Rakuten

Understanding Your Protections and Resources

Leave of Absence (LOA): FMLA and Short-Term Disability
It is important to understand that FMLA (job protection) and short-term disability (income replacement) run concurrently. The duration of both is determined by the information provided to Larkin by the employee's medical provider via the required medical certification forms.

FMLA and Job Protection
The Family and Medical Leave Act (FMLA) provides qualified employees up to 12 weeks of unpaid job-protected leave. This leave can be used for an employee's own serious health condition, or to care for an immediate family member (spouse, child, or parent) with a serious health condition. Some states may have additional protections beyond federal law. FMLA provides job protection, meaning the employee is entitled to return to their job (or an equivalent one) after the leave. However, it is important to remember that job-protected leave is not job-guaranteed employment. This does not exempt an employee from standard company policies or legitimate business changes. Termination is still possible if it is based on reasons unrelated to the leave. The FMLA prohibits terminating or retaliating against an employee because they exercise their right to take FMLA leave.

Short-Term Disability (STD)
Rakuten's STD program is administered by Larkin but paid to the employee via their Rakuten payroll. To be eligible for Rakuten's STD program, the employee must file for state disability where available. The STD benefit has a 7-day elimination period that is unpaid. Rakuten has chosen to pay the employee their regular salary during this one-week elimination period only if STD for the employee is approved. The STD benefit starts after 7 days of disability and can go up to 26 weeks; however, the length of this benefit is determined solely by the medical provider's certification. STD pays 60% of eligible weekly earnings up to $2,500 max/week. This amount is reduced by any state-mandated disability insurance the employee receives. Employees are required to "top up" the remaining 40% using available accrued PTO or PST, as stated in our Employee Handbook.

Accommodations
Rakuten adheres to the Americans with Disabilities Act (ADA) and relevant state laws, which require the company to engage in an "interactive process" to provide reasonable accommodations. This process is a collaborative discussion to identify and implement solutions that enable the employee to perform the essential functions of their role, provided they do not pose an undue hardship to the company or fundamentally alter the nature of the position. Rakuten is not required to grant the specific requested accommodation if another accommodation would allow the employee to complete the essential functions of their role. Once the employee reaches out to Larkin, Larkin will initiate this process to understand the employee's specific needs and explore suitable solutions, which includes collecting necessary medical documentation from their medical provider. Requesting an accommodation is a protected activity, and the ADA provides

robust protections against discrimination and retaliation for employees who engage in this process.

Larkin
Larkin has three dedicated LOA and ADA administrators assigned to Rakuten's account. This is beneficial as we have dedicated account administrators who know our program, rather than a general call center.

Timing
Any request to take a leave of absence or request for a workplace accommodation must be substantiated by a medical certification form provided by the employee's medical provider. The information provided by the medical provider will determine next steps. The medical provider will be required to complete medical certification forms to support the need for a leave of absence or workplace accommodation. Depending on the provider and if you have an established relationship, you may not need a new appointment. You have 15 calendar days to have the medical certification forms completed and returned to Larkin. If you require more time due to delays with your medical provider, please communicate this to your Larkin administrator immediately to discuss a potential extension.

Bonus
See Section 8 (Leave of Absence) of the Bonus Policy for specific details on how a leave of absence may impact your annual bonus.

Collected Resources
- R-Space > Human Resources > USA > Benefits > Benefits Portal > Health & Welfare > Disability Insurance
- R-Space > Human Resources > USA > Benefits > Leaves & Accommodation Info | Larkin.
- R-Space > Human Resources > USA > Employee Handbook – see section 2.5 (Family Care and Medical Leaves)
- R-Space > Human Resources > USA > Policies > Bonus Policy – see section 8 (Leave of Absence)

Understanding Your Protections and Resources
Employees are protected by a combination of federal laws (such as the FMLA and ADA), state-specific disability and leave laws, and Rakuten's internal policies. These layers of protection work together to ensure that employees are treated with dignity and are shielded from discrimination or retaliation based on their health status or their need for accommodations. In summary, these laws protect an employee from being terminated *because* of a disability or a request for accommodation. However, these protections do not exempt an employee from termination for legitimate business reasons unrelated to their disability, such as documented performance issues or company-wide organizational changes.

If an employee cannot work due to a disability or needs a workplace accommodation to perform the essential functions of their role, they should notify their HRBP or HR Services, and utilize the resources provided by our benefits team. These resources are designed to support recovery or facilitate success in the workplace.