leave)

- 1.1 **Overview of leave provisions:** There are two types of Family and Medical Leave Act ("FMLA") leaves available: (1) the basic 12-week leave entitlement ("Basic FMLA Leave"), (2) the military family leave ("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 applicable myHR, Leaves team to determine availability and eligibility for any such state benefits.
- 1.3 **Forms:** All necessary forms to request or certify leave are available by contacting your applicable myHR, Leaves team. 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 myHR, Leaves team department and is distributed to all newly hired employees as part of their induction.
- 1.4 **Leave eligibility:** Employees are eligible for FMLA Leave if they:
 - 1.4.1 Have been employed by the Company for a total of at least 12 months within the last 7 years;
 - 1.4.2 Have worked at least 1,250 hours for the Company during the 12 calendar months immediately preceding the commencement of the leave of absence; (under USERRA regulations, the time spent fulfilling an employee's military service obligations (National Guard or Reserve) will be counted in determining whether the employee meets the 1,250 hour and 12-month requirements);
 - 1.4.3 The employee works at a site with at least 50 employees within a 75-miles radius (referred to as a "covered worksite"); and
 - 1.4.4 Employees who satisfy the first two above requirements but do not work at a site with at least 50 employees within a 75-mile radius may be provided leave in accordance with this Policy. Such leave will not be governed by the FMLA, and employees taking such leave will not have rights under the FMLA.
 - 1.4.5 The leave is for a qualifying reason as set forth in Sections 2, 10 and 11, below.

2.0 Basic FMLA leave

- 2.1 **Qualifying Reason for Basic FMLA leave:** If eligibility requirements are met, employees may take up to 12 weeks of unpaid leave during a Leave Year (the 12-month period that begins on the date that leave commences) for one or more of the following qualifying reasons:

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 2.1.1 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;
 - 2.1.2 To care for an employee's 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), parent (including adoptive, foster, stepparent or a parent who stood in loco parentis), or declared domestic partner or their dependents (note that the FMLA does not apply to leave to care for a declared domestic partner or their dependents but that the Company is making such leave available under this policy), who has a serious health condition;
 - 2.1.3 For the employee's own serious health condition that renders the employee unable to perform one more essential functions the employee's own job.
- 2.2 **Serious health condition:** An illness, injury, impairment or physical or mental condition that involves:
- 2.2.1 Inpatient care including any associated period of incapacity or subsequent treatment; or
 - 2.2.2 Continuing treatment by a healthcare provider ("HCP") that includes any one or more of the following:
 - 2.2.2.1 a period of incapacity of more than 3 consecutive full calendar days and any associated subsequent treatment or period of incapacity relating to the same condition that involves 2 or more HCP visits, the first of which occurs within 7 days of the first day of incapacity and both of which occur within 30 days of the first day of incapacity unless extenuating circumstances prevent it;
 - 2.2.2.2 a period of incapacity of more than 3 consecutive full calendar days and any associated subsequent treatment or period of incapacity relating to the same condition that involves a single HCP visit within 7 days of the first day of incapacity which results in a regimen of continuing treatment under supervision of a HCP;
 - 2.2.2.3 any period of incapacity due to pregnancy or to receive prenatal care;
 - 2.2.2.4 any period of absence to receive multiple treatments by a HCP for restorative surgery after an accident or other injury;
 - 2.2.2.5 any period of absence to receive multiple treatments by a HCP for a condition that would likely result in incapacity of more than 3 consecutive calendar days in the absence of medical treatment;
 - 2.2.2.6 any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires treatment at least twice per year (e.g., asthma, diabetes, epilepsy); or
 - 2.2.2.7 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).
- 2.3 **Couples:** Where a married couple or declared domestic partners both are employed by the Company, the spouses or declared domestic partners 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 or declared domestic partner is then entitled to utilize the rest of his or her 12 weeks of leave for another FMLA purpose as needed. Each spouse or declared domestic partner 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.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 2.4 Leave year:** The amount of FMLA leave available to an employee will be based on the 12-month period immediately preceding the date the employee begins using FMLA leave for a particular qualifying reason. 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 the employee was scheduled to work it.
- 2.5 Variable schedule and 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 is scheduled to work 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 is scheduled to work 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].

