

Leave of Absence (LOA) Frequently Asked Questions (FAQs)

[What is a Leave of Absence?](#)

[Where can I find information about our Leave of Absence policy?](#)

[What kinds of leaves are available?](#)

[When am I eligible for leave under the federal Family Medical Leave Act \(FMLA\)?](#)

[What reasons for leave qualify under federal FMLA, and how much FMLA leave can I take?](#)

[What if I am not eligible for leave under the federal FMLA or any specific state Family Medical Leave \(FML\) law?](#)

[How soon should I report the need for a Leave of Absence?](#)

[How do I request a Leave of Absence?](#)

[Where do I send my Leave of Absence documentation?](#)

[How is my request for a Leave of Absence approved?](#)

[How will I know that my leave has been approved?](#)

[What information will I receive after a leave request is submitted to Sedgwick?](#)

[While on leave, how is my request for vacation, sick or use of other personal paid time off submitted, and am I required to use my accrued paid time off?](#)

[How do I qualify for Disability income benefits while I am out on a Medical leave?](#)

[What happens to my benefits coverage while I am out on leave?](#)

[Are there qualifying reasons that allow me to change my benefits coverage while out on LOA?](#)

[What do I need to do before or upon returning to work from leave?](#)

[Will I be reinstated to my same job after taking a leave of absence?](#)

[What if I am not able to return to work at the end of my leave as planned?](#)

[Who should I contact for general information or help with Leave of Absence questions?](#)

[Who is considered eligible for Military Leave?](#)

[If I am not serving in the military but have a family member that is enlisted, can I take any time off to be with them?](#)

[Is Military Leave paid?](#)

[What kind of military service documentation must I provide for Military Leave and where do I send it?](#)

[What happens to my benefits coverage while I am out on Military Leave?](#)

Q1. What is a Leave of Absence?

A. Pacific Sunwear Stores LLC (“The Company”) defines a leave of absence (“LOA”) as a foreseeable or unforeseeable approved absence from work for a specified period of time lasting more than five (5) workdays for reasons other than vacation or jury duty. An Associate who is going to be off of work for more than five (5) working days is required to contact our Leave of Absence Administrator “Sedgwick” to open a claim at 877-233-1543 or visit timeoff.sedgwick.com.

Generally all leaves of absence are available on an unpaid basis.

[✦ back to top](#)

Q2. Where can I find information about our Leave of Absence policy?

A. Associates may contact the HR Leaves of Absence Department to obtain LOA Policy information at 866-989-6958, option 3, or email leaves@pacsun.com.

[✦ back to top](#)

Q3. What kinds of leaves are available?

A. The Company grants a Leave of Absence to eligible Associates who are not able to work due to their own serious health condition or disability (including Workers’ Compensation), to care for an immediate family member with a serious health condition, pregnancy disability (state-specific), to bond with a child or placement of child for adoption or foster care, [military service obligations](#); care of an injured or ill servicemember or military family exigency; or for [personal reasons](#).

Eligibility requirements for each type of leave differ. Associates may reference the Pacific Sunwear Stores LLC Leave of Absence Policy for detailed information on the requirements and procedures. In addition, Associates may contact Sedgwick, our LOA Administrator, to verify leave eligibility and requirements at 877-233-1543 or visit timeoff.sedgwick.com.

[✦ back to top](#)

Q4. When am I eligible for leave under the federal Family Medical Leave Act (FMLA)?

A. In order to be eligible for federal FMLA leave, an Associate must be:

- Employed with the Company for a total of 12 months; and
- Have worked at least 1,250 hours during the 12 months immediately prior to the start of leave

The 12 months of employment are not required to be consecutive in order for the Associate to qualify for FMLA leave. In cases where both state family medical leave law (FML) and federal “FMLA” exist, the Company will comply with and provide the Associate the greater leave entitlements and benefits. Associates should contact Sedgwick for questions whether they qualify for federal FMLA and/or other state family medical leave.

[✦ back to top](#)

Q5. What reasons for leave qualify under federal FMLA, and how much FMLA leave can I take?

