

Family Medical Leave Act

Family Medical Leave Act of 1993, as Amended

Restated as of January 16, 2009

Family Medical Leave Act



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Family Medical Leave Act



In August of 1993, The Family Medical Leave Act (“FMLA”) was signed into law to allow employees to balance their work and family life by taking reasonable unpaid leave for certain family and medical reasons. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of employers, while promoting equal employment opportunities for men and women. Amendments to the FMLA to provide new leave entitlements for employees with family members on active duty military service were enacted in 2008.

This document serves as a general guideline for the administration of the FMLA and shall conform to the requirements established under the Family Medical Leave Act of 1993, as amended.

Note: Certain unionized locations may have special or different provisions related to family and medical leaves, and employees are encouraged to contact their local Human Resources Consultant for information on specific local practices.

Employee Eligibility

To be eligible for FMLA leave, an employee must:

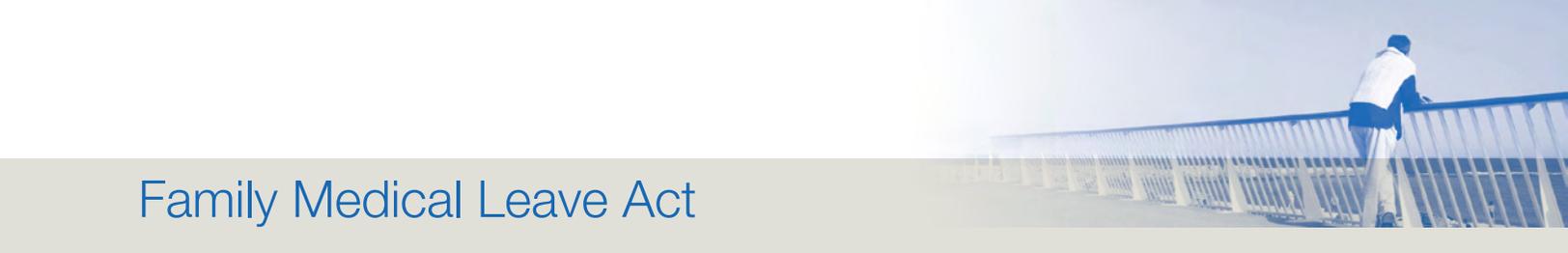
1. have worked for the Company for at least 12 months;
2. have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
3. work at a worksite with 50+ employees within a 75-mile radius.

Leave Entitlement

Once deemed eligible, an employee can receive up to a total of 12 workweeks of unpaid leave in a 12-month period for one or more of the following reasons:

- for the birth of a son or daughter of the employee, and to care for such newborn son or daughter, within the 12-month period following the birth;
- for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child, within the 12-month period following the placement;
- to care for an employee’s spouse, son, daughter, or parent with a serious health condition;
- when the employee is unable to work because of a serious health condition;
- to address a “qualifying exigency” related to an employee’s spouse’s, son’s, daughter’s, or parent’s active duty, or call to active duty, including the following eight defined categories of “qualifying exigencies”: short notice deployment (7 days or less); military events and related activities; childcare and school activities (but not on a routine, regular or everyday basis); financial and legal arrangements; counseling by someone other than a healthcare provider; rest and recuperation (up to 5 days for each temporary leave from active duty); post-deployment activities (up to 90 days after active duty status terminated); and additional agreed qualifying exigencies.

In addition, the FMLA has been expanded to allow for 26 workweeks of unpaid FMLA leave for employees to care for a close family member (defined as a spouse, son, daughter, parent, or next of kin) who suffers a serious injury or illness in the line of duty while on active duty in the United States Armed Forces. This type of FMLA leave is only available on a per service member, per injury basis, but each entitlement must be used within a single 12-month period. That single 12-month period begins on the first day of leave taken and ends 12 months later. Any unused leave within that period is forfeited.



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Note: An eligible employee would be entitled only to a combined total of 26 workweeks of FMLA leave for an employee who takes leave to care for a covered service member, as well as leave for other FMLA-qualifying reasons during the applicable 12-month period.

Note: Spouses who are both employed by the Company are limited to a combined total of 12 workweeks of family leave for all reasons except when the individual employee is unable to work because of their own serious health condition.

The 12-month period is measured forward from the date an employee's first FMLA leave begins.

Notice

Eligible employees seeking to use FMLA leave are required to provide:

- 30 days advance notice of the need to take FMLA leave when the need is foreseeable (leave may be delayed if appropriate notice is not provided);
- notice “as soon as practicable” when the need to take FMLA leave is not foreseeable (“as soon as practicable” generally means at least verbal notice to Human Resources within the same or next business day of learning of the need to take FMLA leave); and
- sufficient information for the Company to understand that the employee needs leave for FMLA-qualifying reasons.

