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GUIDE TO DEVELOPING AN EMPLOYEE HANDBOOK

Published by the Northeastern Retail Lumber Association with the assistance of Jackson Lewis P.C.

NRLA
Northeastern Retail Lumber Association

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PART I- INTRODUCTION

This fifth edition of the Guide to Developing an Employee Handbook is published by the Northeastern Retail Lumber Association to help management develop or update appropriate and lawful personnel policies and an employee handbook, and to communicate these policies to employees in a positive manner. Throughout this handbook, you will find a series of model policies, as well as general guidance and practical considerations that should be considered in the development of your company's employee handbook and/or related policies.

Clearly defined personnel policies form the basis for consistent management decisions and equitable personnel actions. The number of employees, size of the business, and the organizational structure will influence the extensiveness of written policies and procedures; however, even small companies with few employees will benefit from a written set of policies and procedures. Employee handbooks often improve employee morale by reducing inconsistencies as well as employee uncertainty over a company's policies and benefits. Employee handbooks also serve as a common core of information so that all employees are aware of the company's expectations and employee responsibilities.

Employee handbooks set a tone for the company; hopefully, a positive one. Policies and procedures should reflect your company's plans, goals and management philosophy. For these and other reasons, there is no "one size fits all" model for an employee handbook. Changes to employee handbooks and/or related policies should be communicated and distributed to employees, as an obsolete or unused manual gathering dust on a shelf might hinder an employer's ability to rely on the handbook in defending its policies, procedures, or actions. Equally important, is that an employer who fails to communicate with its employees regarding its policies and procedures is missing a golden opportunity to establish clear and open lines of communication. Communication begins with development and distribution of the handbooks, but should also include updating memos, meetings, and training sessions, especially for new policies or major revision of an existing policy. All supervisors should be thoroughly versed in the company's policies and procedures, and understand their role as the Company's "front line" in administering and enforcing its workplace policies.

Management should note that employee handbooks have, in recent years, increasingly become the subject of litigation. In such lawsuits, former employees often claim that statements in such manuals created contractual obligations which have been broken; however, properly drafted, employee manuals can reduce the likelihood of costly and time-consuming employee litigation. We have included a "soft" disclaimer in the Guide, in an attempt to protect your company against contractual claims based upon the handbook.

SECTIONS TO INCLUDE

Management should not combine all its personnel policies into one manual, but should divide them into separate documents, such as an Employee Handbook and a Supervisory Manual. Details on how the employer will discipline, evaluate or select employees, while significant, need only be mentioned in a general way in an employee manual, reserving detailed guidelines for a supervisory manual or supplement. Each employee should receive a copy of the

handbook upon its publication or at hire. To reduce the likelihood of employee litigation based upon statements in the employee handbook, each employee should be required to sign an appropriate receipt. The signed receipt should be placed in the employee's personnel file. While we have included a sample receipt in this guide, **handbook receipts will vary between a unionized and union-free workplace**.

Note to Employers: While we have included "at-will" language in this Guide, a conscientious employer should carefully consider its overall labor relations philosophy, and whether "at-will" language should be included in its employee handbook.

GETTING STARTED

A new handbook is needed if one currently does not exist or when the current manual is out-of-date. A manual can become obsolete if reviews and changes are not made on a regular basis.

In developing an employee handbook, someone on the management team should seek out and review all existing written policies. If any policy manual(s) exist, they should be examined policy-by-policy to determine if the policies are up-to-date and if there is any conflict with other policies or with accepted practices. Existing written policies may form the core of a new, revised, or expanded manual, or they may be so out of date, or out of touch with current operations and practices, that they will have to be discarded entirely. In either case, this body of existing written policies will constitute a significant starting point.

More difficult to pin down and review, but every bit as crucial, are the unwritten policies or practices that may be shaping decisions throughout the company. Such "common law" practices should be gathered and compiled in abbreviated written form.

Another source of input for policies and procedures is to ask each manager and supervisor about areas where existing policies are inadequate, conflicts appear, or employee questions arise most often.

Policies, especially those dealing with employees, have a quasi-legal as well as operational function. As noted above, an increasing number of court cases have held that manuals may be considered contracts between employers and employees. Although this fact should be kept in mind when formulating and committing policies to writing, it should not dictate that policies be written in strict legal language. Such language will detract from the primary purpose of written policies, which is to serve as clear and complete guides for decision-making and information.

Other points to keep in mind when writing policies are:

- Keep sentences short and overall writing style simple.
- Avoid complex or ambiguous terminology.

- Tailor policy length - each policy should be concise and to the point; however, brevity should never override the need for a clearly written policy that accurately reflects management's position.

- Organize the manual in an orderly and logical fashion so it will be easy to use and locate particular policies. Most company manuals are organized around topical headings.

- Include a table of contents and/or an index.

- Have the handbook "receipt" signed at the time the manual is distributed and immediately place the receipts in employees' personnel files. If needed, these signed receipts will help establish employee knowledge of your policies.

A BALANCING ACT - "TO HANDBOOK OR NOT TO HANDBOOK"

As noted earlier, over the last two decades, we have witnessed an employment litigation explosion. In many lawsuits brought by employees, policy statements and employee handbooks are referred to as creating some sort of contractual commitment which is alleged to have been breached. This has led some employers to conclude that they should not have written policies or an employee handbook. We strongly disagree with that conclusion as, in our opinion, the absence of a manual will increase the likelihood of inconsistent treatment of employees, thus prompting perceptions of favoritism and discrimination claims.

The above referenced litigation has also prompted many employers to conclude that, in order to protect against litigation, strong statements of the "at-will" nature of employment should appear throughout the manual. Unfortunately, while these types of statements will protect against litigation, they create two serious problems. First, they bring a clearly negative tone to the manual, which employees often bring home for family members to see. Second, as noted above, in a non-unionized company, such strong "at-will' statements may be seized upon by union organizers in their attempt to convince employees that they have no protection at work without union representation and a union contract.

As a compromise, particularly for non-union companies, we suggest a middle ground using a "soft" disclaimer, reserving your at-will statement for your employment application form. At the same time, policies should incorporate needed flexibility so that you are able to meet whatever commitments are created or inferred by your statements.

SPECIAL NOTE TO UNIONIZED COMPANIES

Before distributing any employee manual to unionized employees, labor counsel should be consulted to determine whether such distribution, without negotiation with the union, may constitute an unfair labor practice under federal or state law. Additionally, appropriate notification of union representatives should be discussed as well. Finally, it may be necessary to modify the language used in the handbook receipt and introductory section in manuals to be distributed to unionized employees.

A FINAL NOTE

The material that follows is written as a **sample** employee handbook. Individual companies may use the wording here or substitute their own words, but should be sure to consult with labor and employment law counsel with respect to any significant changes. In any event, please be sure to fill in any blanks and note – and remove – any internal notes or comments prepared by the authors. While a wide range of policies is included, you need select only those that pertain to your own situations. Also, the manual is primarily designed to comply with federal laws. Although we have periodically included notes and/or model language to comply with certain significant state laws, **we suggest that your labor counsel or Jackson Lewis, counsel to the NRLA and authors of this Guide, be consulted to review the final draft of your manual prior to its distribution to employees to assure that it complies with relevant state laws where you operate.**

ABOUT THE AUTHORS

Founded in 1958, Jackson Lewis is dedicated to representing management exclusively in workplace law. With approximately 800 attorneys practicing in major locations throughout the U.S. and Puerto Rico, Jackson Lewis is included in the AmLaw 100 and Global 100 rankings of law firms. The firm's wide range of practice areas provides the resources to address every aspect of the employer/employee relationship. Jackson Lewis is a leader in educating employers about the laws of equal opportunity and, as a firm, understands the importance of having a workforce that reflects the various communities it serves. Jackson Lewis is a founding member of L&E Global Employers' Counsel Worldwide, an alliance of premier employment law firms in Europe, North and South America and the Asia Pacific Region.

The firm has furnished legal advice and counsel to management and business in thousands of labor relations and employment law settings, and has been counsel to the NRLA for over 40 years.

Jackson Lewis has, in many respects, been a pioneer. It was probably the first firm to actively practice preventive labor and employment law. From its beginning nearly 60 years ago, the firm has preached that the education of management is the key to avoiding legal problems. This preventive approach continues to be the foundation of its practice.

The firm conducts annual client symposia and publishes monthly bulletins to keep its clients "current" in the dynamic field of labor and employment law and thus, hopefully avoid workplace problems and litigation. For more information, please visit www.jacksonlewis.com or contact Michael Abitabilo at michael.abitabilo@jacksonlewis.com

PART II-
SAMPLE POLICIES FOR THE[ ]EMPLOYEE HANDBOOK

ABOUT THIS HANDBOOK

This handbook details many of the policies and procedures of _____ ("we," "us," or "the Company"). It is designed as a working guide for employees and supervisors and to provide you with general information on benefits, policies and practices which are of direct interest to all our employees. Read it carefully and keep it for future use. Suggestions for changes may be made at any time. If questions arise, don't hesitate to speak with your supervisor.

Of course, due to our changing operational needs and government regulations, items within the handbook may be modified at the sole discretion of the Company from time to time. This handbook supersedes all prior handbooks, manuals and policy statements issued by the Company. The Company has the right, with or without notice, in an individual case or generally, to change and/or modify its interpretation of any of its guidelines, policies, practices, working conditions, or benefits at any time, unless otherwise restricted by applicable law. Nothing in this Handbook should be construed as a promise of specific treatment in any specific situation upon which any employee should rely. Additionally, many matters covered by this Handbook are also described in separate official documents, and such official documents are always controlling over any statement made in this Handbook or by any supervisor or manager. We will try to keep you informed of any changes that may affect you.

NEITHER THIS HANDBOOK NOR ANY OTHER COMPANY GUIDELINES, POLICIES, OR PRACTICES CREATES AN EMPLOYMENT CONTRACT, BARGAIN, OR AGREEMENT OR CONFERS ANY CONTRACTUAL RIGHTS WHATSOEVER. EMPLOYMENT WITH THE COMPANY IS AT-WILL, AND EITHER THE EMPLOYEE OR THE COMPANY MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, REASON OR NOTICE. NO REPRESENTATIVE OF THE COMPANY IS AUTHORIZED TO PROVIDE ANY EMPLOYEE, INDIVIDUALLY OR ON A COLLECTIVE BASIS, WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING THE TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR AGREEMENT IS IN WRITING AND SIGNED BY _____.

For unionized employees, add the following:

This handbook applies to all employees of the Company, including any employee whose terms and conditions of employment are governed by a collective bargaining agreement (CBA), and is not intended to supersede any express provisions of any applicable CBA. Any employee whose terms and conditions of employment are governed by a CBA should refer to the relevant CBA for a discussion of the personnel policies and benefits applicable to them. In the event of a conflict or discrepancy between the Handbook and a relevant CBA, the relevant CBA controls.

SECTION 1- INTRODUCTION

WELCOME

Welcome! We are glad to have you aboard. You are an important member of a proud organization with many years of continuous and successful operation. Our company enjoys a fine reputation with our community, neighbors, customers and suppliers. We are proud of the reputation and success of our company, and feel very strongly that these accomplishments were achieved, in large measure, because of the dedication and hard work of our employees, and with the leadership of our supervisory and managerial staff. We are grateful for this "team" effort, and pledge to do all we can to continue this tradition of excellence.

We operate with an "open door" policy and have a problem-solving procedure, meaning that all employees interested in doing so are invited to ask about any policies and procedures they don't understand, and to make suggestions for constructive changes.

Each of you is an integral part of the company. Our future growth and prosperity depend on each other. Together we hope to continue the record of success that the Company has enjoyed over the past _____ years.

(Signed: President)

COMPANY HISTORY

[A brief company history should include founding date and location; name, owner or location changes; and any unique or interesting anecdotes about the company's origin or past, or the present or past owners. This is also an excellent place to describe the company's present and future goals, as well as the company's business philosophy.]

OUR MISSION AND PHILOSOPHY

Our basic philosophy is to provide recognition, opportunity and job satisfaction for deserving staff. To this end, management will endeavor to:

- Respect the dignity of each and every employee.
- Provide leadership in which all employees may have faith and confidence.
- Promote, on the basis of demonstrated ability, education, experience, training and other relevant factors and, where practical, adhere to the practice of promotion from within. Of course, the Company retains the sole discretion to select whom it determines is best qualified.
- Provide training opportunities for all employees and encourage them to develop their capacities to the maximum potential.

- Provide and continually review a balanced program of company-sponsored employee benefits.

- Provide facilities and working conditions which are considerate of our employees' health, safety, and convenience.

- Provide channels of communication and continuously seek ways of maintaining efficiency through fair and equitable treatment of all employees.

- Provide recourse to higher levels of management in the event an employee does not feel his or her concern has been resolved by the immediate supervisor.

- See that the personnel policies of the company will be administered fairly and consistently.

PROBLEM-SOLVING PROCEDURE

To ensure appropriate handling of all complaints or employee concerns, a problem-solving procedure has been established.

Many supervisors and managers are able to handle complaints in an informal manner through discussion. Whenever they are comfortable doing so, this informal method should be used by employees, with the goal being an equitable solution to the problem at the earliest possible stage and with minimal inconvenience to all concerned.

However, employees who feel their concern is still unresolved have recourse to use our problem-solving procedure. Each step of the procedure is designed to provide employees with an easily accessible way to resolve any problem. The following procedures are available for any employee who wishes to bring an issue to the attention of management.

Step 1: The employee can take the matter up with his or her immediate supervisor in an attempt to agree on a satisfactory settlement.

Step 2: In the event a satisfactory settlement is not reached in Step 1, or if for some reason the employee does not wish to discuss the problem with the immediate supervisor, or is uncomfortable doing so, the employee may submit the concern to a manager. The manager will review and investigate the matter and attempt to find a solution to the problem.

Step 3: In the event a satisfactory settlement is not reached in Step 2, the employee may appeal to the President/General Manager of the Company for final consideration after receiving the Step 2 answer.

An employee may seek and receive assistance from the Personnel or Human Resources Department at any step in the process.

Information gathered during this procedure will be treated discreetly and confidentially by all parties involved to the extent possible, but total confidentiality cannot be guaranteed.

Since certain policies that have separate reporting procedures, such as those for reporting allegations of denial of equal employment opportunity and harassment, such issues are excluded from this procedure. Disciplinary decisions, including termination decisions, also are excluded from this procedure.

A WORD ABOUT EMPLOYEE RELATIONS

We are committed to providing the best possible climate for maximum development and achievement of goals for all employees. Our practice has always been to consider each employee as an individual. We have always sought to develop a spirit of teamwork; individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we have provided a workplace which is comfortable and progressive, with competitive wages and benefits. We have developed a system which recognizes individual achievement and effort. Most importantly, we have a workplace where communications are open and problems can be discussed and resolved in a mutually respectful atmosphere, taking into account individual circumstances.

We firmly believe that by communicating with each other directly, we can continue to resolve any difficulties that may arise and develop a mutually beneficial relationship.

