



**Template Type:**  Program     Practice     Benefit

This document has been determined to be (check one):

Global (on global website. Global is considered 3 or more countries)

Global + Local (on global website with link to local site) Local Name \_\_\_\_\_

Local (on local site only) Local Name: US

## Document Title: Leave of Absence and Accommodation (US)

<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
<p><b>What is the purpose of this document?</b></p>	<p>To provide leave of absence benefits to U.S. employees and provide reasonable accommodation, if applicable. A leave of absence is the entire length of time an employee is absent from work due to illness, injury or pregnancy-related medical conditions, to care for an immediate family member with a certified serious health condition, to care for a new child, or to fulfill a Military commitment, that exceeds seven calendar days. In addition, Lam may approve a Personal Leave of Absence to take care of family matters, travel or for an educational purpose. Lam has specifically designated four types of leaves of absence: Medical Leave, Family Leave, Personal Leave, and Military Leave.</p> <p>In addition to the leaves listed below, the Company will provide eligible employees with the required leaves of absence based on applicable law in the state where the employee works.</p> <p><b>ACCOMMODATION:</b> Lam Research Corporation recognizes that an individual with a physical or mental impairment which limits a major life activity may be considered to be “disabled” under the Americans with Disability Act or for employees in California, California law (e.g. A.B. 2222). The reasonable accommodation process begins as soon as a request for accommodation is made. A request does not have to use any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.”</p>
<p><b>Who does it cover?</b></p> <ul style="list-style-type: none"> <li>Who is covered and not covered?</li> </ul>	<p>This policy applies to all U.S. regular full and part time employees. Where applicable, this policy is supplemented by relevant state law. Please refer to the applicable state law supplements found at LamBenefit.com.</p>
<p><b>Definitions:</b></p>	<ul style="list-style-type: none"> <li>ADA - Americans with Disability Act</li> <li>AD&amp;D - Accidental Death &amp; Dismemberment</li> <li>CFRA - California Family Rights Act</li> <li>COBRA - Consolidated Omnibus Reconciliation Act</li> <li>FMLA - Federal Family &amp; Medical Leave Act</li> </ul>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<ul style="list-style-type: none"> <li>• OFLA - Oregon Family Leave Act</li> <li>• PDL - Pregnancy Disability Leave</li> <li>• PTO - Paid Time Off</li> </ul> <p><b>Reasonable Accommodation:</b> Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities. Leaves of absence or reduced work schedules might, in appropriate circumstances, be deemed a reasonable accommodation. A reasonable accommodation need not be made if it would constitute an undue hardship on the employer.</p>
<p><b>General Description:</b></p>	<p><b>LEAVE OF ABSENCE</b></p> <p>1. <b><u>MEDICAL LEAVE</u></b></p> <p>A certified Medical Leave covers an employee’s absence due to the employee’s own illness, injury or pregnancy-related medical condition. Medical Leave requests must be certified by a licensed health care provider. The certificate must specify the effective date of when the employee is unable to work and the expected date of return to work. Leave requests must be made at least one month prior to the leave when foreseeable or as soon as is reasonably possible when the leave is not foreseeable. The duration of Medical Leave taken will be applied toward leave entitlement under FMLA, CFRA, OFLA, PDL and any other applicable law if employee is eligible for leave under one of these policies.</p> <p><b>Eligibility</b></p> <p>An employee may be eligible for an unpaid medical leave of absence from day one of employment regardless of whether the employee is covered by FMLA. If the reason for the leave is legally protected under the Americans with Disabilities Act, the Amendments to the Americans with Disabilities Act, or other applicable federal or state law, the Company will provide reinstatement in compliance with applicable law. If the reason for the leave is not legally protected, then reinstatement is not guaranteed.</p> <p>An employee who has exhausted the maximum FMLA leave due to his or her own illness may continue to be on leave under Medical if certified as medically necessary by the licensed health care provider. Continued approval is subject to review every 30 days or as conditions require during a continued leave. If the reason for the continued leave is legally protected under the Americans with Disabilities Act, the Amendments to the Americans with Disabilities Act, or other applicable federal or state law, the Company will provide continued leave time and reinstatement in compliance with applicable law. If the reason for the leave is not legally protected, then continued leave time and reinstatement is not guaranteed.</p> <p><b>Duration</b></p> <p>The Company will comply with applicable law with respect to the duration of any medical leave. Medical certification is required for any medical leave. Medical Leaves can be taken on an intermittent basis as long as it is prescribed by the licensed health care provider. Medical Leave status will be periodically reviewed on a case by case basis.</p>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p><b>Pay Practices</b></p> <p>Medical Leave is unpaid by Lam. Most employees are eligible if enrolled to receive temporary disability benefits through the California Voluntary Disability Plan, the Short-Term Disability Plan, a State Disability Plan, or through Workers’ Compensation (for occupational injuries or illnesses). Temporary disability provides a percentage of base salary. The benefit payout begins the first day of leave.</p> <p><b>Benefits</b></p> <p>If the employee continues to be on leave past one month and continues to be on leave for an extended time, the employee is responsible for paying the employee portion of the benefits premium while they are out on leave. Health coverage, life and AD&amp;D insurance, and group legal services will remain in effect throughout the leave if premium payments are paid on a timely basis. Lam’s Benefits administrator will send a payment packet to the employee with monthly coupons to submit premium payments. Failure to make these payments on time may result in a lapse of health benefits.</p> <p>NOTE: 401(K), ESPP and equity programs are governed by the terms of those plans.</p> <p><b>Reinstatement</b></p> <p>If the reason for the continued leave is legally protected under the Americans with Disabilities Act, the Amendments to the Americans with Disabilities Act, or other applicable federal or state law, the Company will provide continued leave time and reinstatement in compliance with applicable law. If the reason for the leave is not legally protected, then continued leave time and reinstatement is not guaranteed. If the employee has work restrictions, Lam will attempt to reasonably accommodate the employee in accordance with applicable law. Failure to notify Lam of work availability when it occurs or failure to return to work when called by Lam may result in disciplinary measures, up to and including termination to the extent permitted by law.</p> <p><b>2. <u>FAMILY LEAVE</u></b></p> <p>The Company will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. Although the federal and state laws sometimes have different names, the Company refers to these types of leaves collectively as “FMLA Leave.” No greater or lesser leave benefits will be granted than those set forth in such state or federal laws. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.</p> <p>Please contact your manager or supervisor as soon as you become aware of the need for an FMLA Leave. Employees are expected to provide prompt notice to the Company of any change(s) to an employee’s return to work date. Accepting or continuing other employment while on leave that is contrary to the restrictions indicated by your FMLA certification, or filing for unemployment insurance benefits while on leave may be treated as a voluntary resignation from employment.</p> <p><b>Eligibility</b></p> <p>To be eligible for FMLA Leave benefits, you must: (1) have worked for the Company for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) work at a location where at least 50 employees are employed by the Company within 75 miles, as of the date the leave is requested.</p> <p><b>Reasons for Leave</b></p> <p>State and federal laws allow FMLA Leave for various reasons. Because an employee’s rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. FMLA Leave may be used for one of the following reasons:</p>