A. The following reasons for leave qualify for FMLA entitlement:

- (1) To take medical leave when the Associate is unable to work due to their own serious health condition;
- (2) The birth of the Associate's child and to care for the newborn child within one year of birth;
- (3) The placement of a child with the Associate for adoption or foster care and to care for the newly placed child within one year of placement;
- (4) To care for a spouse, child, or parent who has a serious health condition;
- (5) Qualifying Exigency Leave - qualifying exigencies arising from the fact that the Associate's spouse, son, daughter, or parent is on "covered active duty" or has been notified of an impending call to "covered active duty" status as a member of the National Guard or Reserves or the Regular Armed Forces. Qualifying exigencies include: (1) Short notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities and; (8) Any other event arising out of the call to duty, as agreed upon by the Associate and the Company; or
- (6) Military Caregiver Leave – an Associate who is a spouse, son, daughter, parent or next of kin (closest blood relative) of a current servicemember or veteran (covered servicemember) with a serious injury or illness and who is needed to care for the injured or ill servicemember or veteran.

Associates who meet the FMLA's eligibility requirements described, may be granted a total of twelve (12) workweeks of unpaid, job-protected FMLA leave for the FMLA circumstances **(1) through (5)** above during a "rolling" twelve (12) month period measured backward from the date an Associate uses any FMLA leave.

An eligible Associate can take up to 26 workweeks for the FMLA circumstance described in item **(6)** above (military caregiver leave) during a "single 12-month period". The "single 12-month period" for military caregiver leave will be measured as a rolling twelve (12) month period measured forward from the first day the Associate takes this FMLA leave.

[* back to top](#)

Q6. What if I am not eligible for leave under the federal FMLA or any specific state family medical leave (FML) law?

A. Associates needing time away from work for more than five working days due to personal or medical reasons not covered by FMLA, Workers' Compensation, or other state family medical or pregnancy disability laws, may apply for a Personal/Non-FMLA medical or non-medical LOA without pay. All regular Associates (excluding seasonal, temporary, or contract Associates) are eligible to apply for an unpaid Personal/Non-FMLA LOA, after completing ninety (90) days of continuous service, for up to a maximum period of thirty (30) calendar days in a "rolling" 12-month period.

Associates should contact Sedgwick to confirm whether they are eligible and if their reason for leave could qualify for Personal/Non-FMLA LOA. However, requests for Personal/Non-FMLA LOA are granted at the Company's sole discretion, and require authorization by the Associate's supervisor/manager and their business HR Manager/Generalist. In determining whether to grant a Personal/Non-FMLA LOA, the Company may consider, among other things, an Associate's length of service, performance and responsibilities, the reason for the request, whether other Associates are already on leave, and the expected impact on the Company's business

[* back to top](#)

Q7. How soon should I report the need for a Leave of Absence?

A. All Associates are expected to give the Company thirty (30) days advanced notice for all foreseeable leaves of absence and should verbally inform their supervisor/manager of the time needed away. If it is not possible to provide thirty (30) days advanced notice, the Associate must notify their supervisor/manager and Sedgwick as soon as they are aware of the need for a Leave of Absence. Associates must contact Sedgwick to open a claim at 877-233-1543 or visit timeoff.sedgwick.com.

[* back to top](#)

Q8. How do I request a Leave of Absence?

A. Once an Associate informs their supervisor/manager of the needed time off under consideration for a Leave of Absence, the Associate should complete the following to officially apply for leave:

- Associates must contact Sedgwick to open a claim at **877-233-1543** or visit timeoff.sedgwick.com. Associates will work directly with Sedgwick to certify the need for leave and will complete the certification process.
- Associate's request for leave must be supported by an appropriate certification (with the exception of Military Leave). The Associate must initially respond to such a request within 15 days of the leave notice or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Associates are under no obligation to divulge confidential medical information to their immediate supervisor at any time and should forward all required medical documentation directly to Sedgwick. If an Associate is physically unable to apply for leave or complete the forms due to extenuating medical circumstances, the Associate, their manager or their immediate family member should contact the HR Leaves of Absence Dept. at 866-989-6958, Option 3 or email leaves@pacsun.com or the business HR Manager/Generalist for guidance and assistance.