EQUAL EMPLOYMENT OPPORTUNITY

It is our policy to consider all applicants for employment on the basis of the individual's qualifications for the job without regard to actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, physical or mental disability, sex or gender (including pregnancy, childbirth and related medical conditions), sexual orientation, gender identity or expression (including transgender status), marital status, military service or veteran status, genetic information, or any other characteristic protected by applicable federal, state, or local laws.

Employers in the following states should add these additional protected classifications under state law:

(**Connecticut** employers add: mental retardation, criminal record learning disability, intellectual disability)

(**District of Columbia** employers add: personal appearance, family responsibilities, political affiliation, matriculation)

(**Massachusetts** employers add: receipt of public assistance.)

(**New York** employers add: domestic violence victim status, prior arrest/conviction record, familial status.)

(**Pennsylvania** employers add: use of a guide or support animal for blindness, deafness or physical disability)

(**Rhode Island** employers add: conviction status.)

We actively pursue this policy in all aspects of employment including hiring, promotion, transfer, termination, recruitment, rates of pay, selection for training, and general treatment during employment. Moreover, we are committed to reasonably accommodating the known physical or mental limitations of our qualified employees with disabilities. At the Company, equal employment opportunity is not only a legal principle it is a moral commitment as well.

Any employee who has questions or concerns about equal employment opportunity in the workplace should immediately report the matter to the Human Resources Department. We will not allow any form of retaliation against employees who raise issues of equal employment opportunity or perceived discrimination in good faith in accordance with this policy. Violations of this policy will not be permitted and may result in discipline up to and including discharge.

NON-HARASSMENT POLICY

It is the Company's policy to prohibit harassment of one employee by another employee, supervisor, or third party (including vendors, customers and suppliers). The purpose of this policy is not to regulate our employees' personal morality, rather, it is to ensure that, in the workplace (including while on Company premises, while on Company business (whether or not on Company premises) or while representing the Company), no employee harasses another on any of these bases.

Harassment, for purposes of this policy generally is defined as unwelcome verbal, visual or physical conduct that demeans or shows hostility or aversion towards an individual because of these protected characteristics, and that (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. While it is not easy to define precisely what harassment is, it certainly includes slurs, epithets, threats, derogatory comments, unwelcome jokes or teasing based on any classification protected by applicable federal, state or local law, including but not limited to _____. Such conduct violates this policy, even if it is not unlawful.

Anybody, regardless of position or title, whom the Company determines has engaged in harassment of any kind in violation of this policy, will be subject to prompt appropriate corrective action, up to and including discharge.

Any employee who feels that they have been subjected to or witnessed conduct in violation of this policy should immediately report the matter to _____ at extension ___ or to any member of management. An employee who has not received a satisfactory response within five (5) business days after making the report should contact _____.

Every report of perceived harassment will be promptly, thoroughly and impartially investigated as the Company considers appropriate, and corrective action will be taken where appropriate as determined by the Company in its reasonable discretion. Employees are required to cooperate in all investigations conducted pursuant to this policy. The identity of individuals who report a perceived violation of this policy, as well as any information obtained during the Company's investigation, will be kept confidential to the extent possible, consistent with a thorough and impartial investigation with relevant legal requirements, but confidentiality cannot be guaranteed. Violations of this policy will not be tolerated and will result in disciplinary action up to and including discharge. We will not allow any form of retaliation against employees who in good faith raise issues of perceived harassment in accordance with this policy.

SEXUAL HARASSMENT POLICY

It is the Company's policy to prohibit harassment of one employee by another employee, supervisor or third party (including vendors, customers and suppliers) on the basis of sex or gender (including pregnancy), gender identity or gender expression (including transgender status), or sexual orientation. Such conduct will not be tolerated by the Company. The purpose of our policy is not to regulate our employees' personal morality. It is to ensure that, in the workplace (including while on Company premises, while on Company business (whether or not on Company premises) or while representing the Company), no employee is sexually harassed.

Sexual harassment includes any unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature when:

- Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While it is not easy to define precisely what sexual harassment is, it certainly includes unwelcome sexual jokes, comments or remarks, sexual advances and unwelcome physical contact, requests for sexual favors, sexually related postings, pictures or cartoons, sending or dissemination sexually explicit e-mail, graphics, downloaded sexual materials or websites, unwelcome comments or compliments about one's body or appearance, the use of profanity, and other verbal, written, visual or physical conduct of a sexual nature.

Any employee who feels that they have been subjected to or witnessed conduct in violation of this policy should immediately report the matter to _____ at extension ___ or to any member of management. An employee who has not received a satisfactory response within five (5) business days after making the report should contact _____.

Every report of perceived sexual harassment will be promptly, thoroughly and impartially investigated as the Company considers appropriate, and corrective action will be taken where appropriate as determined by the Company in its reasonable discretion. Employees are required to cooperate in all investigations conducted pursuant to this policy. The identity of individuals who report a perceived violation of this policy, as well as any information obtained during the Company's investigation, will be kept confidential to the extent possible, consistent with a thorough and impartial investigation with relevant legal requirements, but confidentiality cannot be guaranteed. Violations of this policy will not be tolerated and will result in disciplinary action up to and including discharge. We will not allow any form of retaliation against employees who raise issues of perceived harassment in accordance with this policy.

*[Employers in **Connecticut, Maine**, **Massachusetts, New York, Rhode Island,** and **Vermont** should add the following paragraph, unless they provide employees with this information via another written notice. Regardless of whether this language is included in the handbook, some of these states also require annual notice of this information.]*

Sexual harassment and retaliation are unlawful. Using our complaint and investigatory procedures does not prohibit an employee from contacting or filing a complaint with the appropriate governmental agency. Employees also have the option of contacting the state or federal agencies charged with enforcing anti-discrimination laws.

CONNECTICUT ONLY
While employees are encouraged to report claims internally, if an employee believes that they have been subjected to sexual harassment, the employee may file a formal complaint with the Connecticut Commission on Human Rights and Opportunities (the "Commission") at 860-541-3400, CT Toll Free 1-800-477-5737, or online at www.ct.gov/CHRO.

Individuals who engage in acts of sexual harassment may be subject to civil penalties in the form of a cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement, emotional distress, as well as attorney's fees, costs, pre- and post- judgment interest and punitive damages (if the case is tried in court). Individuals may also be subject to additional criminal penalties stemming from acts of sexual harassment.

Connecticut law requires that a written complaint be filed with the Commission within 300 days of the date the alleged harassment.

MAINE ONLY

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333-0051

PHONE: 207-624-6050
TTY/TTD: 207-624-6064
FAX: 207-624-6063

Employees may file a complaint with the Main Human Rights Commission within 300 days of the date of alleged sexual harassment.

MASSACHUSETTS ONLY

Massachusetts Commission Against Discrimination (MCAD)

One Ashburton Place
Room 601
Boston, MA 02108
(617) 994-6000

Denholm Building
484 Main Street, Room 320
Worcester, MA 01608
(508) 799-8010

436 Dwight Street
Room 220
Springfield, MA 01103
(413) 739-2145

800 Purchase Street
Room 501
New Bedford, MA 02740
(508) 990-2390

(Federal) Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000 or (800) 669-6820 TTY
info@eeoc.gov

NEW YORK ONLY

Written complaints can be submitted internally using the form provided with this policy.

Aside from the internal complaint process at the Company, employees may choose to pursue external legal remedies with the following governmental entities based on the noted federal, state and local protections.

State Human Rights Law (HRL)
The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within three years of the harassment. If an

individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Company does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

RHODE ISLAND ONLY

Rhode Island Commission for Human Rights
180 Westminster St # 3
Providence, RI 02903-1918
(401) 277-2661

(Federal) Equal Employment Opportunity Commission (EEOC)
JFK Federal Building, Room 475
Boston, MA 02203
(617) 565-3200 (voice)

VERMONT ONLY

Vermont Attorney General's Office
Civil Rights Unit, 109 State Street
Montpelier, VT 05609
(802) 828-3171 (voice/TDD)

(Federal) Equal Employment Opportunity Commission (EEOC)
JFK Federal Building, Room 475
Boston, MA 02203
(617) 565-3200 (voice)

*[While this **should not** be included in your manual, employers should also be aware of the following specific state regulations on sexual harassment]:*

- **Connecticut** — requires employers of three (3) or more employees to post information regarding the illegality of sexual harassment and the remedies available to victims of sexual harassment in a prominent and accessible location. Furthermore, employers of fifty (50) or more employees must provide two (2) hours of training and education to all supervisory employees with respect to sexual harassment.

- **Maine** — requires employers to post its policy against sexual harassment in a prominent and accessible location, and to provide each employee with its sexual harassment policy annually. Further, employers of fifteen (15) or more employees must conduct education and training for all new employees within one year of the commencement of their employment.

- **Massachusetts** — requires all employers to adopt a sexual harassment policy, and to provide all employees annually a written copy of the policy. The policy must include a definition of sexual harassment. It must also give the names, addresses, and telephone numbers of individuals to whom reports should be made. The state FEP agency also recommends including individuals of both sexes and of differing levels of authority to receive complaints.

- **New York –** Pursuant to Section 201-g of the Labor Law, every employer must adopt a sexual harassment prevention policy that meets or exceeds the following minimum standards. The policy must be provided at hire as well as during any required sexual harassment training. The sexual harassment policy must: prohibit sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights; provide examples of prohibited conduct that would constitute unlawful sexual harassment; include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws; include a complaint form; include a procedure for the timely and confidential investigation of complaints that ensures due process for all parties; inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially; clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue; and clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful.

https://www.ny.gov/sites/ny.gov/files/atoms/files/StandardsSexualHarassmentPreventionPolicies.pdf
To the extent the specific information noted above (such as examples of sexual harassment) are not otherwise covered by the general sexual harassment policy such language can be removed from this policy.

- **Rhode Island** – Employers with 50 or more employees are required to adopt a policy prohibiting sexual harassment and provide copies to all employees. The law also encourages employers to conduct education and training programs on this subject for all employees.

- **Vermont** — requires employers to post in a prominent and accessible location the elements of the employer's sexual harassment policy, and provide all employees with copies of the sexual harassment policy. The policy must contain a detailed complaint procedure and specific examples of unlawful conduct. The law encourages annual training programs for all new employees and managers.

REPRODUCTIVE HEALTH DECISION MAKING DISCRIMINATION POLICY (NEW YORK ONLY)

[*An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies pursuant to this law. Based on the lack of guidance as to policy language, this draft policy largely mirrors all relevant text from the statute*.]

The Company may not:

- discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service; or
- require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

The Company also may not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

An employee may bring a civil action in any court of competent jurisdiction against the Company for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against the Company if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100% of the award for damages unless the Company proves a good faith basis to believe that its actions in violation of this policy were in

compliance with the law.

Any act of retaliation for an employee exercising any rights granted under this policy shall subject the Company to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action shall mean discharging, suspending, demoting, or otherwise penalizing an employee for: making or threatening to make, a complaint to the Company, co-worker, or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by the Company.

Employees with issues or concerns regarding this policy or who feel they have been subjected to any alleged violation of this policy should contact _____.

NEW YORK CITY SUPPLEMENTAL GENDER DISCRIMINATION POLICY (NEW YORK CITY ONLY)

[This handbook policy is optional but strongly recommended pursuant to recent legal enforcement guidance issued by the NYC Commission on Human Rights. Employers are encouraged to implement "internal anti-discrimination policies to educate employees…of their rights and obligations under the NYCHRL with respect to gender identity and expression and regularly train staff on these issues." Additionally, the Commission "may consider the lack of an adequate anti-discrimination policy as a factor in determining liability, assessing damages, and mandating certain affirmative remedies." As drafted, many of the policy statements here may require modifications to your existing procedures and practices. As such, this should be tailored accordingly.]

In accordance with New York City law, the Company prohibits discrimination in employment on the basis of gender. For purposes of this policy, gender is an individual's actual or perceived sex, gender identity, and gender expression including a person's actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. The Company is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, accommodation requests, access to programs and facilities, employee activities, and general treatment during employment.

In furtherance of this policy:

- The Company gives employees the option of indicating their preferred name, pronoun and gender title regardless of the individual's sex assigned at birth, anatomy, gender, medical history, appearance, or the sex indicated on the individual's identification except in the limited circumstance where federal, state, or local law requires otherwise (e.g., for purposes of employment eligibility verification with the federal government). This also applies to the Company's systems which do not limit such identifications to male and female only.
- All employees and other individuals are permitted to use single-gender facilities – such as bathrooms and locker rooms - and participate in single-gender programs consistent with their gender identity, regardless of their sex assigned at birth, anatomy, medical history,

appearance, or the sex indicated on their identification. To the extent possible, the Company provides single-occupancy restrooms and provides private space within multi-user facilities for individuals with privacy concerns, but will not require use of a single-occupancy restroom because an individual is transgender or gender non-conforming.

- The Company's dress code and grooming standards are gender neutral, and therefore do not differentiate or impose restrictions or requirements based on gender.
- The Company's benefit plans apply equally to all employees regardless of gender and do not provide health benefit plans that exclude coverage for transgender care, also known as transition-related care or gender-affirming care.
- The Company evaluates all requests for accommodations for disability or other request for changes to the terms and conditions of an individual's employment, or participation in a program offered by the Company, which may include additional medical or personal leave or schedule changes in a fair and non-discriminatory manner without regard to gender. To that end, the Company will treat leave requests to address medical or health care needs related to an individual's gender identity in the same manner as requests for all other medical conditions and will provide reasonable accommodations to individuals undergoing gender transition, including medical leave for medical and counseling appointments, surgery and recovery from gender affirming procedures, surgeries and treatments as they would for any other medical condition.
- Employees who engage with the public as part of their job duties are required to do so in a respectful, non-discriminatory manner by respecting gender diversity and ensuring that members of the public are not subject to discrimination (including discrimination with respect to single-sex programs and facilities).

Employees with issues or concerns regarding gender discrimination or who feel they have been subjected to such discrimination can contact _____. The Company prohibits and does not tolerate retaliation against employees who report issues or concerns of gender discrimination pursuant to this policy in good faith.

SECTION 2- ABOUT YOUR JOB

YOUR SUPERVISOR

When questions of an operational nature arise, employees should speak with their immediate supervisor. The supervisor knows you and your job best. Although the "Chain of Command" should be followed in normal operations, we have an "open door" policy and a problem-solving procedure that permits any employee to seek out any management representative when the need arises and the situation cannot be corrected through normal communication channels.

NEW EMPLOYEE ORIENTATION

As you begin your job with us, we do everything practical to get you started properly and fit you into your work as smoothly as possible. The scope of your duties and responsibilities will be explained, and we will acquaint you with the advantages and opportunities you will enjoy as an employee. Take an interest in your job and strive to do it as well as possible.