<p><b>Topic Area</b> (Below are your guidelines when completing this section)</p>	<p><b>Document Content</b></p>
	<ul style="list-style-type: none"> <li>a. the birth, adoption, or foster care of an employee's child within 12 months following birth or placement of the child (“Bonding Leave”);</li> <li>b. to care for an immediate family member (spouse, child, or parent, or as required by applicable state or local law, registered domestic partner, civil union partner, or legal equivalent; please refer to your applicable state supplement for more information) with a serious health condition (“Family Care Leave”);</li> <li>c. an employee’s inability to work because of a serious health condition (“Serious Health Condition Leave”);</li> <li>d. a “qualifying exigency,” as defined under the FMLA, arising from a spouse’s, child’s, or parent’s active duty or call to active duty in a foreign country as a member of the military reserves, National Guard or Armed Forces (“Military Emergency Leave”); or</li> <li>e. to care for a spouse, child, parent or next of kin (nearest blood relative) who is a “Covered Service member,” as defined below (“Military Caregiver Leave”).</li> </ul> <p><b>Definitions</b></p> <p>“<b>Child</b>,” for purposes of Bonding Leave and Family Care Leave, means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Family and Medical Leave is to commence. “Child,” for purposes of Military Emergency Leave and Military Caregiver Leave, means a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the person stood in loco parentis, and who is of any age.</p> <p>“<b>Parent</b>,” for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. This term does not include parents “in law.” For Military Emergency leave taken to provide care to a parent of a military member, the parent must be incapable of self-care, as defined by the FMLA.</p> <p>“<b>Covered Active Duty</b>” means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.</p> <p>“<b>Covered Service member</b>” means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while 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 therefrom 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. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009 and March 8, 2013 is excluded.</p> <p>“<b>Key Employee</b>” means a salaried employee who is paid among the highest paid 10% of all employees, both salaried and unsalaried, at or within 75 miles of your worksite. The Company has the right to deny reinstatement rights to individuals who qualify for the “key” employee exception requirements of the FMLA. If you are considered to be a “key” employee, the Company will tell you prior to the start of your leave or as soon as possible after your leave has begun.</p>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p><b>Length of Leave</b></p> <p>The maximum amount of FMLA Leave will be twelve (12) workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and/or (4) Military Emergency Leave. However, if both spouses work for the Company and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave or to care for a parent using Family Care Leave (For Oregon employees, OFLA with respect to married couples provide 12-week leave for each parent) . A 12-month period begins on the date of your first use of FMLA Leave. Successive 12-month periods commence on the date of your first use of such leave after the preceding 12-month period has ended (i.e. a rolling look back 12 month period).</p> <p>The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of twenty-six (26) workweeks in a single 12-month period. A "single 12-month period" begins on the date of your first use of such leave and ends 12 months after that date. For clarity, this 12 month period will be measured in the same manner as described in the previous paragraph, i.e. a rolling look back 12 month period.</p> <p>If both spouses work for the Company and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.</p> <p>Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. Intermittent leave taken for baby bonding will be in increments of 1 week; and for leave for own disability or to care for a family member may be taken in increments of no less than one hour.</p> <p>When an employee who has been approved for intermittent leave seeks leave time that is unforeseeable, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave at the time the employee calls for time off.</p> <ol style="list-style-type: none"> <li>a. Notice and Certification             <ol style="list-style-type: none"> <li>1) Bonding, Family Care, Serious Health Condition, and Military Caregiver Leave Requirements                 <p>Employees are required to provide:</p> <ol style="list-style-type: none"> <li>a) when the need for the leave is foreseeable, 30 days advance notice or such notice as is both possible and practical if the leave must begin in less than 30 days normally this would be the same day the employee becomes aware of the need for leave or the next business day);</li> <li>b) when the need for leave is not foreseeable, notice within the time prescribed by the Company’s normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;</li> <li>c) when the leave relates to medical issues, a completed Certification of Health-Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health-Care Provider form);</li> <li>d) periodic recertification (upon request); and</li> <li>e) periodic reports during the leave.</li> </ol> </li> </ol> </li> </ol> <p>Certification forms are available from the third party leave administrator; the Benefits Help Desk can assist you in providing contact information. At the Company’s expense, the Company may also require a second or third medical opinion regarding your own serious health condition or the serious health</p>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p>conditions of your family member. In some cases, the Company may require a second or third opinion regarding the injury or illness of a “Covered Service member”. Employees are expected to cooperate with the Company in obtaining additional medical opinions that the Company may require.