[✦ back to top](#)

Q9. Where do I send my Leave of Absence documentation?

A. Associates must submit (fax, mail, or scan/email) their completed LOA forms, certification or recertification statement forms, "fitness for duty" or "return to work" medical release certifications, and/or military orders to Sedgwick at:

Sedgwick
PO Box182808
Columbus, OH 43218-2808
Fax 888-436-9535
Phone: 877-233-1543

[✦ back to top](#)

Q10. How is my request for a Leave of Absence approved?

A. Sedgwick validates the Associate's eligibility for the qualified leave (FMLA/State, State covered Pregnancy Disability, or Military LOA) and grants leave approval based on eligibility and receipt of the required documents. The Associate's business and/or HR Manager/Generalist must additionally approve LOA requests for [Personal/Non-FMLA/Non-Medical Leave](#).

[✦ back to top](#)

Q11. How will I know that my leave has been approved?

A. Sedgwick will inform the Associate whether their leave request is approved by issuing a written notification to the Associate. Sedgwick will also notify the Associate in writing if the leave has been denied or is pending approval due to incomplete or missing information or documentation.

[✦ back to top](#)

Q12. What information will I receive after a leave request is submitted to Sedgwick?

A. Upon receipt of the Associate's LOA request, Sedgwick will send the FMLA Initial Status Letter to the Associate outlining the type and the rights and provisions of the leave granted, along with the following LOA packet of information:

- FMLA or Non-FMLA, Military or Personal Leave Designation notice
- *Certification of Leave Statement form* (if initial document is insufficient and/or not submitted by the Associate)
- Information and instructions on how to file a claim for Company sponsored Short-Term Disability (STD) and/or state mandated State Disability Insurance benefits (if applicable).
- Return to Work Release form (if applicable).

The LOA packet of information the Associate receives will also have specific instructions on what action(s) and responsibility they must take while on LOA and/or upon returning to work following their approved LOA.

[* back to top](#)

Q13. While on leave, how is my request for vacation, sick or use of other personal paid time off submitted, and am I required to use my accrued paid time off?

A. Upon receipt of the LOA request from Sedgwick, the HR Leaves of Absence Dept. will send an email to the Associate's personal email address on file, providing the following information for the Associate to review and respond to:

- Requirement of PTO usage for STD waiting period (if applicable)
- Continuation of Health Benefits using available PTO
- Premium payment arrangement guidelines (if applicable).

It is the Associate's responsibility to request the use of their accrued and available vacation, sick or personal paid time off (if eligible) by notifying the HR Leaves of Absence Dept. at leaves@pacsun.com.

Associates taking leave due to the Associate's own serious health condition (non-work related injury or disability) must use a minimum of five (5) accrued and unused sick days prior to transitioning into an "unpaid status." If the Associate does not have enough accrued sick time, then he/she will be required to use up to five (5) vacation days and/or other personal paid time off. This requirement applies in conjunction with the seven (7) consecutive-day benefits waiting period that must be satisfied following the start date of the Associate's disability, typically not covered through short-term disability or state disability insurance programs. If accrued, sick, vacation, or other personal paid time off is not available, the five (5) days will be unpaid.

Associates taking leave due to the serious health condition of a covered family member or to care for a covered servicemember must use all unused and accrued sick and vacation time prior to taking any unpaid time off.

Associates taking qualifying exigency leave, family leave for bonding or the adoption or foster care of a child, or for personal non-medical reasons, must use all unused and accrued vacation time and other personal paid time off prior to taking any unpaid time off. The use of accrued sick time may not be used.

The requirement to use all unused and accrued vacation while on leave does not apply to Associates who apply for Military Leave, California Associates who apply for pregnancy disability leave or for Associates approved for Workers' Compensation related leaves. However, Associates on such leaves may choose to use unused accrued vacation during the duration of their leave.