YOUR INTRODUCTORY PERIOD

The first ___ days of employment will be an introductory period. This get-acquainted period allows us to determine whether you are right for us and whether the Company is right for you. We reserve the right to extend the introductory period in our discretion. If you remain employed after this period, your length of service will be calculated from your first day of work. Of course, completion of this period is not a guarantee of continued employment and does not alter the at-will nature of employment.

EMPLOYEE CLASSIFICATIONS

All employees are classified as one of the following:

- *Regular Full-Time* – An employee who satisfactorily completes the introductory period and who regularly works at least ___ hours per week.[1]
- *Regular Part-Time* – An employee who satisfactorily completes the introductory period and regularly works less than ___ hours per week.[2]
- *Temporary Employee* – An employee who is either hired for a specific purpose or time period, normally not to exceed six months. Temporary employees may work a full-time or part-time schedule. Temporary employees will be given consideration in becoming regular employees in the event of openings if qualified and job performance has been satisfactory. Temporary employees are <u>not</u> eligible for Company benefits other than those mandated by law (e.g., workers' compensation).

1 For employees with 50+ employees nationally, due to the ACA and for consistency this should be 30 hours.
2 For employees with 50+ employees nationally, due to the ACA and for consistency this should be less than 30 hours.

EXEMPT AND NON-EXEMPT EMPLOYEES

In addition to the preceding classifications, employees are also categorized as either "exempt" or "non-exempt." Exempt employees are generally salaried, and are engaged in executive, administrative, or professional capacities, or as outside salespersons. Such employees do not receive overtime pay. Employees classified as exempt generally receive a salary which is intended to cover all hours worked including any hours worked in excess of 40 in a workweek or overtime as otherwise mandated by applicable state law.

PROMOTIONS AND TRANSFERS

The company's policy is to promote from within to the extent practical where qualified employees exist.

Employees should constantly strive to upgrade their skills in their present job, and learn other areas of our operation and practices within the company to be qualified for promotions when such occasions arise.

Employees may apply to transfer from one department to another when openings occur. Such requests will be carefully considered and honored when the employee is qualified for the new position, and the transfer is in the best interest of both the employee and company.

The following factors will be considered in transfers and promotions, including, but not limited to, the following:

- Knowledge of work
- Quality of work
- Productivity
- Education and training
- Attendance and punctuality (but not taking into account absences that are protected by federal, state, or local law)
- Ability to work effectively with others.
- Conduct (disciplinary record)
- Customer relations
- Experience
- Length of service

ATTENDANCE AND PUNCTUALITY

It is extremely important that your attendance be punctual and regular. Also, due to the seasonal nature of the retail building material industry, requests for time off must be consistent with our need to meet our customers' demands. You must be on the job and ready to work at your scheduled starting time. Except for vacations and other approved leaves or absences that are protected by federal, state, or local law, absences should be kept to a minimum. Excessive absenteeism or tardiness will be cause for disciplinary action.

When an employee is going to be absent, the supervisor should be notified as soon as possible and at least ____ hours prior to the scheduled reporting time, except in cases of extreme emergency. You must call in each day you are going to be absent and speak with your supervisor, unless you are specifically instructed otherwise. In case of illness or injury that exceeds three consecutive work days or in the case of a pattern of such absences, the company reserves the right to require a doctor's certification of illness, to the maximum extent permitted by applicable law. Failure to call or report for work for ___ consecutive days generally will be considered an abandonment of your job and your employment will be terminated.

In evaluating employee attendance and otherwise administering this policy, the Company does not consider absences/tardiness protected by applicable federal, state, or local law.

INCLEMENT WEATHER

During periods of extremely inclement weather, employees who are able to get to work without endangering their safety should do so. If the store/yard is unexpectedly closed or has a delayed opening due to weather (or other) conditions, employees will be notified. Employees unable to report to work due to extreme weather conditions may request available accrued sick, personal or vacation time.[3]

YOUR WORKDAY

Since our operations span more than an eight-hour day, employee starting times will fluctuate depending on personnel needs and customer demands. The normal workday for regular full-time employees is eight hours excluding an unpaid half hour for lunch. A ___ minute paid rest break is provided in the morning and afternoon. Employees are requested not to leave the company premises during rest break periods. All lunch periods and rest breaks generally will be scheduled by your supervisor to maintain adequate customer service. To the extent state law provides additional lunch and/or rest break periods and/or greater benefits than provided under this policy, state law will be followed.

LACTATION ACCOMMODATION

3 Note that in states that require payout of vacation or PTO time, allowing employees to use sick time for this reason could potentially be viewed as converting a sick time bank into PTO which would then trigger payout obligations.

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child, to the extent required by and in accordance with applicable law. If possible and permitted by applicable law, the break time must run concurrently with rest and meal periods already provided to the employee. Break time that cannot run concurrently with rest and meal periods already provided to the employee will be unpaid, to the extent permitted by applicable law. Unless otherwise required by applicable law, the Company may not be able to provide additional break time if doing so would seriously disrupt the Company's operations.

The Company will make reasonable efforts to provide an employee with use of a room or location in close proximity to the employee's work area, other than a bathroom, for the employee to express milk in private. This room or location may be the employee's private office, if applicable.

Employees will not be discriminated against or retaliated against foe exercising their rights under this policy. Employees can contact _____ with questions regarding this policy.

LACTATION BREAKS (NEW YORK ONLY)

[This handbook policy is optional if written notice is provided individually to affected employees or to all employees generally through a posting.]

Employees who are nursing are provided with break time to express breast milk for up to three (3) years after the birth of a child. Employees will not be discriminated against or retaliated against for exercising their rights under this policy and reasonable efforts will be made to provide a private room or location in close proximity to the work area for this purpose.

NEW YORK CITY LACTATION ACCOMMODATION POLICY (NEW YORK CITY ONLY)

[Requires **4 or more employees** in NYC for coverage. An employer must implement a written lactation room policy. The policy must be distributed to all employees upon hiring. The broader NY Lactation Breaks policy should be deleted if all employees in NY are located in NYC.]

Pursuant to New York City law, employees have a right to request access to a lactation room for purposes of expressing breast milk.

The Company will provide a lactation room to such employees, unless doing so would impose an undue hardship on the Company. If doing so poses an undue hardship to the Company, the Company will engage in a cooperative dialogue with the employee to discuss reasonable alternatives with the employee in an attempt to accommodate the employee's needs. For details regarding the cooperative dialogue process, please refer to the Reasonable Accommodation & Cooperative Dialogue policy.

For purposes of this policy, the term lactation room means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other

personal items, and nearby access to running water. Unless doing so poses an undue hardship, the Company will provide (i) a lactation room in reasonable proximity to the employee's work area and (ii) a refrigerator suitable for breast milk storage in reasonable proximity to such employee's work area. If the room designated by the Company to serve as a lactation room is also used for another purpose, the sole function of the room will be as a lactation room while an employee is using the room to express breast milk. While an employee is using the room to express milk, the Company will provide notice to other employees that the room is given preference for use as a lactation room.

An employee may submit a request for a lactation room by contacting _____. The Company will respond to such requests within five (5) business days. If two or more employees need to use the lactation room at the same time, the employees should contact ____ so that arrangements can be made to ensure all employees are provided with access to the lactation room amenities. Options may include: finding an alternative clean space free from intrusion; sharing the space among multiple users; or creating a schedule for use.

The Company will provide a reasonable amount of break time each day for an employee to express breast milk pursuant to section 206-c of the labor law.

The Company will not tolerate discrimination or harassment against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to _____.

Employees can contact _____ with questions regarding this policy.

OVERTIME

As with most companies, we experience periods of extremely high activity. When they occur, additional work, including overtime, is required from all of us. We appreciate and expect your cooperation. Your supervisor will notify you whenever overtime is necessary. Efforts will be made to provide you with notice. All overtime work must have the prior approval of your supervisor. Working overtime without authorization may result in disciplinary action, up to and including termination.

If you are a non-exempt employee, you will receive time and one-half (1½ times your normal hourly wage) for all hours you work over forty (40) in a workweek, unless otherwise required by applicable law. Paid days such as holidays, paid vacations, paid sick and personal time, and paid bereavement or jury duty time shall [or shall not] be considered as hours worked in calculating eligibility for overtime pay. *[Applicable laws only require that time actually worked be counted for overtime purposes; however,* if *you count any of this time for overtime purposes, you should state so here.]*

RECORDING YOUR TIME

Employees must complete their own timecards when reporting for and departing from work. Please do not clock in or out more than seven minutes before the start or after the end

of your scheduled workday, unless work outside of your regular schedule has been previously approved by your supervisor. Employees also must record their time in and out for lunch periods. Completing timecards for other employees is not permitted. Non-exempt employees may never work off the clock. "Off-the-clock" work is time spent by an employee performing work that is not reported to the Company as time worked.

Make sure your supervisor and the Business Office know if you are unable to take your lunch break so that you may be properly paid for this time.[4]

Employees who forget to clock in or out or otherwise forget to record their time in or out before or after any working time should notify their supervisor so that an appropriate notation can be made on their timecard. Employees are not to alter their timecards unless instructed by _____ and must sign-off on any alterations.

PAYROLL

Our work week begins on _____ and ends on _____. Employees are paid _____ on _____ for all time worked during the previous.

Employee payroll stubs itemize deductions made from gross earnings. The Company is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions include any court-ordered garnishments. Payroll stubs also itemize any voluntary deductions such as an employee's portion of health, dental, or life insurance premiums, and/or voluntary contributions to a 401(k) or pension plan, to the extent applicable. If applicable, payroll stubs will also differentiate between regular and overtime pay received.

Employees are paid by _____.

We make every effort to ensure our employees are paid correctly. Occasionally, inadvertent mistakes can happen. When mistakes do happen, and are called to our attention, we will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred, including an improper deduction, or if you have any questions, please let the Business Office know promptly. Every inquiry will be fully investigated, and corrective action will be taken where appropriate. In addition, the Company will not allow any form of retaliation against individuals who report perceived errors in their paychecks in good faith. *[Please note that New Hampshire requires employees be provided written notice as to what may be deducted from their paychecks.]*

SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES

Exempt salaried employees receive a salary that is intended to compensate for all hours worked for the Company. This salary is established at the time of hire. While it may be

4 This should only be included if (1) lunch breaks are unpaid for non-exempt employees and (2) you do not have employees clock in/out for lunch but instead have an "automatic deduction."

subject to review and modification from time to time, such as during salary review times, the salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work.

Under federal and state law, exempt salaried employees' salaries are subject to certain deductions. For example, absent contrary state law requirements, exempt salaried employees' salaries are subject to reduction for the following reasons:

- Full day absences for personal reasons;
- Full day absences for sickness or disability;
- Full day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave absences (either full or partial day absences);
- To offset amounts received as payment for jury and witness fees or military pay; or
- The first or last week of employment in the event of less than a full week worked.

Exempt salaried employees' salaries are also subject to reduction for their portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any workweek in which exempt salaried employees perform any work, their salary is not subject to reduction for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability;
- Absence due to the Company's decision to close a facility on a scheduled work day;
- Absences for jury duty, attendance as a witness, or military leave in any week in which any work is performed; or
- Any other deductions prohibited by state or federal law.

However, subject to state law, it is not an improper deduction to reduce exempt salaried employees' accrued vacation, personal, or other forms of paid time off banks for full or partial day absences for personal reasons, sickness, or disability.

Employees who believe they have been subject to an improper deduction should report the matter to their supervisor immediately. If the supervisor is unavailable or is an inappropriate person to contact, or if a prompt and fully acceptable reply has not been received within five (5) business days, _____ should be contacted.

Every report of improper deductions will be fully investigated and corrective action, up to and including discharge, will be taken, as appropriate, for any employee(s) who violates this policy. In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including discharge.

DISCUSSIONS REGARDING WAGES (NEW YORK ONLY)

[This handbook policy is optional for non-federal contractors. It conflicts with OFCCP requirements for federal contractors and therefore may not be utilized by federal contractors. Despite being optional in general, it is required for non-federal contractor employers who wish to impose the limitations noted below (in the subsequent comment). If you choose not to impose such limitations, this policy can be removed assuming no other policy states or implies a prohibition on inquiring about, discussing, or disclosing their wages or the wages of another employee (assuming they have the other employees' permission).]

The Company does not generally prohibit employees from inquiring about, discussing, or disclosing their wages or the wages of another employee. However, such inquiries, discussions, and disclosures are limited as follows: _____. Additionally, employees (other than employees with access to other employees' wages as part of their essential job functions) are prohibited from discussing or disclosing the wages of another employee without that employee's prior permission.

PERSONNEL RECORDS

All matters relating to individual employees will be kept in the employee's personnel file. These records will be maintained in a confidential manner and only duly authorized persons will have access. Employees are responsible for notifying the company of any change in their status, such as address or telephone number changes, number of dependents, marital status, etc. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach an employee in a crisis may be extremely problematic.

Individual employees may have access to their personnel records to the extent permitted by applicable law.

[Note that the following states currently require that current (and sometimes former) employees be provided with access to (and in some cases, copies of) their personnel file. The specific requirements as to the manner and method of production vary by state. Whether an employee has the ability to provide "rebuttal" documentation also depends on state law. Where there is no state law requiring that an employee have access to his/her personnel file, it is up to the employer as to whether to provide access.

- *Connecticut*
- *Delaware*
- *Maine*
- *Massachusetts*
- *New Hampshire*
- *Pennsylvania*
- *Rhode Island*
- *Vermont (only with respect to the employer's records relating to compliance with the state sick leave law)]*

EMPLOYEE PERFORMANCE APPRAISALS AND WAGE INCREASES

Job performance reviews are generally conducted toward the end of the introductory period and annually thereafter. However, annual reviews are not intended to discourage feedback sessions or delay discussion of any performance issues that may occur at any given time. At these reviews, the supervisor or manager will normally discuss the employee's job performance since the employee's last review. Also, you will have the opportunity to express your concerns about the job. Job performance appraisals may form the basis for merit salary increases; however, salary increases are solely within the discretion of the Company and are not guaranteed. Having compensation reviewed does not necessarily mean that employees will be given an increase, nor will a good performance review guarantee a pay increase, nor is it a promise of continued employment.

SECTION 3- EMPLOYEE BENEFITS

In addition to good working conditions and fair pay, it is our policy to provide an excellent combination of supplemental benefits to all our employees.

Our benefit program has been carefully devised. We are constantly studying and evaluating our program to better meet the present and future needs of our employees. We look forward to the continued growth of our benefit package to keep up with changing times. Many of the benefits listed below are described in greater detail in summary plan description ("SPD") and official plan documents, which are kept in the Business Office. SPDs may be revised from time to time. In the determination of benefits or other matters under each plan, and/or in the event of a conflict between the description below and the official plan documents, the official plan documents are controlling (including over SPDs).

Further, the Company (including the officers and administrators who are responsible for administering the plans) and/or the plan administrators retain full discretionary authority to interpret the terms of the plans as well as full discretionary authority regarding administrative matters arising in connection with the plans and all issues concerning benefit eligibility and entitlement.