</p> <p>When leave is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt the Company’s operation. Please contact the third party leave administrator prior to scheduling planned medical treatment.</p> <p>2) <b>Military Emergency Leave Requirements</b></p> <p>Employees are required to provide:</p> <ol style="list-style-type: none"> <li>a) as much advance notice as is reasonable and practicable under the circumstances;</li> <li>b) a copy of the covered military member’s active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the military member’s leave; and</li> <li>c) a completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.</li> </ol> <p>Certification forms are available from the third party leave administrator.</p> <p><b>Failure to Provide Certification and to Return from Leave</b></p> <p>Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If you fail to return to work at your leave’s expiration and have not obtained an extension of the leave, the Company may presume that you do not plan to return to work and have voluntarily terminated your employment.</p> <p><b>Compensation During Leave</b></p> <p>Generally, FMLA Leave is unpaid. However, you may be eligible to receive benefits through State-sponsored or Company-sponsored wage-replacement benefit programs. If you are not eligible to receive any of these wage-replacement benefits, the Company may require you to use accrued paid time off to cover some or all of the FMLA Leave. The use of paid benefits will not extend the length of a FMLA Leave.</p> <p><b>Benefits During Leave</b></p> <p>If the employee continues to be on leave past one month and continues to be on leave for an extended time, the employee is responsible for paying the employee portion of the benefits premium while they are out. Health coverage, life and AD&amp;D insurance, and group legal services will remain in effect throughout the leave if premium payments are paid on a timely basis. Lam’s Benefits administrator will send a payment packet to the employee with monthly coupons to submit premium payments. Failure to make these payments on time may result in a lapse of health benefits.</p> <p>NOTE: 401(K), ESPP and equity programs are governed by the terms of those plans.</p> <p>Your length of service as of the leave will remain intact, but accrued benefits such as paid time off will not accrue while on FMLA Leave.</p> <p><b>Job Reinstatement</b></p> <p>Under most circumstances, you will be reinstated to the same position held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.</p>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p>Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent FMLA leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took the intermittent leave.</p> <p>"Key employees," as defined by law, may be subject to reinstatement limitations in some circumstances. If you are a "key employee," you will be notified of the possible limitations on reinstatement at the time you request a leave.</p> <p><b>3 <u>PERSONAL LEAVE</u></b></p> <p>A supervisor with approval of the department manager may grant a Personal Leave, for personal reasons such as travel, family matters or continuing education. Requests for leaves are reviewed in light of a combination of factors, including the employee's length of employment, performance, reason for the request, and position occupied. No Personal Leaves will be granted to those employees on a PIP. These factors will be considered relative to the potential disruption should the leave be granted. Other factors would include concerns such as Lam's business needs, the duration of the leave requested, and Lam's ability to find a temporary replacement or to leave the position vacant for the expected duration of the leave. Leaves are not granted when the absence causes unwarranted inconvenience to the organization or the intent is to take other employment.</p> <p><b>Duration</b> Personal Leave may generally not exceed six months in a rolling 12-month period.</p> <p><b>Pay Practices</b> Personal Leave is unpaid, but the employee must use all available PTO hours before the start of leave. Any remaining PTO balance will be cashed out at the start of leave.</p> <p><b>Benefits</b> If the employee continues to be on leave past one month and continues to be on an extended leave, the employee is responsible for paying the employee portion of the benefits premium while they are out. Health coverage, life and AD&amp;D insurance, health care spending account and group legal services will remain in effect throughout the leave if premium payments are paid on a timely basis. Lam's Benefits administrator will send a payment packet to the employee with monthly coupons to submit premium payments. Failure to make these payments on time may result in a lapse of health benefits.</p> <p>NOTE: 401(K), ESPP and equity programs are governed by the terms of those plans.</p> <p><b>Reinstatement</b> Reinstatement following a personal leave is not guaranteed. If no suitable position exists, the employee may be eligible an extension of their leave or may be released from employment.</p> <p><b>4 <u>MILITARY LEAVE</u></b></p> <p>A Military Leave will be granted when an employee is absent due to service in the "uniformed services." The "uniform services" consist of: the Army, Navy, Marine Corps, Air Force or Coast Guard; the Army Reserve, the Marine Corps Reserve, the Air Force Reserve, Navy Reserves or the Coast Guard Reserve; the Army National Guard or Air National Guard; commissioned corps of the Public Health Service, applicable state law service and any other category of persons designated by the President in time of war or emergency.</p>