[* back to top](#)

Q14. How do I qualify for Disability income benefits while I am out on a Medical leave?

A. The Company provides Short Term Disability (“STD”) insurance coverage to full-time benefit eligible Associates. The Company sponsored STD coverage provides partial loss of income benefits for a period of one (1) to twelve (12) weeks, for eligible Associates who suffer from a non-work related injury or illness, and are disabled from performing his/her regular occupation. There is a seven (7) consecutive-day waiting period that must be satisfied following the start date of the disability before STD income benefits are paid. California, Connecticut, District of Columbia (DC), Massachusetts, New York, New Jersey, Rhode Island, Washington, Puerto Rico, and Hawaii Associates are provided disability benefits under a mandated state disability program. Where applicable, STD benefits under the Company’s STD Plan will be coordinated with applicable state disability insurance benefits payable under a mandated state disability program, whereby the Company sponsored STD benefit will provide the difference between state mandated disability and the maximum percentage/weekly benefit allowed under the Company STD plan. State disability insurance programs vary on waiting period, eligible earning requirements, and benefit coverage maximums.

If the Associate’s LOA request is due to the Associate’s own non-work related injury, illness or disability, Sedgwick will provide general information on how to apply for disability benefits. The HR Leaves of Absence Dept. will provide instructions on how to file a disability claim for benefits with the Company’s STD Insurance carrier. The HR Leaves of Absence Dept. will also provide eligible Associates information as to whether they may qualify for applicable state disability insurance benefits, if the benefits will coordinate with the Company STD plan, and how to apply by contacting the appropriate state employment agency and/or Division of Disability Insurance.

Long-term Disability “LTD” coverage provides extended partial loss of income benefits for eligible Associates whose disabilities extend beyond the 90 days. LTD benefits will be coordinated with other disability plans including applicable state mandated disability insurance benefits, Workers’ Compensation, and other voluntary supplemental disability programs.

For complete information regarding the STD and LTD Plan benefit provisions, Associates may refer to the Company’s STD and/or LTD Group Insurance Policy descriptions available on [The Lounge](#).

[* back to top](#)

Q15. What happens to my benefits coverage while I am out on leave?

Depending on the type of qualified leave an Associate has been granted, group benefits coverage will be maintained up to a limited period of time in accordance with the LOA policy, and applicable FMLA and state FML laws. Group Benefits include Medical, Dental, Vision, Basic Life, AD&D, Disability insurance, Voluntary Life insurance, Supplemental Benefits, and FSA for the Associate and all covered dependents.

While on an unpaid leave, Associates will not accrue additional vacation and sick time benefit hours. Associates on LOA will not earn holiday pay, where any holidays falling within the leave period are unpaid.

The Associate is responsible to pay their portion of the group health insurance benefit premiums (contributions) in order to maintain their benefits coverage(s) while on LOA. Associates will be instructed to contact the HR Leaves of Absence Dept. to make arrangements for making payments on their share of health insurance premiums while on LOA. While receiving pay from the use of accrued sick, vacation and/or personal paid time off, benefit insurance contributions will be deducted automatically through the scheduled payroll process. Once the Associate is on an unpaid leave status, they must submit their benefit premium payments directly to the Company. Associates have a maximum 30-day grace period in which to make premium payments. Untimely payment of health insurance premium payments may result in a lapse of coverage.

Associates who remain on a qualified leave status extending beyond the maximum time period, may maintain their group health plan benefits, by opting to continue their elected group health plan benefits (medical, dental, vision and health FSA) in accordance with the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

Associates can refer to the LOA Policy for further details and/or contact the HR Benefits Dept. at 866-989-6958, option 2, for questions or clarification concerning their continuation of benefits options.

[* back to top](#)

Q16. Are there qualifying reasons that allow me to change my benefits coverage while out on LOA?