While the Company intends to maintain these employee benefits, it reserves the absolute right to modify, amend, or terminate these benefits at any time and for any reason.

PAID VACATIONS

The Company recognizes that we all need uninterrupted periods of rest and relaxation from time to time. Our vacation plan is based on your continued service and is administered on an employment anniversary date basis. You are entitled to vacation as shown in the following schedule:

Length Of Continuous Service Completed	Accrual Rate (per _____)	Maximum Annual Vacation Accrual (____)
One Year	X	X

Two or more years	X	X
Five or more years	X	X

Vacation entitlement is prorated for regular part-time employees, based on the number of hours regularly worked as compared to a regular full-time employee. Pay in lieu of vacation time will not be given. Vacation requests should be cleared through your Supervisor at least ___ weeks in advance. In case of conflicts, length of service and date of request will be considered in determining preference.

Vacation (may/may not) be accumulated from one year to the next. If not used, it will be lost.

If a holiday falls during your vacation period, you will be granted an additional day off to be taken at a mutually agreeable time.

Employees eligible for more than two weeks of vacation may take their 3rd and/or 4th weeks of vacation at any time of the calendar year by making their requests at least one month in advance. In all cases, vacations will be scheduled consistent with the needs of the Company. Efforts will be made to grant your specific request in line with the above conditions. Once approved, your scheduled vacation can be changed only for the most compelling reason.

Further, we reserve the right to mandate the use of vacation time in certain instances, to the extent permitted by applicable law.

Vacations are paid at the employee's base rate of pay at the time of absence. Paid vacation time off is not counted as hours worked for purposes of calculating overtime. Employees may request their full vacation pay prior to leaving on vacation, but must notify their supervisor at least one week in advance of the vacation week(s). Your vacation check will be handed out on the last scheduled day of work prior to the commencement of your vacation.

Accrued, unused vacation (is/is not) paid upon separation, unless otherwise required by applicable law. *[Several states have regulations impacting an employer's ability to deny employees payment of unused vacation at termination or resignation. Therefore, prior to doing so, counsel should be consulted.]* To the extent permitted by applicable law, any payout will be reduced by any used but unaccrued paid time off provided under any other Company policy.

PAID HOLIDAYS

After ____ days of employment, all full-time and regular part-time employees are provided ____ paid holidays. The Company's current paid holiday schedule is listed below (or posted).

New Year's Day
Presidents Day
Martin Luther King, Jr. Day
Memorial Day

Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day
Your Birthday (Taken during week of your birthday)
Personal Day (Arrange with Supervisor)

If one of these holidays falls on a Saturday or Sunday, the preceding Friday or following Monday will be considered as a holiday. To be eligible for holiday pay, non-exempt employees generally are required to work their regularly scheduled workdays before and after the holiday, unless they were out absent pursuant to Company policy or applicable law. If you have to work on a holiday, you will be paid [time and one half/double-time] for hours worked and you will be granted another day off with pay. If the holiday falls on your scheduled day off or during your vacation period, you will receive another day off with pay.

Paid holidays off are not counted as hours worked for purposes of calculating overtime.

*[State laws in **Massachusetts and Rhode Island** generally require most retail employers to obtain an employee's consent to work on Sundays and certain holidays, as well as to compensate employees at time and a half for such work, unless they are exempt from these requirements. Also, on certain holidays, employers must obtain permits from their local police chief to be open.]*

PAID SICK LEAVE

Sick leave pay is available to regular full-time and regular part-time employees who have completed the introductory period. It is accrued at the rate of _____ hours per month of employment, based on the number of hours you regularly work. Regular part-time employees receive prorated sick leave benefits on the same basis as that of regular full-time employees.

Unused sick days may not be accumulated, but are paid to active employees during December of each year (or sick days may be accumulated to a maximum of _____ days). After _____ consecutive sick days or if you are absent excessively, your Supervisor may require a doctor's certificate before you can be either paid for sick leave or return to work. Employees will not be paid for accrued but unused sick leave upon leaving employment or at termination.

To the extent any applicable paid sick time/leave law or ordinance provides any greater rights than set forth in this policy, such provisions are incorporated by reference and/or addressed in a supplemental policy for covered employees.

****Employers, please note that many states and even cities have paid sick leave laws/ordinances in place that may require different language be used and require a minimum annual allotment of paid sick leave and/or require carryover of paid sick leave. Please check with counsel to see if your state or city has a paid sick leave requirement. Some examples are below.****

PAID SICK LEAVE (CONNECTICUT ONLY)

[Applies to employers with 50 or more employees in Connecticut (BUT excludes most manufacturing establishments as well as nationally chartered tax-exempt organizations). "Service workers" are employees whose primary duties track to those of the 68 federal Standard Occupational Classification System titles listed under the law. This handbook policy is optional if a poster is displayed or separate written notice is given to employees, but as with all paid sick leave policies, we strongly recommend including in the handbook.]

Eligibility. The Company provides paid sick leave to non-exempt regular full-time and part-time service employees in Connecticut. For employees who work in Connecticut who are eligible for sick time under the general Paid Sick Leave policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Leave policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin to accrue paid sick leave pursuant to this policy at the start of employment. Employees accrue paid sick leave in one (1) hour increments at a rate of one (1) hour for every forty (40) hours worked, up to a maximum of forty (40) hours per year. For purposes of this policy, the year is the 365-day period beginning January 1st and ending on December 31st.

Usage. Employees are only eligible to utilize paid sick leave under this policy upon completion of the employee's 680th hour of employment, unless the Company agrees to an earlier date. Further, an employee may not utilize paid sick leave under this policy if he or she did not work an average of ten (10) or more hours per week for the Company in the most recent complete quarter. Paid sick leave may be used in one (1) hour increments.

An employee may not use more than forty (40) hours of accrued sick leave in a year.
An employee may use paid sick leave under this policy for the following reasons:

1) An employee's illness, injury or health condition;
2) The medical diagnosis, care or treatment of an employee's mental illness or physical illness, injury or health condition;
3) Preventative medical care for an employee;
4) An employee's child's or spouse's illness, injury or health condition;
5) The medical diagnosis, care or treatment of an employee's child's or spouse's mental or physical illness, injury or health condition; or
6) Preventative medical care for a child or spouse of an employee.

An employee may also use paid sick leave under this policy, where the employee is a victim of

family violence or sexual assault, for the following reasons:

1) For medical care or psychological or other counseling for physical or psychological injury or disability;
2) To obtain services from a victim services organization;
3) To relocate due to such family violence or sexual assault; or
4) To participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

Unless the employee advises the Company otherwise, we will assume employees want to use available paid sick leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick leave available.[5]

Notice and Documentation. When the need to use paid sick leave under this policy is foreseeable, employees must provide seven (7) days prior notice of the planned use of paid sick leave under this policy. When the need to use paid sick leave under this policy is not foreseeable, the employee must provide notice, preferably in writing, as soon as possible.

For paid sick leave of three (3) or more consecutive days, employees must provide reasonable documentation that such leave is being taken for the purpose permitted under this policy. If such leave is permitted for reasons other than where the employee is a victim of family violence or sexual assault, documentation signed by a health care provider who is treating the employee or the employee's child or spouse indicating the need for the number of days of such leave is considered reasonable documentation. If such leave is permitted where the employee is a victim of family violence or sexual assault, a court record or documentation signed by the employee or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the employee is considered reasonable documentation.

Payment. Paid sick leave under this policy will be calculated based on the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, or bonuses. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused paid sick leave under this policy to the following year. Accrued but unused paid sick leave under this policy will not be paid at separation.

Enforcement & Retaliation. Employees may be subject to discipline for using paid sick leave under this policy for purposes other than those provided under this policy. The Company is prohibited from retaliating against an employee for requesting or using paid sick leave for which the employee is eligible. Employees have the right to file a complaint with the Labor Commissioner for retaliation and/or failing to provide paid sick leave in accordance with the

5 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

applicable law.

Employees with questions regarding this policy can contact _____.

ACCRUED SICK AND SAFE LEAVE (DISTRICT OF COLUMBIA ONLY)

[All employees of a covered employer are entitled to paid leave, but the amount of leave depends on the number of employees employed by the employer. This handbook policy is optional, however for consistency with other paid sick leave laws which require written notice to employees, we strongly recommend including in the handbook.]

Eligibility. The Company provides paid leave to all D.C. employees pursuant to the D.C. Accrued Sick and Safe Leave Act, as amended. For employees who work in D.C. who are eligible for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin to accrue paid leave at the start of employment. Employees accrue paid leave at a rate of one (1) hour for every __ hours worked, up to a maximum of __ days per calendar year.[6] Exempt employees do not accrue paid leave for hours worked beyond a forty (40) hour workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using paid leave under this policy after the 90th day of employment. Paid leave may be used in minimum increments of one (1) hour. An employee may not use more than __ days of accrued paid leave per calendar year.

An employee may use paid leave under this policy for the following reasons:

1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee;
2) An absence resulting from obtaining professional medical diagnosis or care or preventive medical care for the employee; or
3) An absence for the purpose of caring for a family member who has any of the conditions or needs for diagnosis or care described in (1) and (2) above.

An employee may also use paid leave for an absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse and the absence is directly related to medical, social, or legal services pertaining to the stalking, domestic violence, or sexual abuse for the purposes of:

1) Seeking medical attention for the employee or the employee's family member to treat or

6 100 + employees = 1 hour for every 37 hours worked, not to exceed 7 days per calendar year.
25-99 employees = 1 hour for every 43 hours worked, not to exceed 5 days per calendar year.
1-24 employees = 1 hour for every 87 hours worked, not to exceed 3 days per calendar year.
The # of employees is determined by the average monthly number of FTEs for the prior calendar year. The average monthly number is the sum of the total monthly FTEs for each month, divided by 12.

recover from physical or psychological injury or disability caused by the stalking, domestic violence, or sexual abuse;
2) Obtaining services for the employee or the employee's family member from a victim services organization;
3) Obtaining psychological or other counseling services for the employee or the employee's family member;
4) Temporary or permanent relocation of the employee or the employee's family member;
5) Taking legal action, including preparing for or participating in a criminal or civil proceeding related to or resulting from stalking, domestic violence, or sexual abuse; or
6) Taking other actions that could be reasonably determined to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or the safety of those who work or associate with the employee.

For purposes of this policy, family member includes a child; parent; spouse; domestic partner; the parents of a spouse; children (including foster children and grandchildren); spouses of children; parents; siblings; spouses of siblings; a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; and a person with whom the employee shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the employee maintains a committed relationship, as defined in D.C. Code § 32-701(1)).

Unless the employee advises the Company otherwise, we will assume employees want to use available paid leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid leave available.[7]

Notice & Documentation. Employees are required to make a reasonable effort to schedule paid leave in a manner that does not unduly disrupt the Company's operations. If paid leave is requested in a non-emergency situation, the employee must consult with the Company regarding the date and time of the paid leave to be taken. If possible, employees must provide at least ten (10) days prior notice of the planned use of paid leave under this policy. Where the need is unforeseeable (i.e., ten (10) days prior notice is not possible), the employee must provide notice prior to the start of the workday/shift for which the paid leave is requested, ideally in writing (but oral notice is permitted). In the case of an emergency, employees must notify the Company of need to use paid leave prior to the start of the employee's *next* workday/shift or within twenty-four (24) hours of the onset of the emergency, whichever occurs sooner.

When the requested leave under this policy is for three (3) or more consecutive days, employees are required to provide reasonable certification of the reason for leave no later than one (1) day after they return from leave. A reasonable certification may include:

1) A signed document from a health care provider affirming the illness of the employee or the employee's family member;

7 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

2) A police report or court order indicating that the employee or the employee's family member was the victim of stalking, domestic violence, or sexual abuse;
3) A signed written statement from a victim/witness advocate, domestic violence counselor, attorney, or other similar professional affirming that the employee or employee's family member (1) is involved in legal action or proceedings related to stalking, domestic violence, or sexual abuse (including only the name of the employee or employee's family member who is a victim and the date on which services were sought) or (2) sought services to enhance the physical, psychological, economic health or safety of the employee or employee's family member.

Payment. Paid leave under this policy will be calculated based on the employee's base pay rate at the time of absence, which is no event will be less than minimum wage. It does not include overtime or any special forms of compensation such as incentives, commissions, or bonuses. Use of paid leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to _____ days accrued, unused paid leave under this policy. Accrued but unused paid leave under this policy will not be paid at separation.

Enforcement & Retaliation. The Company prohibits retaliation against any employee who asserts their rights to receive paid leave under this policy. The Office of Wage-Hour of the DC Department of Employment Services can investigate possible violations. To request full text of the Act, to obtain a copy of the rules associated with this Act, or to file a complaint, contact the Office of Wage-Hour at (202) 671-1880, 4058 Minnesota Avenue, N.E., 4th Floor, Washington, D.C. 20019, or visit www.does.dc.gov.

Employees with questions regarding this policy can contact _____.

MAINE PAID LEAVE

[Effective January 1, 2021. Applies to employers that employs 10 or more employees in the usual and regular course of business for more than 120 days in any calendar year, expect employers in seasonal industry. The handbook policy is optional, however for consistency with other paid sick leave laws, we strongly recommend including in the handbook.]

Eligibility. The Company provides paid leave to employees who work in Maine. For employees who work in Maine who are eligible for paid [leave/time off] under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin to accrue paid leave pursuant to this policy on January 1, 2021 or at the start of employment, whichever is later. Employees accrue paid leave at a rate of one (1) hour for every forty (40) hours worked, up to a maximum accrual of forty (40) hours in one year of employment.

Usage. Accrued paid leave may be used once an employee has been employed for 120 days during

a one year period. Paid leave may be used in a minimum of one-hour increments.

Notice and Documentation. Absent an emergency, illness or other sudden necessity for taking paid leave, an employee must give reasonable notice to _____ of the employee's intent to use paid leave. Use of paid leave must be scheduled to prevent undue hardship on the Company as reasonably determined by the Company.

Payment. Employees will receive payment for paid leave at the same base rate of pay at which the employee receives immediately prior to taking paid leave and will receive the same benefits as those provided under established policies of the Company pertaining to other types of paid leave. Use of paid leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. Covered Employees with accrued and unused hours of earned paid leave from the previous year of employment will have those hours available for use by the employee in the current year of employment, up to a maximum of forty hours. Hours are only required to continue to accrue up to forty hours in the current year of employment.

Whenever the terms of employment or the employer's established practice includes provisions to pay the balance of unused earned paid leave at the time of separation, earned paid leave on cessation of employment has the same status as wages earned.

Enforcement & Retaliation. The Company will not retaliate against an employee for requesting or using paid leave for which the employee is eligible. Additionally, the taking of paid leave will not result in the loss of any employee benefits accrued before the date on which the leave commenced and will not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.

Employees with questions regarding this policy can contact _____.