3.0 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 for planned medical treatment must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Company's operations. Failure to provide appropriate notice may be grounds for delaying or denying the start of leave.
- 3.2 Temporary transfers:** If an employee is taking intermittent or reduced schedule leave for planned medical treatment, 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 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:** The Company will require a fitness for duty certification as often as every 30 days when reasonable safety concerns exist and the employee is taking intermittent leave. The Company will also require certification for fitness for duty after an employee returns from a continuous leave of absence. Employees will be notified of their fitness for duty obligations in the FMLA Designation Notice.

4.0 Administration of leave process and designation of leave

- 4.1** The process is initiated when the employee requests leave or when the employee provides the Company enough information to put the Company on notice that the employee might have a qualifying need for FMLA leave.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 4.2 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. Absent extenuating circumstances, the employee must provide notice of the need for such leave within the time prescribed by the Company's usual and customary notice procedures. When leave is needed for planned medical treatment, the employee must attempt to schedule treatment so as not to disrupt the Company's operations. Failure to provide appropriate notice may be grounds for delaying or denying the start of leave.
- 4.3 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 and qualification for FMLA leave. Failure to provide appropriate notice may be grounds for delaying or denying the start of leave.
- 4.4 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**).
- 4.5 Medical certification from his/her healthcare provider, who is not in the requester's family, will be required from the employee 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 or WH-380-F**). This certification is due within 15 calendar days after the employee or the health care provider receives the certification form. Failure to provide requested certification in a complete and timely manner will result in denial of leave until it is provided and the date of receipt by the myHR, Leaves team will be the beginning date of the FMLA request.
- 4.6 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. If the certification provided by the employee is either insufficient or incomplete Stryker will request that the employee correct the insufficiency or incompleteness of the certification and the employee will be given an additional 7 days to do so. 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.
- 4.7 In certain situations, the Company may retroactively designate leave taken as FMLA leave as long as there is no negative impact on the employee.
- 4.8 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 immediately for approval and retroactive designation as FMLA leave. Notice must have been provided as soon as practicable after the need for leave arises, or FMLA coverage of the leave may be delayed or denied.

5.0 Medical certification & recertification & second and third opinions

General content of medical certification: **The medical certification must be fully completed by the employee's HCP. Failure to provide appropriate notice may be grounds for delaying or denying the start of leave. Specific information would be required based on type of leave applied for:**

- 5.1 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 one or more of the essential functions of the employee's position.
 - 5.1.1 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 care is necessary or why it is medically necessary for the family member.
 - 5.1.2 For certification to support intermittent leave or to work a reduced schedule: The certification must include the dates and duration of treatment, a statement of medical necessity for taking intermittent

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

leave or working a reduced schedule and an estimate of the frequency of flare-ups and the duration of incapacity for each.

- 5.2 Recertification:** Employees will be required 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, may result in delay or denial 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 connection with the employee's absence.
- 5.3 Authentication and clarification of medical certification & second and third opinions:** If an employee submits a certification that is incomplete or insufficient, the myHR, Leaves team will contact a certifying healthcare provider to clarify and authenticate the medical certification after the employee has been given an opportunity to cure deficiencies. In addition, the Company may, at its expense, require an examination by a second healthcare provider designated by the Company, if it has reason to doubt the validity of 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.

6.0 Benefits

- 6.1** 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 the leave to continue 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 employee's control.
- 6.2** 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.
- 6.3** 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 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.

7.0 Paid time off and coordination with other forms of leave

- 7.1** 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. 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, or more than 12 weeks of time off (with the exception of Parental Leave, under the circumstances described below). Vacation or other paid time off may not be used at or shortly after the end of the leave period in order to extend the total number of weeks of leave. 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:
- 7.1.1 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 compensation will govern whether the employee receives

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

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 perform the essential functions of the employee's original position, 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

- 7.1.2 **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.
- 7.1.3 **For 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, following any portion of the leave that is covered by Stryker's short term disability plan and/or parental leave, the employee must use all his/her sick 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.
- 7.1.4 **For charge against FMLA allowance:** All time off work which falls under FMLA will be designated as FMLA leave and will be charged against the employee's FMLA entitlement. This determination is made by the Company. For example, whenever workers' compensation leave, a disability leave or any sick leave is due to 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. For example, an employee with available FMLA leave may not use vacation time in lieu of FMLA leave, in order to save the FMLA leave. The vacation will run concurrently with any available FMLA leave.