A. An Associate who experiences a qualified “change in family status” event while on leave may be permitted to cancel or elect new coverage or add or drop dependents to or from the benefits coverage. In accordance with IRS guidelines, qualified “change in family status” events may include (but are not limited to) birth or adoption of a child, marriage, divorce, or changes to a spouse’s employment status. A change in status may also be a qualifying event to add/change Section 125 Flexible Spending Account benefits. If an employee experiences a qualifying change in family status, the mid-year benefit election change must be consistent with the change in status event. All changes in status election requests are subject to the approval of the HR Benefits Dept. and applicable IRS regulations.

To make a benefit election change(s) as a result of a change in status, an Associate must notify the HR Benefits Dept. within 30 days of the qualifying event and provide documentation/proof (e.g., birth, marriage, or death certificate) of the event for the change to be processed. If the Associate does not notify their intent of their election change(s) and provide the sufficient documented proof of the qualifying event within 30 days to the HR Benefits Dept., they will forfeit the opportunity to make the qualified election change(s) until the next annual open enrollment period. Please consult the HR Benefits Dept. at 866-989-6958, option 2, or email benefits@pacsun.com, for more information and clarification on what type of mid-year enrollment changes are permitted.

[* back to top](#)

Q17. What do I need to do before or upon returning to work from leave?

A. Associates should contact Sedgwick at least five (5) business days prior to their scheduled return to work date to verify their planned effective date of return. Store Associates should also contact their immediate supervisor to confirm their first scheduled shift. If an Associate wishes to return to work prior to their scheduled return date, he/she must notify the HR Leaves Dept. at least five (5) days prior.

Associates returning from a medical leave due to their own illness, injury or disability, will be required to provide a “return to work release” certification from their treating physician upon or before the expected date of return. This requirement is stated in the “Initial Status Letter” to the Associate’s leave request. The authorized medical release must be presented to Sedgwick and/or the HR Leaves of Absence Dept. upon or before reporting back to work. An associate cannot return to work until their medical release certification is provided.

If the Associate is released with work restrictions imposed by their attending physician, the medical certification must detail the limitations/restrictions. The Associate’s manager/supervisor will contact and work with their business HR Manager/Generalist to review the medical restrictions, in order to determine if reasonable work accommodations can be provided and the essential functions of the job can be performed safely.

[* back to top](#)

Q18. Will I be reinstated to my same job after taking a leave of absence?

A. Generally, an Associate, who returns from a granted FMLA, state, or other protected leave within the qualifying leave period, will be restored to the same position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The Company will make every reasonable effort to hold an Associate’s position open for the period of the qualified leave, particularly to the degree required by law. Specific requirements for reinstating Associates following return from leave vary according to the designated category/type of LOA they are granted and entitled to.

If an Associate's former position is unavailable when the Associate is ready to return at the end of the approved leave, every reasonable effort will be made to place the Associate in a comparable position for which the Associate is qualified.

Associates should reference the LOA Policy and the provision entitled "Reinstatement" under the specific category/type of LOA applicable to their leave for guidelines, and consult with the HR Leaves of Absence Dept. for further guidance.

[* back to top](#)

Q19. What if I am not able to return to work at the end of my leave as planned?

A. Associates who are unable to return to work on their scheduled return date must notify Sedgwick to request an extension of leave. The request should be made at least five (5) workdays before or as soon as the Associate realizes that they will not be able to return upon the expected return to work date.

For medical-related leave extension or extensions due to the Associate's or the Associate's covered family member's serious health condition, Sedgwick may request recertification for the serious health condition (excluding covered servicemember's injury or illness) no more frequently than every 30 days and only when circumstances have changed significantly, or if Sedgwick receives information casting doubt on the reason given for the absence, or if the Associate seeks an extension of his or her leave. Otherwise, Sedgwick may request recertification for the serious health condition every six (6) months in connection with an FMLA absence. Sedgwick may use a health care provider, a Human Resources professional, leave administrator, or management official, but not the Associate's direct supervisor – to authenticate or clarify a medical recertification of a serious health condition.

Any extension of leave is subject to the maximum leave time available per applicable federal and state law or the Company's LOA Policy.