MARYLAND EARNED SICK AND SAFE LEAVE

[Employers with 15 or more employees (in Maryland according to preliminary agency guidance) must provide paid ESSL. Employers with 14 or less employees can provide unpaid ESSL. Employee count is calculated by taking the average monthly number of employees employed during the immediately preceding year (whether the employee is a full–time, part–time, temporary, or seasonal employee or would be eligible for ESSL). *Special requirements for tipped/restaurant industry employees. This handbook policy is optional unless it is used to satisfy the notice requirement (which can also be satisfied by displaying the model notice (or another compliant notice) in each workplace in MD or by distributing the model notice (or another compliant notice) to all employees), however for consistency with other paid sick leave laws which require written notice to employees, we strongly recommend including in the handbook. If this is not provided in the handbook, employers must provide notice by some other method.]

Eligibility. The Company provides paid earned sick and safe leave (ESSL) to eligible employees who regularly work at least twelve (12) hours per week in Maryland pursuant to the Maryland Healthy Working Families Act (the "Act"). For employees who work in Maryland who are eligible

for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin to accrue ESSL pursuant to this policy at the start of employment. Employees accrue ESSL at a rate of one (1) hour for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours of paid ESSL per calendar year, and sixty-four (64) hours of paid ESSL at any time. Employees will not accrue ESSL during any: (i) Two (2) week pay period in which the employee worked fewer than twenty-four (24) hours total; (ii) One (1) week pay period if the employee worked fewer than a combined total of twenty-four (24) hours in the current and the immediately preceding pay period; or (iii) Pay period in which the employee is paid twice a month regardless of the number of weeks in a pay period; and the employee worked fewer than twenty-six (26) hours in the pay period. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case ESSL accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using ESSL under this policy after the one hundred and sixth (106th) calendar day of employment. Employees may use ESSL in the smallest increment that the Company's payroll system uses to account for absences or work time, and no employee will be required to take ESSL in an increment of more than four (4) hours. An employee may not use more than sixty- four (64) hours of accrued ESSL per calendar year.

An employee may use ESSL under this policy for the following reasons:

1) To care for or treat the employee's mental or physical illness, injury, or condition or obtain preventive medical care;
2) To care for a family member with a mental or physical illness, injury, or condition, or obtain preventive medical care for a family member;
3) For maternity or paternity leave; or
4) If the absence from work is due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is used either during the time that the employee has temporarily relocated due to domestic violence, sexual assault, or stalking or to obtain (for the employee or the employee's family):
    a) medical or mental health attention that is related to the domestic violence, sexual assault, or stalking;
    b) services from a victim services organization related to the domestic violence sexual assault or stalking; or
    c) legal services or proceedings related to the domestic violence sexual assault or stalking.

For purposes of this policy, family member means (1) a biological, adopted, foster, or step child of the employee; a child for whom the employee has legal or physical custody or guardianship; or a child for whom the employee stands in loco parentis, regardless of child's age; (2) a biological, adoptive, foster, or step parent of the employee or the employee's spouse; legal guardian of the employee; or an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor; (3) spouse of the

employee; (4) a biological, adoptive, foster, or step grandparent of the employee; (5) a biological, adoptive, foster, or step grandchild of the employee; or (6) a biological, adopted, foster, or step sibling of the employee.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available ESSL for absences for reasons set forth above and employees will be paid for such absences to the extent they have ESSL available. 8

Employees will be notified of available ESSL each time wages are paid _____.

Notice & Documentation. To use ESSL, an employee must request leave from the Company as soon as practicable after determining the need for leave and provide notification of the anticipated duration of the leave. When requesting ESSL that is foreseeable, employees must provide advance notice of seven (7) days before the date the ESSL will begin to _____. When requesting ESSL that is not foreseeable, employees must provide notice as soon as practicable to _____. Failure to provide such notice may result in denial of the employee's request for ESSL if the absence will cause a disruption to the Company.

The Company may require an employee to provide verification that the leave was used in accordance with applicable law when the employee uses ESSL:

- For more than two (2) consecutive scheduled shifts; or
- Between the first one hundred and seven (107) and one hundred and twenty (120) calendar days of employment and the employee agreed to provide verification at the time of hire.

If an employee fails to provide such verification, the Company may deny any subsequent request from the employee to take ESSL for the same reason.

An employee's use of ESSL will not be conditioned upon searching for or finding a replacement worker.

Payment. ESSL under this policy will be calculated based on the employee's wage rate at the time of absence. Use of ESSL is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused ESSL under this policy. Accrued but unused ESSL under this policy will not be paid at separation.

Enforcement & Retaliation. The Company prohibits retaliatory or adverse action against any employee who exercises their rights under the Act. However, an employee is prohibited from filing a complaint, bringing an action, or testifying in an action alleging violations of the Act in

8 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

bad faith. If so, they may be subject to criminal penalties and fines. Employees have the right to file a complaint with the Commissioner of Labor and Industry (1100 North Eutaw Street, Room 607 | Baltimore, MD 21201; ssl.assistance@maryland.gov), or bring a civil action to enforce an order against the Company if their rights are restrained under the Act.

Employees with questions regarding this policy can contact _____.

MONTGOMERY COUNTY EARNED SICK AND SAFE LEAVE (FOR EMPLOYEES ALSO COVERED UNDER THE MARYLAND HEALTHY WORKING FAMILIES ACT)

[This policy applies to all employers in Montgomery County, but, the ordinance provides for different entitlements (up to 56 hours of paid ESSL OR up to 32 hours of paid ESSL and up to 24 hours of unpaid ESSL) based on number of employees. Per agency guidance, the number of employees is based on the number of employees in Montgomery County. It is our understanding that the County's Office of Human Rights will be updating their guidance online to reflect this clarification. This handbook policy is optional unless it is used to satisfy the notice requirement (which can also be satisfied by displaying the model notice (or another compliant notice) in each workplace in the County or by distributing the model notice (or another compliant notice) to all employees), however for consistency with other paid sick leave laws which require written notice to employees, we strongly recommend including in the handbook. If this is not provided in the handbook, employers must provide notice by some other method.]

Eligibility. The Company provides paid earned sick and safe leave (ESSL) to eligible employees[9] who regularly work at least eight (8) hours per week in Montgomery County pursuant to the Montgomery County Earned Sick and Safe Leave Law and the Maryland Healthy Working Families Act (the "Act"). For employees who work in Montgomery County who are eligible for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin to accrue ESSL pursuant to this policy at the start of employment. Employees accrue ESSL at a rate of 1 hour for every 30 hours worked, up to a maximum accrual of 56 hours of paid ESSL per calendar year (maximum accrual of 32 hours and 24 hours of unpaid ESSL per calendar year if fewer than five (5) employees). Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case ESSL accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using ESSL under this policy after the 90th day of employment. Employees may use ESSL in the smallest increment that the Company's payroll system uses to account for absences or work time, and no employee will be required to take ESSL in an increment

9 Employee *does not include* an employee who:
(1) does not have a regular schedule with the employer,
(2) contacts the employer for work assignments and is scheduled to work the assignments within 48 hours after contacting the employer,
(3) has no obligation to work for the employer if he/she does not contact the employer for work assignments, **and**
(4) is not employed by a temporary placement agency.

of more than four (4) hours. An employee may not use more than 80 hours of accrued ESSL per calendar year.

An employee may use ESSL under this policy for the following reasons:

1) To care for or treat the employee's mental or physical illness, injury, or condition or obtain preventive medical care;
2) To care for a family member with a mental or physical illness, injury, or condition, or obtain preventive medical care for a family member;
3) If the employer's place of business has closed by order of a public official due to a public health emergency;
4) If the school or child care center for the employee's family member is closed by order of a public official due to a public health emergency;
5) To care for a family member if a health official or health care provider has determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease; or
6) If the absence from work is due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is used either during the time that the employee has temporarily relocated due to domestic violence, sexual assault, or stalking or to obtain (for the employee or the employee's family):
    a) medical or mental health attention related to the domestic violence, sexual assault, or stalking;
    b) services from a victim services organization related to the domestic violence sexual assault or stalking; or
    c) legal services, including preparing for or participating in a civil or criminal proceeding related to the domestic violence sexual assault or stalking;
7) For the birth of a child, or for the placement of a child with an employee for adoption or foster care; or
8) To care for a newborn, newly adopted, or newly placed child within one year of birth, adoption, or placement.

For purposes of this policy, family member means (1) a biological, adopted, foster, or step child of the employee; a child for whom the employee has legal or physical custody or guardianship; a child for whom the employee stands in loco parentis, regardless of the child's age; or a child for whom the employee is the primary caregiver; (2) a biological, adoptive, foster, or step parent of the employee or the employee's spouse; legal guardian of the employee; or an individual who acted as a parent, stood in loco parentis, or served as the primary caregiver of the employee or employee's spouse when the employee or employee's spouse was a minor; (3) spouse of the employee; (4) a biological, adoptive, foster, or step grandparent of the employee or spouse of the grandparent; (5) a biological, adoptive, foster, or step grandchild of the employee; or (6) a biological, adopted, step, or foster sibling of the employee, or the spouse of a biological, adopted, or foster sibling of the employee.

Unless the employee advises the Company otherwise, we will assume employees want to use available earned sick and safe leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have earned sick and safe leave available.[10]

10 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but we believe that the risk is

Employees will be notified of available ESSL each time wages are paid _____.

Notice & Documentation. To use ESSL, an employee must request leave from the Company as soon as practicable after determining the need for leave and provide notification of the anticipated duration of the leave. When requesting ESSL that is foreseeable, employees generally must provide advance notice to their manager (*or other appropriate individual for receiving notice of absences*) at least five (5) days prior to the absence. When requesting ESSL that is not foreseeable, employees must provide notice to their manager within two (2) hours of their scheduled start time or as soon as practicable under the circumstances.

The Company may require an employee who uses more than three (3) consecutive days of ESSL to provide reasonable document to verify that the leave was used in accordance with this policy.

An employee's use of ESSL will not be conditioned upon searching for or finding a replacement worker.

Payment. ESSL under this policy will be calculated based on the employee's base pay rate at the time of absence, which is no event will be less than minimum wage. Use of ESSL is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to 56 hours of accrued, unused ESSL under this policy. Accrued but unused ESSL under this policy will not be paid at separation.

Enforcement & Retaliation. The Company prohibits retaliation against any employee who asserts their rights to receive ESSL. Employees also have the right to file a complaint with the Director of the Montgomery County Office of Human Rights for a violation of any rights granted by the Montgomery County Earned Sick and Safe Leave Law. Employees also have the right to file a complaint with the Maryland Commissioner of Labor and Industry (1100 North Eutaw Street, Room 607 | Baltimore, MD 21201; ssl.assistance@maryland.gov), or bring a civil action to enforce an order against the Company if their rights are restrained under the Act. However, an employee is prohibited from filing a complaint, bringing an action, or testifying in an action alleging violations of the Act in bad faith. If so, they may be subject to criminal penalties and fines.

Employees with questions regarding this policy can contact _____.

EARNED PAID SICK TIME (MASSACHUSETTS ONLY)

[Applies to employers regardless of size, but paid sick leave provisions only apply to employers with 11 or more employees nationally. Employers with 10 or fewer employees nationally must

minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

provide unpaid sick time. This handbook policy is optional unless it is used to satisfy the notice requirement, however for consistency with other paid sick leave laws which require written notice to employees, we strongly recommend including in the handbook. If this is not provided in the handbook, employees must be provided with a hard copy or electronic copy of the AG-issued poster, available here (see "Notices for Posting").]

Eligibility. The Company provides earned sick time to employees whose primary place of work is in Massachusetts. For employees, whose primary place of work is in Massachusetts, and are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing earned sick time at the start of employment. Eligible employees will accrue one (1) hour of earned sick time for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours each calendar year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case sick time accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using accrued earned sick time on the 90th day of employment. The smallest amount of earned sick time an employee can use is one (1) hour. For uses beyond one hour, employees may use earned sick time in hourly increments or in the smallest increment the Company's payroll system uses to account for absences or use of other time. An employee may not use more than forty (40) hours of earned sick time in any calendar year.

Employees may use earned sick time for the following reasons:

1) to care for the employee's child (which includes a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis), spouse (as defined by the marriage laws of the commonwealth, which includes a partner in a same-sex marriage), parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
2) to care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
3) to attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of a spouse;
4) for travel to and from an appointment, a pharmacy, or other location related to the purpose for which earned sick time was taken; or
5) to address the psychological, physical or legal effects of domestic violence.

Unless the employee advises the Company otherwise, we will assume employees want to use available earned sick time for absences for reasons set forth above and employees will be paid for such absences to the extent they have earned sick time available.[11]

11 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but we believe that the risk is

Earned sick time may not be used as an excuse to be late for work if the lateness is not related to one of the reasons described above. Additionally, employees may not accept a specific shift assignment with the intention of calling out sick for all or part of the shift.

Use of earned sick time may run concurrently with time off provided under the FMLA, the Massachusetts Parental Leave Act, the Massachusetts Domestic Violence Leave Act, the Massachusetts Small Necessities Leave Act, or time off pursuant to any other applicable law, if applicable, and to the extent permitted by applicable law.[12]

Notice and Documentation. Employees must comply with the Company's Attendance policy when providing notice. Employees also must make a good faith effort to provide notice of this need to use earned sick time if the need is foreseeable. Specifically, if an employee's need for the use of earned sick time is due to a pre-scheduled or foreseeable absence, seven (7) days advance notice to _____ is required. If an employee anticipates a multi-day absence from work, employees must provide notification of the expected duration of the leave, or, if unknown, must provide notification on a daily basis, unless the circumstances make such notice unreasonable. If an employee's need for the use of earned sick time is unforeseeable, notice must be provided as soon as is practicable under the circumstances.

When providing notice or reporting an absence for a covered purpose, employees are not required to explicitly reference earned sick time, but the Company may, in accordance with applicable laws regarding privacy and confidentiality of medical information, review with employees the covered purposes for which earned sick time may be used.

For any earned sick time used, employees must verify in writing that they have used the time for a covered reason, but will not be required to explain the nature of the illness or the details of the domestic violence.

The Company will also require supporting documentation if an employee's use of earned sick time:

1) covers more than twenty-four (24) consecutively scheduled work hours or three (3) consecutive scheduled work days;
2) occurs within two (2) weeks prior to an employee's final scheduled day of work before termination of employment, except in the case of temporary employees;
3) occurs after three (3) unforeseeable and undocumented absences within a three (3) month period *for employees aged 17 and under*; or
4) occurs after four (4) unforeseeable and undocumented absences within a three (3) month period *for all other employees*.

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minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

12 Use of sick time in the case of parental leave currently states that employers may not require an employee to use accrued sick leave for any part of parental leave that satisfies the employer's sick leave policy, even if the employer requires its employees to use accrued sick leave for other types of absences that satisfy the employer's policy.