8.0 Return to work

- 8.1 **Notice to employees regarding return to work date:** Employees may be required to provide regular reports regarding their status and intention to return to work. Employees will be notified of reporting obligations in the Notice of Eligibility and Rights & Responsibilities notice. Likewise, it may be necessary for the Company to contact an employee for those reasons. If the employee cannot be reached at the phone number on file with the Company and the leave is in excess of 5 working days, the employee must provide a telephone number and address at which they can be contacted.
- 8.2 **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.
 - 8.2.1 **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. Employees must meet all other eligibility requirements for merit increases and bonus payments.
 - 8.2.2 **Fitness for duty certificate:** An employee who is on a continuous leave of absence 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. The Company may provide a list of the employee's essential job functions with the Designation Notice for that purpose. For employees on intermittent or reduced leave, the Company may require a fitness for duty certification to return from such an

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

absence as often as once every 30 days, if reasonable safety concerns exist regarding their ability to perform their duties. Failure to provide a required fitness for duty 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.

9.0 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:

- 9.1.1 The employment relationship would have terminated if the employee had not taken FMLA leave;
- 9.1.2 The employee informs the Company of his/her intent not to return from leave;
- 9.1.3 The employee fails to return a medical certification, within 15 calendar days as required, or the employee fails to adequately address an incomplete or insufficient certification within 7 calendar days of being advised of the incomplete or insufficient certification otherwise fails to comply with/engage in the process for verifying the need for leave;
- 9.1.4 The employee engages in other employment (including self-employment) or other conduct that is inconsistent with the need for leave;
- 9.1.5 The Company honestly believes that the employee fraudulently obtains FMLA leave, or otherwise misrepresents his/her need for the amount or type of leave taken; or
- 9.1.6 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 FMLA leave entitlement may cease, termination of employment may not be warranted at the end of FMLA leave. For example, the employee may be on disability leave that extends beyond the FMLA leave entitlement, as an accommodation under the Americans with Disabilities Act or similar state law.

10.0 Military Leave (FMLA) - general

- 10.1 **Military Family Leave Overview:** There are two types of Military Family Leave provided under the FMLA: (1) Qualifying Exigency Leave and (2) Leave to Care for a Covered Servicemember
- 10.2 **Military Family Leave Eligibility:** Employees are eligible for Military FMLA Leave if they meet the same requirements that apply to Basic FMLA Leave (see Section 1.5)

11.0 Qualifying exigency leave

11.1 Qualifying Exigency Leave Eligibility: If eligibility requirements are met, employees may be entitled to use up to 12 weeks of their 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), parent (including adoptive, foster, stepparent or a parent who stood in loco parentis), or declared domestic partner or their dependents (note that the FMLA does not apply to leave to care for a declared partner or their dependents but that the Company is making such leave available under this policy), is deployed (or has been notified of impending deployment) to a foreign country. The following circumstances would trigger an employee's right to take leave because of a qualifying exigency:

- 11.1.1 **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 of leave to attend any issue arising from the short-notice deployment;

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 11.1.2 Military events and related activities** - To attend military events and related activities. This could include 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 status of a covered military member;
- 11.1.3 Childcare and school activities –**
- 11.1.3.1** 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”);
- 11.1.3.2** 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;
- 11.1.3.3** 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
- 11.1.3.4** 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.
- 11.1.4 Financial and legal arrangements –**
- 11.1.4.1** 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
- 11.1.4.2** 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.
- 11.1.5 Rest and recuperation for the covered military member –** 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 15 days of leave for each instance of Rest and Recuperation.
- 11.1.6 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;
- 11.1.7 Post-deployment activities** - For up to 90 days after termination of the covered military member’s active duty status:

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 11.1.7.1 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
 - 11.1.7.2 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;
 - 11.1.8 **Other activities** – To address other events which arise out of the covered military member's active duty or call to active duty status provided that the Company 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 qualifying 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:** Employees taking qualifying exigency leave will receive the same benefits as employees taking Basic FMLA leave, in accordance with applicable law. (See Section 6.1)
- 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. Any vacation time that is accrued while on any leave will be applied to any unpaid leave. 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 or more than 12 weeks of time off. Vacation or other paid time off may not be used at or shortly after the end of the leave period in order to extend the total number of weeks of leave.