An Associate may be considered to have voluntarily resigned for failure to return from leave should they fail to return to work for any reason or notify the Company within three (3) workdays following the expiration of the approved LOA, and not request for an extension prior to their LOA expiration date.

[* back to top](#)

Q20. Who should I contact for general information or help with Leave of Absence questions?

A. Managers/Supervisors and Associates should contact the HR Leaves of Absence Dept. to obtain guidance on the LOA Policy, eligibility, status updates, and with any aspect of the leave administration process. The HR Leaves Department can be reached at 866-989-6958 option 3, or email leaves@pacsun.com.

The business HR Manager/Generalist is available to support the Associate with workforce planning, and any job accommodation requirements or modified duty arrangements.

[* back to top](#)

Q21. Who is considered eligible for Military Leave?

A. All active Associates called to military service or taking part in a variety of military duties as members of the United States Armed Forces, including Reservists and the National Guard, will be eligible to request an unpaid LOA in accordance with federal and state laws governing such leaves. The Company will grant an Associate's request for military leave to be used for military training, reserve duty, periods of active military service, funeral honors duty, or other obligations, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions established under applicable laws, the cumulative length of time an Associate may be absent from work for active military duty, and retain reemployment rights and benefits is generally limited to five (5) years¹.

¹ As established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Associates may use accrued vacation for Military Leave, but are not required to do so. Associates should reference the LOA Policy on the full provisions and guidelines for Military Leave and/or consult with the HR Leaves Department at 866-989-6958, option 3, or email leaves@pacsun.com for further guidance.

[* back to top](#)

Q22. If I am not serving in the military but have a family member that is enlisted, can I take any time off to be with them?

A. An Associate not serving in the military or called for active duty may qualify for leave under the expanded federal FMLA that includes Military FMLA leave entitlements. Please reference the LOA FAQ [“What reasons for leave qualify under the federal FMLA and how much FMLA leave can I take?”](#) for information on qualified Military FMLA leave entitlements.

[* back to top](#)

Q23. Is Military Leave paid?

A. Generally, the duration of military leave is unpaid; however, an Associate may choose to request the use of their accrued paid vacation or personal time off (if eligible) by contacting the HR Leaves of Absence Dept. at 866-989-6958, option 3, or email leaves@pacsun.com.

[* back to top](#)

Q24. What kind of military service documentation must I provide for Military Leave and where do I send it?

A. For periods of Military Leave more than thirty (30) days, the Company will require an Associate to provide documentation of military service.

A copy of the official military orders, the annual drill schedule or other type of documentation/instructions must be furnished to Sedgwick as soon as available and, preferably before the commencement of military duty. Associates may submit (fax, mail, or scan/email) their military service documents/orders to the HR Leaves Department or Sedgwick.

Sedgwick
PO Box182808
Columbus, OH 43218-2808
Fax 888-436-9535
Phone: 877-233-1543

[* back to top](#)

Q25. What happens to my benefits coverage while I am out on Military Leave?

A. In the case of Military Leave, group plan benefits coverage will be maintained for a minimum period of time. While on Military Leave, Associates will not accrue additional vacation and sick time hours, and will not earn holiday pay.

Benefits coverage will be maintained for military service of less than 31 days as if the Associate has not been absent. For military service beyond 31 days, benefits coverage (including Medical, Dental, Vision, Life AD&D Insurance Disability, Life and AD&D insurance) will terminate effective the last calendar day of the month in which the 31st calendar day occurs from when the leave begins. Thereafter, an Associate and their enrolled dependents may elect to continue group health plan coverage (medical, dental and/or vision) for up to twenty-four (24) months, but will be required to pay up to 102 percent of the full premium under COBRA- like coverage. Group Benefits will be reinstated the day the Associate is reemployed with no waiting period.

Associates can refer to the LOA Policy for further details and/or contact the HR Leaves Department at 866-989-6958, option 3 or email leaves@pacsun.com for questions or clarification concerning their continuation of benefits options.

[* back to top](#)