Documentation signed by a health care provider indicating the need for earned sick time taken constitutes acceptable certification for sick time taken for reasons 1 through 4 set forth in the Usage section above, except employees who do not have health care covered through a private insurer, the MA Healthcare Connector and related insurers may provide a signed, written statement evidencing the need for the use of the earned sick time, without being required to explain the nature of the illness, in lieu of documentation by a health care provider. Acceptable documentation for earned sick time taken for reason 5 can include: (1) a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; (2) a police record documenting the abuse; (3) documentation that the perpetrator of the abuse has been convicted of one or more offenses where the victim was a family or household member; (4) medical documentation of the abuse; (5) a statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or (6) a sworn statement from the individual attesting to the abuse. The Company will not require that the documentation explain the nature of the illness or the details of the domestic violence. Documentation can be submitted in person or by another reasonable method, including email.

The Company may also seek verification of authorized use of earned sick time from a parent or guardian if they have reasonable suspicion that an employee, aged 17 or under, is misusing earned sick time, unless verification would create a health and safety risk or hardship to the employee.

Documentation must be provided within seven (7) days of an employee taking earned sick time, unless, for good cause shown or as otherwise permitted by the Company, an employee requires more time to provide such documentation. Failure to comply with the Company's reasonable documentation requirements, without a reasonable justification, may result in the Company recouping the amount paid for earned sick time from future pay, as an overpayment, or otherwise taking appropriate action, to the extent permitted by applicable law.

The Company may require employees to provide a fitness-for-duty certification, a work release, or other documentation from a medical provider before returning to work after an absence during which earned sick time was used.[13]

Payment. Earned sick time will be paid at the same hourly rate as the employee earns from the employee's employment at the time the employee uses such time. Use of sick time is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. Up to forty (40) hours of accrued, unused earned sick time under this policy can be carried over to the following calendar year, but employees are subject to an accrual cap of forty (40) hours. Once the accrual cap is reached, earned sick time will stop accruing until some earned sick time is used, at which point accrual will resume, subject to the maximum annual accrual of forty (40) hours and the accrual cap of forty (40) hours. Accrued but unused earned sick time under this policy will not be paid at separation.

13 This language should only be included if: (1) such certification is customarily required and consistent with industry practice or state and federal safety requirements and (2) there is a reasonable belief as to a significant risk of harm to the employee or others in connection with the employee's ability to perform duties upon returning to work.

Enforcement & Retaliation. Employees may be subject to disciplinary action for misuse of earned sick time if they are engaging in fraud or abuse of benefits available under this policy.

The Company will not tolerate retaliation against an employee who opposes practices that the employee believes to be in violation of the earned sick time law or because the employee supports the exercise of rights of another employee under the earned sick time law. Employees may also file an action in court to enforce their earned sick time rights.

Employees with questions regarding this policy should contact _____.

NEW JERSEY EARNED SICK LEAVE

[*This handbook policy is optional, however we strongly recommend including in the handbook. Employers must provide a written copy of a notice created by the state to each employee within 30 days of the notice being issued and at the time of hire to employees hired after the issuance of the notice and upon first request of the employee. The notice is available here: https://nj.gov/labor/lwdhome/content/employerpacketforms.html*]

Eligibility. The Company provides paid earned sick leave (ESL) to employees who work in New Jersey. For employees who work in New Jersey who are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing ESL pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of ESL for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours each benefit year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case ESL accrues based upon that normal workweek. For purposes of this policy, the benefit year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using accrued ESL on the 120th calendar day of employment. ESL may be used in _____ increments OR in a minimum increment of _____, except to the extent such increment is greater than the number of hours the employee was scheduled to work during that shift. An employee may not use more than forty (40) hours of ESL in any benefit year.

Employees may use ESL for the following reasons:

(1) Diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
(2) Diagnosis, care, or treatment of, or recovery from, a family member's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the family member;
(3) Circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:

a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
b. Services from a designated domestic violence agency or other victim services organization;
c. Psychological or other counseling;
d. Relocation; or
e. Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence.

(4) Time during which the employee is not able to work because of:
a. a closure of the employee's workplace, or the school or place of care of a child of the employee by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency;
b. the declaration of a state of emergency by the Governor, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others;
c. during a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others; or

(5) Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this policy, a family member includes a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available ESL for absences for reasons set forth above and employees will be paid for such absences to the extent they have ESL available.14

14 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she

Notice and Documentation. If an employee's need to use ESL is foreseeable, employees must provide seven (7) calendar days advance notice, prior to the date the leave is to begin, of the intention to use the leave and its expected duration. If the reason for the leave is not foreseeable, employees must give notice of the intention to use ESL as soon as practicable. The Company may prohibit employees from using foreseeable ESL on certain dates, or require reasonable documentation if ESL that is not foreseeable is used during such dates.

The Company will require reasonable documentation if the employee uses ESL for three (3) or more consecutive work days. If ESL is taken for reasons (1) or (2) above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave, will be considered reasonable documentation. If ESL is taken for reason (3) above, any of the following shall be considered reasonable documentation of the domestic or sexual violence: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence. If ESL is taken for reason (4) above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation. If ESL is taken for reason (5) above, tangible proof of the school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the education of the employee's child; or tangible proof of the meeting regarding care provided to the child of the employee in connection with the child's health conditions or disability shall be considered reasonable documentation.

An employee's use of ESL will not be conditioned upon searching for or finding a replacement worker.

Payment. ESL will be paid at the same rate of pay with the same benefits as the employee normally earns, but no less than the state minimum wage. Use of ESL will not be counted as hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused ESL under this policy to the following benefit year. Accrued but unused ESL under this policy will not be paid at separation.

Enforcement & Retaliation. Employees have the right to request and use ESL and may file a

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is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

complaint for alleged violations of their rights with the New Jersey Department of Labor and Workforce Development. The Company prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy or under applicable law.

Employees with questions regarding this policy can contact _____.

NEW YORK PAID SICK LEAVE

[*This policy is based on the limited language set forth in the legislation. Further guidance is expected that will likely necessitate modifications before the September 30, 2020 effective date. Moreover, if the company has employees in NYC or Westchester, further changes will be needed to those sick/safe supplements before the September 30, 2020 effective date. There is no per se policy requirement in the law itself although one is recommended as a best practice. Applies to all employers with employees in NY except that the amount of time provided varies based on headcount nationally. Additionally, employers with fewer than five employees in any calendar year and a net income of less than $1 million in the previous tax year can provide unpaid sick leave.]*

Eligibility. The Company provides paid sick leave to employees who work in New York. For employees who work in New York who are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing paid sick leave pursuant to this policy on September 30, 2020 or at the start of employment, whichever is later. Employees will accrue one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum accrual of fifty-six (56) hours each calendar year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case paid sick leave accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using accrued paid sick leave on January 1, 2021. Paid sick leave may be used in a minimum increment of four (4) hours. An employee may not use more than fifty-six (56) hours of accrued paid sick leave in any calendar year.

Employees may use accrued paid sick leave:

1) For a mental or physical illness, injury, or health condition of such employee or such employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;
2) For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member; or
3) For an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking:

a. to obtain services from a domestic violence shelter, rape crisis center, or other services program;
b. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
c. to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
d. to file a complaint or domestic incident report with law enforcement;
e. to meet with a district attorney's office;
f. to enroll children in a new school; or
g. to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

A person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking will not be eligible for paid sick leave for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

For purposes of this policy, "family member" means an employee's child (biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian, or person who stood in loco parentis when the employee was a minor child), sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available paid sick leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick leave available.15

Notice and Documentation. Employees may make requests to use paid sick leave orally or in writing. Employees must provide reasonable advance notice of the need to use accrued paid sick leave _____ if the need is foreseeable. Where the need is not foreseeable, employees should provide notice as early as practicable.

The Company may require supporting documentation for the use of paid sick leave to the extent permitted by applicable law. The Company will not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic

15 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

violence, a sexual offense, stalking, or human trafficking, as a condition of providing paid sick leave.

Payment. Paid sick leave will be paid at the employee's regular rate of pay or the applicable state minimum wage, whichever is greater. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over accrued, unused paid sick leave under this policy to the following calendar year. Accrued but unused paid sick leave under this policy will not be paid at separation.

Enforcement & Retaliation. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against because such employee has exercised their rights to paid sick leave under this policy and applicable law including, but not limited to, requesting paid sick leave and using paid sick leave, consistent with this policy and applicable law.

If employees have any questions regarding this policy, they should contact _____.

NEW YORK CITY EARNED SAFE AND SICK TIME (FOR EMPLOYEES ALSO COVERED UNDER THE NEW YORK PAID SICK LEAVE LAW)

[***This policy was drafted to address requirements under the new NY statewide sick leave laws that will be effective on September 30, 2020. Further changes may be needed to this policy prior to September 30, 2020 as we are still awaiting additional agency guidance that will impact policy language.]***

Eligibility. The Company provides paid safe/sick time to employees who work in New York City. For employees who work in New York City who are eligible for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin accruing paid safe/sick time pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of paid safe/sick time for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours each calendar year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case paid safe/sick time accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using accrued paid safe/sick time after the 120th calendar day of employment or on January 1, 2021, whichever occurs first. Paid safe/sick time may be used in a minimum increment of four (4) hours, provided this is reasonable under the circumstances. For uses beyond four (4) hours, paid safe/sick time may be used in thirty (30) minute increments (i.e. 4.5 hours, 5 hours, 5.5 hours etc.). An employee may not use more than forty (40) hours of accrued paid safe/sick time in any calendar year.

Employees may use accrued paid safe/sick time for absences due to:

1) The employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;
2) The care of the employee's family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;
3) Closure of the employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or
4) The employee or a family member of the employee being the victim of family offense matters, sexual offenses, stalking, or human trafficking:
    a. To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
    b. To participate in safety planning, temporarily relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
    c. To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
    d. To file a complaint or domestic incident report with law enforcement;
    e. To meet with a district attorney's office;
    f. To enroll children in a new school; or
    g. To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or employee's family member or to protect those who associate or work with the employee.

For purposes of this policy, family member means a child (biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian, or person who stood in loco parentis when the employee was a minor child), sibling (including half siblings, step siblings, or siblings related through adoption), grandchild, grandparent, the child or parent of the employee's spouse or domestic partner, any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

An employee's use of safe/sick time will not be conditioned upon searching for or finding a replacement worker.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available safe/sick time for absences for reasons set forth above and employees will be paid for such absences to the extent they have safe/sick time available.16

16 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to

Notice and Documentation. Employees may make requests to use paid safe/sick time orally or in writing. Employees must provide seven (7) days advance notice of the need to use accrued paid safe/sick time to _____ if the need is foreseeable. Where the need is not foreseeable, employees should provide notice as early as practicable.

The Company may require supporting documentation if the employee uses accrued paid safe/sick time for more than three (3) consecutive work days, to the maximum extent permitted by applicable law. For paid safe/sick time used for reasons (1) or (2) above, documentation signed by a licensed health care provider indicating the need for the amount of paid safe/sick time taken and that paid safe/sick time was used for a covered reason under this policy and/or applicable law will be considered reasonable documentation, and such documentation need not specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law. For safe/sick time used for reason (4) above, documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time will be considered reasonable documentation, and such documentation need not specify the details of the family offense matter, sexual offense, stalking, or human trafficking. The Company will not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing paid sick safe/sick time. Moreover, the Company cannot require that employees or a health care or service provider disclose personal health information or the details of the matter for which an employee requests safe leave under the New York City Paid Safe and Sick Leave Law. The Company must keep information about an employee or an employee's family member obtained solely because of the Paid Safe and Sick Leave law confidential unless the employee consents to disclosure in writing or disclosure is required by law. Failure to provide requested documentation for paid safe/sick time taken under this policy within seven (7) days of returning to work may result in disciplinary action, up to and including termination.

Additionally, the Company may require an employee to provide written confirmation that an employee used paid safe/sick time in accordance with applicable law. A copy of the required form will be provided by _____ or otherwise is available here: https://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSafeandSickLeave-EmployeeVerificationRegardingAuthorizedUseofEarnedSafeandSickLeave.pdf

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be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

The Company may take disciplinary action, up to and including termination, against an employee who uses safe/sick time provided under this policy for purposes other than those described above, to the maximum extent permitted by applicable law. Indications of abuse of safe/sick time may include, but are not limited to, a pattern of: (1) use of unscheduled safe/sick time on or adjacent to weekends, regularly scheduled days off, holidays, vacation or pay day, (2) taking scheduled safe/sick time on days when other leave has been denied, or (3) taking safe/sick time on days when the employee is scheduled to work a shift or perform duties perceived as undesirable.

Payment. Paid safe/sick time will be paid at the same rate as the employee earns from the employee's employment at the time the employee uses such time, unless otherwise required by applicable law, but no less than the applicable minimum wage. Safe/Sick time will be paid no later than the payday for the next regular payroll period beginning after the safe/sick time was used by the employee. Use of paid safe/sick time is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused paid safe/sick time under this policy to the following calendar year. Accrued but unused paid safe/sick time under this policy will not be paid at separation.

Enforcement & Retaliation. Employees have the right to request and use paid safe/sick time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer and Workforce Protection or the New York State Department of Labor. The Company prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy, or interference with any investigation, proceeding or hearing related to or arising out of employee's rights pursuant to this policy and applicable law.

Employees with questions concerning this policy should contact _____.

WESTCHESTER COUNTY EARNED SICK LEAVE (FOR EMPLOYEES ALSO COVERED UNDER THE NEW YORK PAID SICK LEAVE LAW)

*[Applies to all employers. **This policy was drafted to address requirements under the new NY statewide sick leave laws that will be effective on September 30, 2020. Further changes may be needed to this policy prior to September 30, 2020 as we are still awaiting additional agency guidance that will impact policy language.** This handbook policy is optional. However, an employer that requires notice of the need to use paid sick time must provide a written policy (described further below) that contains the procedures for the employee to provide notice. An employer that has not provided a copy of its written policy to the employee cannot deny paid sick time to the employee based on noncompliance with such policy.]*

Eligibility. The Company provides earned sick leave to employees who work in Westchester County. For employees who work in Westchester County who are eligible for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin accruing earned sick leave pursuant to this policy at the start of

employment. Eligible employees will accrue one (1) hour of earned sick leave for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours each year. For purposes of this policy, the year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may use earned sick leave after their 90th calendar day of employment or on January 1, 2021, whichever occurs first. Earned sick leave may be used in a minimum increment of four (4) hours. For uses beyond four (4) hours, earned sick leave may be used in the smallest increment that the Company's payroll system uses to account for absence or use of other time. An employee may not use more than forty (40) hours of earned sick leave in any year.

Earned sick leave can be used for the following reasons:

1. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
2. The care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; and care of a family member who needs preventive medical care;
3. The employee's own care or the care of a family member when it has been determined by the public health authorities having jurisdiction that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease where or not the employee or family member has actually contracted the communicable disease; or
4. The closure of the employee's place of business by order of a public official due to a public health emergency or the closure of a day care or elementary or secondary school attended by an employee's child where such closure was due to a public health emergency.
5. For an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking:
    a. to obtain services from a domestic violence shelter, rape crisis center, or other services program;
    b. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
    c. to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
    d. to file a complaint or domestic incident report with law enforcement;
    e. to meet with a district attorney's office;
    f. to enroll children in a new school; or
    g. to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

A person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking will not be eligible for paid sick leave for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

For purposes of this policy, family member means: an employee's child (biological, adopted, or foster child; legal ward; or child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian, or person who stood in loco parentis when the employee was a minor child), sibling, grandchild or grandparent; and the child or parent of an employee's spouse, domestic partner or household member.