12.0 Leave to care for a covered servicemember (FMLA)

- 12.1 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 servicemember" with a "serious injury or illness" during a single 12-month period. Other conditions include:
- 12.1.1 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.
 - 12.1.2 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.
 - 12.1.3 Family member under this leave type include a spouse, declared domestic partner, 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.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 12.1.4** For purposes of military caregiver leave, a “covered servicemember” is defined as (1) 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 an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty that may render the individual medically unfit to perform his or her military duties; or (2) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released there from under conditions other than dishonorable (a veteran as defined by the Department of Veteran Affairs) and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran.
- 12.1.5** Leave entitlement is applied on a per-covered military member, 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. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness.
- 12.1.6** In any case, no more than 26 workweeks of leave may be taken within any single 12-month period.
- 12.1.7** Leave that qualifies as both leave to care for a covered military member and any other type of FMLA leave will be designated as both leaves and taken concurrently; leave will not “stack” in this circumstance.
- 12.2** **Couples:** In cases where a married or declared domestic partner couple is both employed by the Company, the spouses or declared domestic partners together may take a combined total of 26 weeks leave during any 12-month period to care for the same covered military member.
- 12.3** **Certification for military member caregiver leave:** The Company will require the employee to provide medical certification by an authorized healthcare provider (HCP) as follows:
- 12.3.1** 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.
- 12.3.2** Invitational Travel Order or Authorization (ITO or ITA) issued from the military for the family member to join an injured military member 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.
- 12.3.3** The Company may also require an employee to provide confirmation of the covered family relationship.
- 12.3.4** 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.
- 12.3.5** 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:** Employees taking leave to care for a covered military member will receive the same benefits as employees taking Basic FMLA leave in accordance with applicable law. (See Section 6.1)
- 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 military member with a serious illness or injury, the employee must use all his/her sick/personal time and vacation balances available at the leave inception, in that order, unless

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

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. Any vacation time that is accrued while on any leave will be applied to any unpaid leave. 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 or more than 26 weeks of time off. Vacation or other paid time off may not be used at or shortly after the end of the leave period in order to extend the total number of weeks of leave.

13.0 Administration of military family leave

- 13.1 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
- 13.2 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**).
- 13.3 Certification will be required as described above. 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 will result in delay and/or denial of leave.
- 13.4 An employee's Military FMLA leave, accompanying benefits and employment will cease or be delayed if the employee fails to return a medical certification, within 15 calendar days as required, or the employee fails to adequately address an incomplete or insufficient certification within 7 calendar days of being advised of the incomplete or insufficient certification otherwise fails to comply with/engage in the process for verifying the need for leave.
- 13.5 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.

14.0 Parental leave

- 14.1 **Eligibility:** Employees are eligible for parental leave as of their first day of employment with Stryker, provided that (1) the events described in Paragraph 14.2 occur on or after their first day of employment with Stryker; and (2) all other eligibility requirements are met. You must be a Stryker employee at the time of the birth or adoption in order to be eligible for this benefit.
- 14.2 **Key terms**
 - 14.2.1 **Anticipated Start Date.** The date on which an employee expects to take parental leave (on or after the child's due date or the anticipated adoption placement date).
 - 14.2.2 **Actual Start Date.** The actual date on which the employee becomes eligible for and seeks to take parental leave, regardless of the Anticipated Start Date. This date is dictated by the actual birth date of the child or date of placement for legal adoption.
 - 14.2.3 **Non-Sales Employees.** All U.S. employees, excluding commission-eligible sales employees.
 - 14.2.4 **Commission-Eligible Sales Employees.** Any sales employee whose compensation is paid, in whole or in part, through commissions.
 - 14.2.5 **Birth or Legal Adoption:** To be eligible for parental leave, an employee must be the legal birth parent of a child or must legally adopt a child under 18 years of age. Parental leave may be taken by adoptive parent employees upon the placement of the child with the employee for adoption (as opposed to waiting until the legal adoption is finalized) as long as the employee intends to legally adopt the child in question.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

14.2.6 Exclusions:

- 14.2.6.1 Employees requesting leave following the placement of a foster child;
- 14.2.6.2 Employees who become legal guardians – but not legal parents – of a child;
- 14.2.6.3 Employees who legally adopt their spouse's child(ren) from a prior relationship; or
- 14.2.6.4 Employees who legally adopt a child over the age of 18

14.3 Eligibility date: Employees only are eligible for parental leave under this policy if the birth or placement for legal adoption occurs on or after January 1, 2017.

14.4 Leave of absence request form. All employees requesting parental leave must complete a leave of absence request form and submit the form to myHR, Leaves team.