<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p><b>Pay Practices</b>                      Employees on Military Leave will have their Lam pay and Military pay coordinated as to not exceed 100% of Lam’s base pay for up to 12 months. If an employee is out on Military Leave longer than 12 months, Lam will coordinate Military pay and Lam’s base pay not to exceed 50% of Lam’s base pay.</p> <p><b>Benefits</b>                      If the employee continues to be on leave past one month and continues to be on an extended leave, the employee is responsible for paying the employee portion of the benefits premium while they are out. Health coverage, life and AD&amp;D insurance, health care spending account and group legal services will remain in effect throughout the leave if premium payments are paid on a timely basis. Lam’s COBRA administrator will send a payment packet to the employee with monthly coupons to submit premium payments. Failure to make these payments on time may result in a lapse of health benefits.</p> <p>NOTE: 401(K), ESPP and equity programs are governed by the terms of those plans.</p> <p>Certain benefit exclusions exist for Life/AD&amp;D and LTD benefits during acts of war declared or undeclared. Each claim will be reviewed on an individual basis.</p> <p><b>Reinstatement</b>                      An employee returning from Military Leave is eligible for re-employment as defined in the Uniformed Services Employment and Re-Employment Rights Act and pursuant to applicable state law.</p> <p><b>EFFECT ON OTHER BENEFITS DURING A LEAVE OF ABSENCE</b></p> <p>Once any leave of absence begins, the following benefits are affected:</p> <p><b>Paid Time Off (PTO) Accrual</b>                      Paid Time Off (PTO) accrual ceases on the 1<sup>st</sup> day of a leave of absence.</p> <p><b>Holiday Pay</b>                      Employees on leave of absence are not entitled to holiday pay.</p> <p><b>Annual Incentive Plan (AIP)</b>                      For leaves greater than 30 days, your bonus, if any, will be prorated.</p> <p><b>Dependent Care Flexible Spending Account</b>                      Employees are not eligible to contribute to the Dependent Care Spending Account while on a leave of absence or during a partial leave of absence unless the leave is due to the employee’s own illness. Participation may resume when the employee returns to full-time work.</p> <p><b>Health Care Flexible Spending Account</b>                      Employees’ contribution will stop while on leave but will be allowed to submit eligible expenses. Participation may resume when the employee returns to full-time work.</p>