For purposes of this policy, household member means: (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

An employee's use of earned sick leave will not be conditioned upon searching for or finding a replacement worker.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available earned sick leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have earned sick leave available.17

Notice & Documentation. Earned sick leave will be provided upon the request of an employee. Such request may be made orally, in writing, or by electronic means to _____. When possible, the request must include the expected duration of the absence. When the use of earned sick leave is foreseeable, the employee must make a good faith effort to provide notice in advance and shall make a reasonable effort to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the Company.

For earned sick leave of more than three (3) consecutive work days, the Company may require the employee to provide reasonable documentation that the earned sick leave has been used for a covered purpose, to the extent permitted by applicable law. For example, if sick leave is requested for reasons (1) or (2), documentation provided by the employee and signed by a health care professional indicating that earned sick leave is necessary shall be considered reasonable documentation. The Company will not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's

17There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing paid sick safe/sick time.

Payment. Earned sick leave will be paid at the same rate the employee earns from their employment at the time the employee uses such time, but no less than the applicable minimum wage. Use of earned sick leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused earned sick leave under this policy to the following year. Unused earned sick leave under this policy will not be paid at separation.

Enforcement & Retaliation. Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against because such employee has exercised their rights to paid sick leave under this policy and applicable law including, but not limited to, requesting paid sick leave and using paid sick leave, consistent with this policy and applicable law. The Company prohibits retaliation or discrimination against an employee for exercising or attempting to exercise any right provided in this policy or under applicable law, including participating in or assisting an investigation, proceeding or hearing under the law.

Employees with questions concerning this policy should contact _____.

PAID SICK TIME (PITTSBURGH ONLY)

[*Effective March 15, 2020. Was originally January 1, 2016 but legal challenges blocked the ordinance from taking effect. The PA Supreme Court, on July 17, 2019, upheld the city ordinance. Applies to all employers, but the amount of time employees are eligible for depends on the size of the employer's workforce (as indicated below). This handbook policy generally is optional if the information required per the law's employee notice requirement is provided to employees via another method. The law requires written notice that employees are entitled to sick time, the amount of sick time, and the terms of its use guaranteed under this Ordinance, that retaliation against employees who request or use sick time is prohibited and that each employee has the right to file a complaint with the Agency if sick time as required by this Section is denied by the employer or the employee is retaliated against for requesting or taking sick time.]*

Eligibility. The Company provides paid sick time to employees who work in the City of Pittsburgh for at least thirty five (35) hours in a calendar year in accordance with the Paid Sick Days Act (the "Ordinance"). For employees who work in the City of Pittsburgh who are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing paid sick time pursuant to this policy on March 15, 2020 or at the start of employment, whichever is later. Employees accrue one (1) hour for every thirty five (35) hours worked, up to a maximum accrual of forty (40) hours each calendar year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek

is less than forty (40) hours, in which case paid sick time accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may use paid sick time on the 90th calendar day following commencement of employment. Paid sick time may be used in in the smaller of hourly increments or the smallest increment that the Company's payroll system uses to account for absences or use of other time. An employee may not use more than forty (40) hours of paid sick time in any calendar year.

Employees may use paid sick time for absences due to:

1) An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
2) Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care; or
3) Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community may jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.

For purposes of this policy, family member includes: a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis; a biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child; a person to whom the employee is legally married under the laws of any state; a grandparent or spouse or domestic partner of a grandparent; a grandchild; a biological, foster or adopted sibling; a domestic partner; or any individual for whom the employee has received oral permission from the employer to care for at the time of the employee's request to make use of sick time.

An employee's use of paid sick time will not be conditioned upon searching for or finding a replacement worker.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available paid sick time for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick time available.18

18 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but that being said, we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing

Notice & Documentation. Requests to use paid sick time may be made orally, in writing, or electronically (e.g., via email), and whenever possible, the request must include the expected duration of the employee's absence. When the use of paid sick time is foreseeable, the employee is required to make a good faith effort to provide notice of the need for such time to _____ seven (7) days in advance of the use of the paid sick time or as early as possible under the circumstances and make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the Company's operations. When the use of earned sick time is not foreseeable, the employee is required to provide notice to _____ at least one (1) hour prior to the start of the employee's workday or as soon as possible under the circumstances.

For paid sick time of three (3) or more full consecutive days, the Company may require reasonable documentation that the paid sick time has been used for a covered purpose. Documentation signed by a health care professional indicating that sick time is necessary shall be considered reasonable documentation. Documentation provided to the Company should not explain the nature of the employee's or a family member's illness or health condition.

Payment. Paid sick time will be paid at the same base rate of pay and with the same benefits, including health care benefits, as an employee would have earned at the time of their use of the paid sick time, but no less than the applicable minimum wage, unless otherwise required by applicable law. Use of paid sick time is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused paid sick time to the following calendar year. Unused paid sick time will not be paid at separation.

Enforcement & Retaliation. The Company prohibits retaliation or discrimination against an employee because the employee has exercised rights protected under the Ordinance. Such rights include but are not limited to the right to use sick time pursuant to the Ordinance; the right to file a complaint with the Mayor's Office of Equity; the right to inform any person about any employer's alleged violations of this Ordinance; and the right to inform any person of their potential rights under the Ordinance. Employees may file a complaint if sick time is denied or if they are subjected to retaliation for requesting or taking sick time.

Questions about rights and responsibilities under the law can be answered by _____.

RHODE ISLAND PAID SICK AND SAFE LEAVE (RHODE ISLAND ONLY)

[All employers in Rhode Island are covered except: Employers with less than eighteen (18) employees in Rhode Island have the option of providing comparable *unpaid* sick and safe leave

this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

time. Per Final Regulations, employers shall count all unique positions and that total shall represent the number of employees that they employed during that time period. This calculation shall be performed on an annual basis using that year's employment data. Employers must establish annually whether they employ 18 or more employees and are required to provide paid leave. This determination remains in effect, regardless of the size of the employer, for the following 12 months. Additional requirements apply to employers that manage food employees under the Rhode Island Food Code. Employers that provide forty (40) or more hours of paid time off or vacation to employees that also may be used as paid sick and safe leave, consistent with this section, shall not be required to provide additional sick leave to employees who use all their time for other purposes and have need of paid sick and safe leave later in the year, provided that the employers' leave policies make clear that additional time will not be provided. This handbook policy is optional. However, a policy is required if the Company requires Employees to provide notice for unforeseeable uses of PSSL. Also, the Company must notify employees in writing if it impose a waiting period for use of PSSL, or requires reasonable documentation for absences of more than three days. Per final regulations- "In writing" means any printed or printable communication that is provided in a physical or electronic format, including communications that are transmitted through electronic mail, a computer system or is otherwise sent and stored electronically. Provided, however, that such notice shall be provided via hard copy upon the request of the employee. Therefore, we recommend including in the Handbook.]

Eligibility. This Company provides paid sick and safe leave time ("PSSL") to employees in Rhode Island. For employees whose primary place of work is in Rhode Island and are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing PSSL pursuant to this policy at the start of employment. Employees accrue one hour of PSSL for every thirty-five (35) hours worked and all hours paid by the Company while collecting paid time off benefits, including, but not limited to holiday pay, personal time, sick time and vacation time, up to a maximum of forty (40) hours per calendar year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case PSSL accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees, other than temporary and seasonal employees, may begin using PSSL on the 90th calendar day of employment. Temporary Employees may begin using PSSL on the 180th calendar day of employment, unless otherwise permitted by the Company. Seasonal Employees may begin using PSSL on the 150th calendar day of employment, unless otherwise permitted by the Company. PSSL must be used in a minimum increment of four (4) hours per day, provided such minimum increment is reasonable under the circumstances. An employee may not use more than forty (40) hours of PSSL in a calendar year.

Employees may use PSSL for:

1) An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
2) Care of an employee's family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
3) Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
4) Time off needed when the employee or an employee's family member is a victim of domestic violence, sexual assault or stalking.

For purposes of this policy, family member includes: a child; parent (including a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stands in loco parentis to the employee or the employee's spouse or domestic partner when they were a child); spouse; parent-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or other member of the employee's household (person that resides at the same physical address as the employee or a person that is claimed as a dependent by the employee for federal income tax purposes).

An employee's use of PSSL will not be conditioned upon searching for or finding a replacement worker.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available PSSL for absences for reasons set forth above and employees will be paid for such absences to the extent they have PSSL available.

Notice & Documentation. When the use of PSSL is foreseeable, employees are required to make a reasonable effort to schedule the use of PSSL in a manner that does not unduly disrupt the Company's operations. Requests to use PSSL may be made orally, in writing, or electronically (e.g., via email), and whenever possible, the request must include the expected duration of the employee's absence. When the use of PSSL is foreseeable, the employee is required to make a good faith effort to provide notice of the need for such time to _____ in advance of the use of PSSL. When the use of PSSL is not foreseeable, the employee is required to provide notice to _____ at least one (1) hour prior to the start of the employee's workday or as soon as possible under the circumstances.

For PSSL of more than three (3) consecutive work days, the Company requires reasonable documentation that the PSSL has been used for a covered purpose. For reason #1 and #2 above, documentation signed by a heath care professional indicating that PSSL is necessary is

reasonable, but should not explain the nature of the employee's or a family member's health condition or the details of the domestic violence, sexual violence, abuse or stalking. For reason #4 above, any of the following types of documentation selected by the employee are reasonable:

1) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes in reason #4 above.
2) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;
3) A court document indicating that the employee or employee's family member is involved in legal action related to domestic violence, sexual assault, or stalking; or
4) A signed statement from a victim and witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization or is involved in legal action related to domestic violence, sexual assault, or stalking.

An employee is not required to provide documentation to the Company if it would result in an unreasonable burden or expense, or exceed privacy or verification requirements otherwise established by law.

PSSL may not be used as an excuse to be late for work without an authorized purpose. If an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for PSSL, the employee will be disciplined, up to and including termination of employment for misuse of PSSL.

If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the Company may discipline the employee for misuse of PSSL, unless the employee provides reasonable documentation that the PSSL has been used for a purpose listed above.

Employees must provide written documentation for an employee's use of PSSL that occurs within two (2) weeks prior to an employee's final scheduled day of work before termination of employment.

Payment. PSSL will be paid at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked, but no less than the applicable minimum wage. Use of PSSL is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over accrued, unused PSSL to the following calendar year. Unused PSSL will not be paid at separation.

Enforcement & Retaliation. Retaliation or discrimination against an employee who requests PSSL or uses PSSL, or both, is prohibited, and employees may file a complaint with the Rhode Island Department of Labor and Training against an employer who retaliates or discriminates against the employee.

Questions about rights and responsibilities under the law can be answered by _____.

SICK LEAVE (PHILADELPHIA ONLY)

[Applies to all employers, and the handbook notice/policy is mandatory. Employers with fewer than 10 employees for at least 40 hours in a calendar year in Philadelphia are covered, but sick time can be unpaid. Chain establishments (establishment doing business under the same trade name used by 15+ establishments located anywhere) must provide paid sick time regardless of the number of employees.]

Eligibility. The Company provides paid sick time to employees (unless noted otherwise, not including seasonal workers, employees hired for a term of less than six months, or interns) who work in Philadelphia for at least 40 hours in a year. For employees who work in Philadelphia who are eligible for sick time under the general Paid Sick Time policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy.

Accrual. Employees begin accruing paid sick time pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of paid sick time for every forty (40) hours worked, up to a maximum accrual of forty (40) hours each calendar year. Exempt employees will be presumed to work forty (40) hours in each workweek for accrual purposes unless their normal workweek is less than forty (40) hours, in which case accrual will be based on that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using paid sick time on the 90th calendar day of employment. Paid sick time may be used in minimum increments of one (1) hour. An employee may not use more than forty (40) hours of accrued paid sick time in any calendar year.

An employee may use paid sick time for the following qualifying absences:

1) An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
2) Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care; or
3) An absence necessary due to domestic abuse, sexual assault or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence or stalking; services from a victim services organization; psychological or other counseling; relocation due to the domestic or sexual violence or stalking; or legal services or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic or sexual violence.[19]

19 An employee who uses sick time for absences necessary due to domestic abuse, sexual assault or stalking, may, after all accrued paid sick time has been exhausted, take unpaid leave in accordance with Philadelphia Muni. Code §§ 9-3202, 3208, which generally provides four or eight workweeks of leave during a 12-month period (four for employers with fewer than 50 employees for each working day during each of 33 or more calendar workweeks in the current and preceding calendar year, and eight for employers with 50 or more employees for each working day during

For purposes of this policy, a family member includes a biological, adopted or foster child, stepchild or legal ward or a child to whom the employee stands in loco parentis; a biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or a person who stood in loco parentis when the employee was a minor child; a person to whom the employee is legally married under the laws of Pennsylvania; a grandparent or spouse of a grandparent; a grandchild; a biological, foster, or adopted sibling or spouse of a biological, foster or adopted sibling; and a life partner as defined under the Philadelphia Code.

Unless the employee advises the Company otherwise, we will assume employees want to use available paid sick time for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick time available.[20]

Notice and Documentation. If the need for paid sick time is foreseeable, the employee must provide written or oral notice in advance of the use of the paid sick time and make a reasonable effort to schedule the use of paid sick time in a manner that does not unduly disrupt the Company's operations. For all other absences, the employee must provide notice before the start of the employee's scheduled work hours, or as soon as practicable if the need arises immediately before or after the employee has reported for work. When possible, employees should indicate the expected duration of their absence.

For paid sick time of more than two (2) consecutive days, the Company may require reasonable documentation that the sick time is covered. For absences due to the purposes described in (1) and (2) above, documentation signed by a heath care professional indicating that sick time is necessary will be considered reasonable documentation. For absences due to the purposes described in (3), documentation signed by a health care professional; a police report indicating that the employee was a victim of domestic abuse, stalking or sexual assault; a court order; or a signed statement from a representative of a victim services organization affirming that the employee was a victim of domestic abuse, stalking or sexual assault will be considered reasonable documentation. The required documentation need not explain the nature of the illness or the details of the violence.

Payment. Paid sick time will be paid at the same rate as the employee earns from the employee's employment at the time the employee uses such time. Use of paid sick time is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused paid sick time under this policy to the following calendar year. Accrued but unused paid sick time under this policy will not be paid at separation.

Enforcement & Retaliation. The Company prohibits any threat, discharge, suspension, demotion,

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each of 20 or more calendar workweeks in the current or preceding calendar year).