- 14.4.1 An employee may request to take all four (4) weeks of parental leave consecutively, or may take parental leave in multiple increments of at least one (1) week in duration.
- 14.4.2 Increments of parental leave time may start on any day of the week. In other words, a one (1) week increment of parental leave may be taken from Monday through the following Friday, from Tuesday through the following Monday, from Wednesday through the following Tuesday, etc.
- 14.4.3 One (1) week of parental leave is defined as one regularly-scheduled workweek for the employee requesting leave. For full-time employees, one week will equal five (5) eight-hour days for a total of 40 hours. For part-time employees or employees working an Alternate Workweek Schedule ("AWW"), one week will reflect the number of hours and work schedule in that employee's regularly scheduled workweek. For example, if the employee regularly works 24 hours per week in three (3) eight-hour days, then one week is equal to three (3), eight-hour days for a total of 24 hours.
- 14.4.4 When requesting leave, an employee must indicate on the Leave of Absence Request Form the weeks and increments in which he/she intends to take parental leave, subject to the Notice Period requirements in Section 14.5 below. If the employee elects to take parental leave in increments, the employee may submit multiple Leave of Absence Request Forms throughout the twelve (12) month eligibility period, provided that each request complies with the Notice Period requirements in Section 14.5 below.

14.5 Notice period.

- 14.5.1 Employees must submit the Leave of Absence Request Form at least 30 days in advance of the Anticipated Start Date by submitting the Leave of Absence Request Form as described in section 3.1.
 - 14.5.1.1 In most circumstances, the Actual Start Date of the parental leave entitlement may not be known. Therefore, employees who provide at least 30 days advance notice of the Anticipated Start Date will (subject to Section 14.5.2 below) have complied with the advance notice requirements for parental leave, even if the Actual Start Date of the leave differs from the Anticipated Start Date.
- 14.5.2 **Notice of actual start date.** Where the Actual Start Date differs from the Anticipated Start Date, the employee must provide written notice of the Actual Start Date as soon as is possible and practicable to both the employee's manager and the myHR, Leaves team.
 - 14.5.2.1 In most circumstances, "as soon as is possible and practicable" means within 48 hours of the birth of a child or within 24 hours of the placement of a child for adoption.
 - 14.5.2.2 If the employee knows the Actual Start Date in advance, such as where the employee or employee's spouse has a scheduled appointment for caesarian section or induction, "as

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

soon as is possible and practicable" means within 24 hours of learning of the Actual Start Date.

14.5.2.3 Written notice may be provided by email.

14.5.2.4 Stryker reserves the right to delay an employee's parental leave if he/she fails to comply with the Notice Period requirements in this Section 14.5.

14.6 Compensation. Parental leave taken pursuant to this policy will be paid leave.

14.6.1 Non-sales employees. For each week of available parental leave, non-sales employees will be paid 100% of his/her weekly base salary or weekly hourly wages, less required and applicable deductions. Compensation will be paid on the employee's regularly scheduled payroll dates.

14.6.2 Commission-earning sales employees. Commission-Earning Sales-Employees will be paid in accordance with the Supplemental Addendum on Leave of Absence for Sales.

14.7 Benefits.

14.7.1 All employees on parental leave will continue to receive all benefits for which they are eligible and which they have elected in accordance with applicable law.

14.7.2 Vacation accrual. All employees on parental leave will continue to accrue Vacation time at their normal accrual rate.

14.8 Miscellaneous provisions

14.8.1 Parental leave eligibility if both parents are Stryker employees. If both parents are Stryker employees, each parent will be eligible for four (4) weeks of paid parental leave following the birth or adoption of their child. If both parents work within the same department, Stryker may delay one parent's paid parental leave so that the employees are not on leave simultaneously.

14.8.2 Time to use parental leave. All four (4) weeks of parental leave must be taken within twelve (12) months after the birth or placement of a child for adoption. Employees will not be eligible for any payout of unused parental leave time and any unused time is forfeited.

14.8.3 Rolling twelve (12) month calculation. Employees are eligible for a maximum four (4) weeks of paid parental leave in a rolling twelve (12) month period, regardless of the number of children born to or adopted by the employee within that twelve (12) month period.

14.8.4 Concurrent running of FMLA leave. An employee's FMLA leave allotment (or state leave equivalent) will run concurrently with the parental leave, to the extent that he/she has not exhausted the FMLA allotment prior to the birth or placement of a child for adoption. If an employee has exhausted his or her allotment of FMLA leave as of the date of the birth or placement of a child for adoption, he or she will still be permitted to use parental leave.