<b>Topic Area</b> <i>(Below are your guidelines when completing this section)</i>	<b>Document Content</b>
	<p><b><u>REQUESTING A REASONABLE ACCOMMODATION</u></b></p> <ul style="list-style-type: none"> <li>a) All regular, full and part time, contract and temporary employees may request a reasonable accommodation orally or in writing to his/her immediate supervisor, manager, Employee Relations (ER), EH&amp;S representative or Disability Representative.</li> <li>b) An employee seeking an accommodation must provide a medical doctor’s note defining the restrictions both physical and/or mental, estimated duration of the restriction and whether or not special equipment is required to provide the accommodation.</li> <li>c) The Disability Representative will determine whether the employee qualifies for a reasonable accommodation based on current state and federal guidelines.</li> </ul>
<p><b><i>What do I (employee) need to do?</i></b></p> <ul style="list-style-type: none"> <li>• Steps and procedures to the program</li> </ul>	<p>It is the responsibility of all Lam employees including Vice Presidents and above to follow the provisions of this policy. Each manager and supervisor is responsible for implementing this benefit within his or her area of responsibility.</p> <p>The outsourced leave administrator for the company will provide the employee with leave of absence information and will coordinate the leave process for the employee. Information on the process and mechanics of how to apply for a leave of absence can be found at <a href="http://lambenefits.com/time-away/leaves-of-absence">lambenefits.com/time-away/leaves-of-absence</a>.</p>
<p><b><i>Resources or contacts</i></b></p>	<p>The following State Supplements can be accessed via Employee Self-Serve/Benefits</p> <ul style="list-style-type: none"> <li>• Arizona State Supplement</li> <li>• California State Supplement</li> <li>• Idaho State Supplement</li> <li>• New York State Supplement</li> <li>• Oregon State Supplement</li> <li>• Texas State Supplement</li> <li>• The Notice: Employee Rights And Responsibilities Under the Family And Medical Leave Act (WHD Publication 1420), can be accessed via <a href="http://LamBenefits.com">LamBenefits.com</a>.</li> </ul>