Medical Certification

Employees are required to have all FMLA leave requests relating to an employee's own serious health condition, to care for a covered family member with a serious health condition, or to care for a covered “wounded warrior,” supported by a Medical Certification completed by a health care provider. In most locations, the Medical Certification is Form WH-380-E (for employees), WH-380-F (for family members), or WH-385 (for “wounded warriors”), created by the Department of Labor and used by the Company to substantiate the need for FMLA leave. The Medical Certification required for each location will be sent to employees upon requesting FMLA qualifying leave. All employees are allowed 15 calendar days to return the Medical Certification from the date it was requested. Failure to return the Certification may result in denial of the leave and/or other protections provided by the FMLA. The employee may also be required to submit a fitness for duty certification as a condition of the employee's return to work with regard to any health condition that caused the need for a Family Medical Leave Act leave.

Medical Certification requirements may vary by location. Employees are advised to discuss medical certification requirements with local Human Resources.

Serious Health Condition

A “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or



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- a period of incapacity of more than three calendar days that also involves either:
 - 2 visits to a healthcare provider within 30 days of the first day of incapacity, with the first visit occurring within 7 days of the first day of incapacity; or
 - 1 visit to a healthcare provider within 7 days of the first day of incapacity, that results in continuing treatment by (or under the supervision of) a health care provider (i.e., a prescription, physical therapy, etc.); or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity or treatment due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.), such condition requiring at least 2 visits per year to a healthcare provider; or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Intermittent Leave and Scheduling

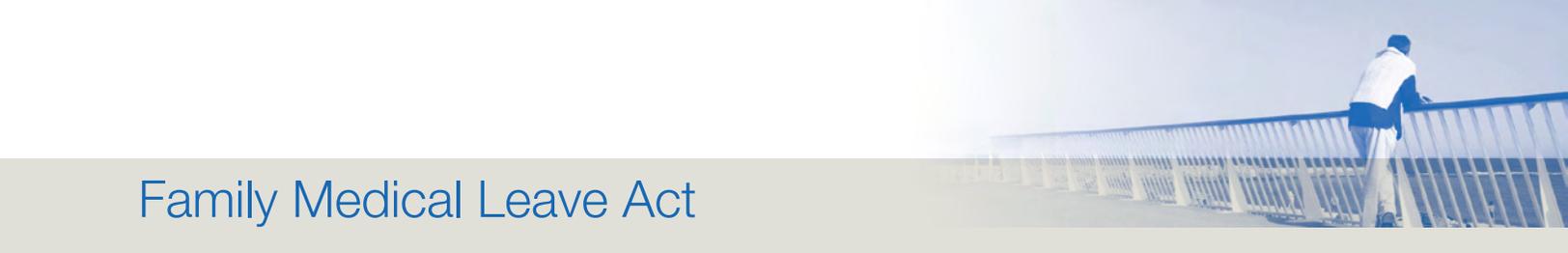
Employees may take intermittent leave to care for a covered family member with a serious health condition, for their own serious health condition, to address a “qualifying exigency” related to a covered family member’s call to active duty, or to care for a covered “wounded warrior.” Intermittent FMLA leave is not permitted for the birth/adoption/foster placement of a child. Only the amount of leave actually taken may be charged as FMLA leave, either in whole days or hours. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with Human Resources to schedule the leave so as not to unduly disrupt the employer’s operations. All leave schedules are subject to review and authorization by Marathon.

Substitution of Paid Leave

Employees may have the option to use accrued paid leave to cover any or all of the FMLA leave taken either in the form of a substitution of accrued paid sick (for an employees own serious medical condition) and/or vacation or personal days for any of the other situations covered by the FMLA. Applicable Collective Bargaining Agreements will dictate the amount of paid leave available to an employee.

Health Insurance Coverage

Marathon Oil Company is required to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to be actively at work. An employer’s obligation to maintain health benefits under FMLA stops if and when an employee informs the Company of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. It will be the employee’s responsibility to continue to pay his/her portion of medical premiums even if not actively receiving pay from the Company.



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Absence Control Programs

Certain locations have absence control programs. The Company will not count properly documented FMLA qualifying absences under any applicable absence control program. However, the failure of an employee to comply with his/her obligations under the FMLA (such as notifying the Company of the need for qualifying leave, returning a timely, complete and sufficient Medical Certification form, and following any established call-in procedures) will result in an absence being counted in the applicable absence control program.

Please note, however, that if a bonus or other payment made to employees is based on the achievement of a specified goal, such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied.

Other Protections under the FMLA

An employee on FMLA leave has the right to return to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon return to active status, provided the leave was not in excess of 12 workweeks within any 12-month period, or 26 workweeks in a single 12-month period, and provided the job was not eliminated due to a general workforce reduction. Employees will not be discriminated or retaliated against for using or requesting FMLA leave.

Further Information

If the need for FMLA leave arises, employees should contact Human Resources for all assistance, as well as for local variations in application of this policy.