14.8.5 No requirement to use vacation. Employees are not required to use vacation time concurrently with parental leave or to exhaust their vacation/ allotment prior to electing paid parental leave.

14.8.6 Leave year: For purposes of determining leave use of parental leave, a company holiday will have no impact when occurring within a full week of parental leave; the entire week will be counted as parental leave.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

15 Personal leave

- 15.1 Eligibility:** A regular status employee who has been employed for at least 30 days is eligible to apply for personal leave.
- 15.2 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). Personal leave is unpaid and can be up to 30 days. In rare and unusual circumstances Stryker may allow additional time that can be reviewed and approved by the Benefits Manager. Personal Leave should **not** be used to extend other types of leave, including parental leave or FMLA leave.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 Forms:** All necessary forms to request a personal leave are available in the myHR, Leaves team
- 15.6.1** (Form CHR-BEN-001-B).
- 15.7 Compensation:** Personal Leave will be unpaid.
- 15.8 Benefits:**
- 15.8.1** Employees taking qualifying leave will receive the same benefits as employees taking Basic FMLA leave, in accordance with applicable law. (See Section 6.1). Vacation time will not be accrued while the employee is on personal leave.
- 15.9 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.
- 15.10 Return to work.**
- 15.10.1** 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.
- 15.11 Termination of leave.** An employee's personal leave and employment will cease under the following circumstances:
- 15.11.1** The employment relationship would have terminated if the employee had not taken personal leave;
- 15.11.2** The employee informs the Company of his/her intent not to return from leave;
- 15.11.3** The employee engages in other employment (including self-employment);
- 15.11.4** The Company honestly believes that the employee has fraudulently obtained the personal leave,

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

or otherwise misrepresents his/her need for the amount or type of leave taken; or

- 15.11.5 The employee fails to return from leave or continues on leave after exhausting his/her personal leave entitlement unless permission to do so has been granted by the Company in writing.

16 Disability leave

- 16.1 Eligibility** All active employees who provide appropriate evidence of a disability as defined by applicable federal, state or local law **may** be eligible for disability leave. Disability leave shall not apply to an employee who is eligible for FMLA leave for the same medical condition or disability. Employees do not have to be eligible for pay under Stryker's Short Term Disability (STD) Plan to be eligible for Disability Leave.
- 16.2 Purpose of leave.** 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 if the employee requires the reasonable accommodation to perform the essential functions of the employee's position, 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 and/or myHR, Leaves team. 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. If the employee fails to engage in the interactive process, the Company will not consider or provide any reasonable accommodation. The purpose of this Disability Leave Policy is to address circumstances where the Company determines that a leave of absence will be offered as a reasonable accommodation.
- 16.3 Duration of leave.** Disability leave may be granted for as long (or as short) as is reasonable under the circumstances and will be determined on a case-by-case basis.
- 16.4 Determination of leave eligibility.** The determination of eligibility for Disability Leave will be determined according to applicable federal/state or local law.
- 16.5 Forms.** All necessary forms to request a disability leave are available in the myHR, Leaves team.
- 16.6 Compensation.** Ordinarily, Disability Leave will be unpaid. However, an employee may qualify for benefits under Stryker's Short Term Disability Plan or through applicable state disability insurance programs. Eligibility for benefits under the STD Plan is determined by the Hartford based upon the language of the STD Plan. The determination of the Hartford as to an employee's eligibility for benefits under the STD Plan does not have an effect on Stryker's determination as to whether an employee is eligible for Disability Leave and vice versa. Under no circumstances can an employee receive more than 100% of their salary through disability benefits.
- 16.7 Benefits:** Employees taking qualifying leave will receive the same benefits as employees taking Basic FMLA leave, in accordance with applicable law. (See Section 6.1).
- 16.8 Coordination with other forms of leave and paid time off.** Disability leave is not available if the leave is covered by the FMLA. In that case, the applicable leave would be FMLA leave.
- 16.9 Return to work.** In order for an employee to be eligible to return to work from Disability Leave, the employee must provide documentation from a physician stating that they are able to return to work. Such documentation must indicate that the employee is safely able to perform the essential functions of his or her job, with or without reasonable accommodation.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 16.10 Job restoration:** In general, upon return from disability leave, the Company will restore the employee to his/her same position with equivalent pay, benefits and other employment terms.
- 16.11 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. Employees must meet all other eligibility requirements for merit increases and bonus payments.
- 16.12 Termination of leave.** An employee's disability leave and employment will cease under the following circumstances:
- 16.12.1** The employment relationship would have terminated if the employee had not taken disability leave;
 - 16.12.2** The employee informs the Company of his/her intent not to return from leave;
 - 16.12.3** The employee engages in other employment (including self-employment);
 - 16.12.4** The Company honestly believes that the employee fraudulently obtained the disability leave or otherwise misrepresents his/her need for the amount or type of leave taken; or
 - 16.12.5** 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 under the terms of Stryker's Short Term Disability Plan may be exhausted, termination of employment may not be warranted at the end of such disability leave. The Company should consider other leave requirements and any requirements of the Americans with Disabilities Act or similar state law.

The Company determines that continued leave of absence under the particular circumstances involved would be unreasonable as that term is defined by applicable federal, state or local law.

17 Bereavement leave

- 17.1 Eligibility:** All regular employees are entitled to paid bereavement leave as of their date of hire.
- 17.2 Purpose of leave:** Bereavement Leave is available upon the death of an employee's or domestic partner's immediate family member. Bereavement leave is covered for the following immediate family members: employee's spouse, declared domestic partner, child, stepchild, declared domestic partner's child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, declared domestic partner's father, declared domestic partner's mother, stepfather, stepmother, grandparent, grandparent-in-law, grandchild, brother, sister, brother-in-law, sister-in-law, step-brother, step-sister, declared domestic partner's brother or declared domestic partner's sister.
- 17.3 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.
- 17.4 Duration of leave:** An eligible employee shall be provided three paid days of bereavement leave, normally to be taken in conjunction with the death of the family member for the purposes of attending the memorial service and other events related to the death. The leave may be extended through the use of personal leave, solely at the Company's discretion and based on business necessity.
- 17.5 Forms:** All necessary forms to request a bereavement leave are available through the myHR, Leaves team.
- 17.6 Compensation:** 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.
- 17.7 Benefits:** Employees taking qualifying leave will receive the same benefits as employees taking Basic FMLA leave, in accordance with applicable law. (See Section 6.1).
- 17.8 Return to work:**

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

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

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

17.9.1 The employment relationship would have terminated if the employee had not taken bereavement leave:

17.9.2 The employee informs the Company of his/her intent not to return from leave;

17.9.3 The employee engages other employment (including self-employment);

17.9.4 The company honestly believes that the employee fraudulently obtains bereavement leave or otherwise misrepresents his/her need for the amount or type of leave taken; or

17.9.5 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.

18 Military leave

18.3 Eligibility: All regular status employees shall be entitled to military leave in accordance with federal USERRA statutes and other applicable laws.

18.4 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.

18.5 Request for leave and advance notice: All necessary forms to request or certify leave are available through the myHR, Leaves team (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.

18.6 Duration of leave: An employee shall be entitled to a total of five years for active duty (USERRA excludes certain categories of service from this five-year cap) 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.

18.7 Compensation: An employee on approved military leave will be paid as follows:

18.7.1 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.

18.7.2 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.

18.7.3 The employee must present a copy of his/her total gross military pay for the covered time period to the myHR, Leaves team before they will receive payment. Payments can be made on a monthly basis during leave or in a lump sum upon the employee's 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.

18.8 Benefits:

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

- 18.8.1 Healthcare coverage during military leave: For any military leave that includes annual military exercises the employee's benefits will not be impacted if the leave is less than 31 days.** For employees called to military duty for any reason other than annual military exercise/duties the Company shall terminate the healthcare coverage in force and offer COBRA continuation health coverage to employees enrolled in the Company's healthcare plan, which includes dental and vision coverage 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. The employee must elect COBRA continuation for the coverage to be reinstated appropriately.
- 18.8.2 401(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.
- 18.8.3 Other benefit programs during military leave:** The use of Military 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 participate in a benefit plan. Vacation will be accrued for the first 12 weeks of military leave.
- 18.9 Return to work, job restoration:** Upon return from a military leave of 90 days or less, the employee will be restored to:
- 18.9.1** The position the employee would have held if his/her continuous employment had not been interrupted by military leave, or
- 18.9.2** 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.
- 18.9.3** If the leave is for more than ninety 90 days, the employee may be returned to:
- 18.9.3.1** 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
- 18.9.3.2** 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.
- 18.9.4** 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.
- 18.9.5** 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.
- 18.10 Termination of military leave:** An employee's military leave and accompanying benefits, including his/her employment, will cease under the following circumstances:
- 18.10.1** There is a change in the Company's circumstances making reemployment impossible or unreasonable.
- 18.10.2** The employee has waived his/her re-employment rights.
- 18.10.3** The employee is separated from the military service with a dishonorable or bad conduct discharge.
- 18.10.4** The employee is separated from the military service under other than honorable conditions.

Corporate Human Resources Standard

TITLE: Leaves of Absence

DOCUMENT NUMBER: CHR-OPS-Leaves 001

VERSION: 1.0

EFFECTIVE DATE: June 1, 2018

18.10.5 The employee to reapply for his/her position within the time frame and in accordance with the requirements specified by law.

19 Jury duty leave

- 19.3 Eligibility.** Any employee who is summoned for jury duty is eligible for jury duty leave.
- 19.4 Purpose of leave:** To allow an employee to meet his/her civic obligations.
- 19.5 Notice:** All necessary forms to request or certify leave are available through the myHR, Leaves team (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.
- 19.6 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 per their schedule.
- 19.7 Compensation:** All jury duty leave will be paid. The employee must submit to the myHR, Leaves team official court records of all jury duty before the employee will be provided with his/her paid jury duty leave from the Company.
- 19.8 Benefits:** Employees taking qualifying leave will receive the same benefits as employees taking Basic FMLA leave, in accordance with applicable law. (See Section 6.1). **Return to work:**
- 19.8.1 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.
- 19.8.2 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.
- 19.8.3 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.
- 19.9 Termination of leave:** An employee's jury duty leave, accompanying benefits, and employment will cease under the following circumstances:
- 19.9.1** The employment relationship would have been terminated if the employee had not reported to jury duty leave;
- 19.9.2** The employee informs the Company of his/her intent not to return from leave;
- 19.9.3** The employee actively engages in other employment (including self-employment);
- 19.9.4** The Company honestly believes that the employee fraudulently obtained jury duty leave; or
- 19.9.5** 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.

20 Victims of crime leave

- 20.3 Eligibility.** All active employees are eligible for Victims of Crime Leave.

Corporate Human Resources Standard

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20.4 Purpose for leave:

20.4.1 Victims of crimes in general. The Company may grant unpaid leave to victims of crimes to respond to a subpoena to attend a court proceeding in a criminal matter or work with the prosecutor to prepare for the hearing if the employee is (1) the victim of the crime at issue in the court matter; or (2) the spouse, declared domestic partner, sibling, parent, parent-in-law, child, stepparent or stepchild, grandparent, guardian or other lawful representative, or any other family member required by applicable state law ("Family Member") of the victim and the victim was killed or incapacitated.

20.4.2 Victims of domestic abuse, sexual assault and related crimes. In addition to leave as outlined for victims in general, the Company may grant unpaid leave to victims of domestic abuse, sexual assault or related claims to (1) seek medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the Family Member (2) obtain services from a victim services organization for the employee or Family Member, (3) obtain psychological or other counseling for the employee or Family Member, (4) seek civil protection to prevent from further abuse.

20.5 Advance notice. When the need for leave is foreseeable, an employee is expected to provide advance written notice. When the need for leave is not foreseeable, the employee shall provide notice as soon as possible, generally no later than the end of the first day of leave.

20.6 Duration of leave. Leave may be taken for a minimum of 1 day for up to the period of time required by the subpoena or court order. Victims of domestic abuse, sexual assault, or related crimes may take up to one (1) week per year, except as otherwise required by law. This leave may run concurrently with other Stryker leaves, including FMLA leave, and can be taken as individual days.

20.7 Verification. Stryker may require verification that supports the request for leave. Acceptable forms of verification may include, but are not limited to, a police report, a court document, or a statement from an advocate for victims of domestic violence, an attorney, a member of the clergy, or a medical or other professional.

20.8 Stryker will ensure compliance with State specific regulations related to crimes. The myHR, Leaves team will contact the Benefits Manager for advisement on additional requirements.

21 Other forms of leave

21.3 Stryker will ensure compliance with other leaves mandated by applicable law.

Document change history

Version no.	Revision level	Reason and description of revision	Issue date	Effective date
1.0	Initial Release of policy	Obsolete Corporate Policy #5 and reissue as HR standard, updated to comply with new FMLA amendments		June 1, 2018