20 There is a potential risk in assuming an employee wants to use time, irrespective of the addition of this language, but we believe that the risk is minimized by adding this language and adhering to any request not to be paid. In the event an employee does make a request not to be paid (i.e., to take unprotected time off, unless the time off would be otherwise protected by another statutory leave entitlement), we highly recommend memorializing this in a written document signed by the employee that acknowledges the employee's understanding that (1) he/she is electing not to have the time off protected under the policy and any applicable sick leave law and (2) as a result, the company's attendance policy applies and the time off may be subject to discipline unless otherwise prohibited by law (which would address the scenario noted above in which the time off was protected, albeit in an unpaid capacity, under another applicable law).

other adverse employment action against an employee for the exercise of any right under this policy; or interference with, or punishment for, participating in any manner in an investigation, proceeding or hearing under this policy. Employees may file a complaint or bring a civil action if sick time is denied or if they are subjected to retaliation for requesting or taking sick time.

If employees have any questions regarding this policy, they should contact _____.

EARNED SICK LEAVE (VERMONT ONLY)

New employers are not subject to the law for one year after the first employee is hired. Additionally, per the Rules, "small employers" (employers who, as of 1/1/2017, have 5 or fewer employees who averaged 30 or more hours/week during the previous calendar year) are not subject to the law until 1/1/2018. This handbook policy is optional if other written notice of the provisions of the sick time law is provided at the time of hire (or effective date of the law) to employees, but we strongly recommend including in the handbook.]

Eligibility. The Company provides earned sick time to eligible employees[21] who work for an average of at least 18 hours per week during a year[22]. For employees who work in Vermont who are eligible for sick time under the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Accrual. Employees begin accruing earned sick time at the start of employment. Eligible employees will accrue one (1) hour of earned sick time for every fifty-two (52) hours worked, up to a maximum accrual of forty (40) hours each year. Exempt employees will be presumed to work forty (40) hours in each workweek for accrual purposes unless their normal workweek is less than forty (40) hours, in which case accrual will be based on that normal workweek. For purposes of this policy, the year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. Employees may begin using accrued earned sick time after completion of one (1) year of employment. Earned sick time may be used in a minimum increment of one (1) hour. An employee may not use more than forty (40) hours of accrued earned sick time in a year.

An employee may use accrued earned sick time for the following reasons:

1) Illness; injury; or to obtain professional diagnostic, preventive, routine, or therapeutic health care;

21 The term "employee" does not include the following (*among others*):
(1) An individual who is employed for 20 weeks or fewer in a 12-month period in a job scheduled to last 20 weeks or fewer (but per the Rules, if the job extends past 20 weeks, sick time accrual will be deemed to have commenced on the employee's first day of work.)
(2) An individual who is under 18 years of age.

22 Per the Rules, to calculate whether an employee has worked "an average of 18 hours per week," employers should, on a yearly basis, divide the number of hours worked by the employee in the last completed year by 52. If an individual has been employed for an average of not less than 18 hours per week in the prior calendar year, the individual's accrual of sick time is deemed to have commenced on the first day of that year. The previous calendar year calculation is not applied to those individuals hired during that calendar year who are anticipated to work an average of more than 18 hours a week.

2) to care for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to the employee's long-term care;
3) To arrange for social or legal services or obtain medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking;
4) To care for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees who are absent for a covered reason(s) are required to use available earned sick time during the absence.

Notice and Documentation. Employees must notify _____ as soon as practicable of the intent to take earned sick time as well as the expected duration of the absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care during regular work hours. The Company may require an employee to provide reasonable proof that the employee's use of earned sick time is for one of the reasons covered under this policy.

Payment. Earned sick time will be paid at the employee's normal hourly wage rate or the state minimum wage rate, whichever is greater. Use of earned sick time is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over accrued, unused earned sick time under this policy to the following calendar year. Accrued but unused earned sick time under this policy will not be paid at separation.

If employees have any questions regarding this policy, they should contact _____.

PAID PERSONAL DAYS

Regular full-time employees who have completed their introductory period are provided up to 2 paid personal days to be taken during the following year. An employee earns 1 personal day for each 6 months of employment completed. These days may be used for personal business or relaxation. While a reason need not be given, requests for a paid personal day must be submitted to your Supervisor for approval at least _____ in advance. We will attempt to grant your request, subject to our needs. A paid personal day may not be used to extend a vacation nor can it be taken on either the day before or after a posted holiday. Personal Days may not be accumulated. Unused Personal Days are paid in December of each year to active employees. There is no payment for any earned but unused Personal Days at termination unless otherwise required by applicable law.

PAID BEREAVEMENT LEAVE

_____ employees are eligible for paid bereavement leave. After ____ days of employment, should you suffer a death in your immediate family, you will be eligible to receive up to three (3) consecutive days off with pay to arrange for or attend to the necessary arrangements and obligations. For the purpose of this policy, immediate family includes your spouse, domestic or civil partner, children, parents, brothers or sisters. One (1) day off will be granted to attend the funeral of grandparents, in-laws or other close relatives.

Employees on leaves of absence, holidays or vacation are not eligible for bereavement leave. Please notify your Supervisor and/or Department Head in writing as soon as possible so that coverage of your job can be arranged. In administering this policy, the Company may require verification of death and relation to the deceased.

Bereavement leave is paid at the employee's base rate of pay at the time of absence for the number of hours the employee otherwise would have worked that day. Bereavement leave is not counted as hours worked for purposes of calculating overtime. The Company will grant employees additional time off without pay where necessary.

PROFIT-SHARING PLAN

To provide financial assistance in your retirement years, the Company has instituted a profit-sharing plan to reward our _____ employees for their contributions to our efficient and profitable operation. Details of this plan and eligibility requirements are available from the Business Office.

PENSION PLAN

In order to provide for your retirement years, the Company offers a pension plan designed to assist in providing _____ employees with long term financial security. The Company pays the entire contribution on your behalf. The pension plan has graduated, vested benefits - the longer you participate, the more you will be eligible for when you retire. There are certain eligibility requirements that must be met for participation and continued credit:

- You must be at least 21
- You must have completed one year of service.
- You must have worked at least 1000 hours in the plan year.

You will be fully vested after _____ years of service and eligible for early retirement benefits beginning at age ____. A detailed description of this benefit is available from the Business Office.

[NOTE TO EMPLOYERS REGARDING INSURANCE COVERAGES: The determination of whether to provide insurance coverage for employees, whether part-time or full-time, and for

*dependents of employees is generally at the discretion of the Employer, although some states have laws governing this area and Congress will be considering legislation in this area in the upcoming session. In Massachusetts, for example, employers are required to meet various requirements in connection with the health insurance offered to full-time employees, as well as offer pre-tax premium contribution options for most employees (including part-time employees), or be liable for certain assessments payable to the state). **The following sections are included as samples of types of provisions frequently included in employee manuals but they should be reviewed closely and revised as necessary so that they accurately reflect your benefits offerings including eligibility, summary of benefits, etc. If you do not currently offer any of the benefits listed below, the language below related to those benefits should be removed.**]*.

HEALTH INSURANCE

After ____ days of employment, _____ employees may participate in our group health insurance plan. The Company pays the entire portion of the cost of this insurance for you. Dependent coverage, if chosen, is (is not) paid for by the employee. _____ employees may elect coverage at group rates by making arrangements with the Business Office to pay the appropriate premiums. Health insurance may be continued during a leave of absence or after you leave our employ by paying the appropriate premium.

DENTAL INSURANCE

All _____ employees are eligible to participate in the Dental Program. Eligibility begins on the first of the month following completion of your introductory period. The entire individual premium and 50% of the dependent premium is paid by the Company. Detailed information is available from the Business Office.

VISION CARE

We provide, at no cost to our employees, insurance to cover vision screening and to assist in the purchase and replacement of eyeglasses for all _____ employees. Details of this benefit are available from the Business Office.

LIFE INSURANCE

We provide, at no cost to employees, life insurance and accidental death and dismemberment coverage for all _____ employees after _____ days of employment. The life insurance contains a double indemnity clause. Questions regarding coverage should be directed to the Business Office, where enrollment forms may be obtained.

WORKERS' COMPENSATION

Should you suffer a work-related injury, disease, or illness, you will be eligible to receive benefits from our Workers Compensation policy, paid for entirely by the Company. This program provides for coverage of medical expenses and weekly compensation payments during

the period of an employee's work-related injury or illness. To ensure your physical well-being and the correct processing of these claims, you must notify your Supervisor immediately about any injury, illness, or disease occurring during and as a result of employment, no matter how slight. Do not try to treat the injury yourself. Claim forms must be filed promptly to ensure claims are processed and Company records are prepared properly. Failure to follow Company procedures may affect employees' eligibility to receive Workers' Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work while receiving these benefits (including during an applicable waiting period) must also request a formal leave of absence. For information regarding leaves of absence that may be available while receiving these benefits, please refer to the leaves of absence policies and/or contact _____.

SHORT-TERM DISABILITY INSURANCE

As an employee of the Company, _____ employees are covered by our disability insurance policy. Under this plan, you are eligible to receive weekly disability payments for non-occupational disabilities due to illness, injury, or pregnancy. (For occupational illnesses and injuries, please see the "Workers' Compensation" section.) Your Supervisor or the Business Office can give you additional information.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work while receiving these benefits (including during an applicable waiting period) must also request a formal leave of absence.

LONG-TERM DISABILITY INSURANCE

All _____ employees are covered by our long-term disability insurance, paid for by the company. Long-term disability insurance provides benefits after disability insurance benefits have ceased.

If you are disabled and cannot work, the plan will pay you _____ percent of your base monthly salary, beginning with the _____ month of your disability. Short-term disability benefits cover you for the first _____. This benefit will continue for _____ if you are unable to perform your job. Additional details are available from the Business Office.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work while receiving these benefits (including during an applicable waiting period) must also request a formal leave of absence.

TUITION REIMBURSEMENT

A tuition refund plan is offered to _____ employees who have been with the Company at least _____. The course must be job related and approval must be obtained before enrollment. The Company will reimburse you for 50% of any tuition costs, up to

a maximum of _____ each year. Forms and additional information may be obtained from _____.

COMPANY DISCOUNTS

You are eligible to purchase Company products at a considerable discount, generally _____% or more. Purchases must be solely for use by you, your spouse or dependents. Violations of this rule may be cause for disciplinary action. Please see _____ for additional details.

PAYROLL SAVINGS PLAN

For the convenience of employees, the company will make payroll deductions for the company savings plan. Details are available from the Business Office.

CREDIT UNION

_____ employees are eligible to participate in the _____ credit union. Information on how to use the services of the credit union is available from the Business Office. The credit union is independent of our company and we bear no responsibility for any transactions which occur between employees and the credit union.

RECREATIONAL ACTIVITIES

We believe that organized recreational activities contribute to the physical and general well-being of employees. The company urges its employees to engage in such leisure-time activities. To support this philosophy, the company maintains a fund for paying team entry fees, buying uniforms and equipment, etc., for organized recreational activities engaged in by company employees; however, your participation is voluntary. Requests for funds for company-sponsored teams or individuals should be made in writing to _____ _____ who will review and decide on each request.

SECTION 4- LEAVES OF ABSENCE

JURY DUTY

The Company realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees are allowed time off to perform such civic service as required by applicable law; however, employees are expected to provide the Company with proper notice of their request to perform jury duty and management should be informed of the expected length of jury duty service. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Compensation for employees who are required to serve jury duty is to be available according to the following policy. If you are called to perform jury duty, you will be paid the difference between your regular pay and any jury duty pay received when you meet the following requirements, subject to applicable law:

- Notify your department manager as soon as you receive notice.
- Report to work when excused.
- Submit verification of payment received for jury duty.

Payment for regular full-time employees will be for a maximum of _____ days in a calendar year, unless otherwise required by applicable law. Regular part-time employees and temporary employees summoned for jury duty will be granted unpaid time off in accordance with state and federal laws. In all cases, exempt employees are paid their full salary for any week in which they perform authorized work for the Company. Any pay provided for time spent on jury duty leave is not counted as hours worked for purposes of calculating overtime.

[Most states and some municipalities have requirements to pay certain employees a stipend for some period of jury service. Please check with labor counsel prior to adopting a policy in this area.]

MILITARY DUTY

If you enter the military service or are required to attend annual Reserve or National Guard duty, you will be entitled to unpaid time off and to reinstatement in accordance with applicable federal and state laws. You should give your Supervisor as much advance notice as possible so that necessary staffing arrangements can be made. Employees, at their discretion, may elect to take any fully earned vacation/PTO at this time.

INTRODUCTION TO FAMILY AND MEDICAL LEAVE

[Every employer covered under the federal Family and Medical Leave Act (FMLA) (i.e., every employer with at least 50 employees nationally) must maintain an FMLA handbook policy, regardless of whether the employer has FMLA-covered facilities and/or FMLA-eligible

employees. Even the smallest employers that are not covered under the FMLA or that do not have FMLA-covered facilities or FMLA-eligible employees are generally subject to state and local as well as federal human rights laws, including reasonable accommodation requirements, and leave policies are one way to address such issues which arise in every workplace.

Some states, including ***Connecticut****, District of Columbia,* ***Maine****,* ***Massachusetts****, New Jersey,* ***Rhode Island*** *and* ***Vermont****, have their own family and medical leave laws ("mini-FMLA"), and/or related statutes which must be considered, in addition to the federal laws, when formulating a leave policy. In some instances, employers of less than fifty employees are required to provide leave to their employees, even though they are beyond the jurisdiction of the FMLA. In other cases, state laws add requirements not included in the federal statute. Therefore, it is extremely important that each employer adopt a policy (or policies) which is/are consistent with all applicable laws. The model policies below are compliant with these laws as they currently exist.*

Where both the Federal FMLA and an applicable state mini-FMLA law apply, and require employers to provide leave for their employees, the leave provided should be taken concurrently, unless otherwise required by law.

There are other issues which each employer should consider before finalizing its FMLA policy.

- *Unless a state law prohibits employers from doing so, employers generally may require that employees use any paid accrued vacation or sick time as the initial part of the leave, without extending the twelve-week period. Alternatively, employers may make use of accrued vacation or sick time optional, which could allow the extension of a leave through accrued time (though the additional time off would not necessarily be protected by law).*

- *Under federal law, the reinstatement provision may not apply to "key" highly compensated employees; however, this group has been very narrowly defined, and no one should be so designated without first consulting with counsel prior to such designation. Some state mini-FMLA laws do not recognize this exception.*

- *The employer must permit covered leave not only to be taken in block, but under certain conditions (such as for qualifying exigencies and when medically necessary) on a reduced or intermittent leave basis.*

- *Prior to terminating an employee who fails to return to work after an approved leave, employers must consider whether there is an obligation under applicable state and/or local human rights laws and the federal ADA to explore the possibility of additional leave as a reasonable accommodation.*

The following sample policy is designed to comply solely with federal law.

FEDERAL FMLA POLICY: [*All employers of fifty (50) or more employees are covered under the FMLA.]*

FAMILY AND MEDICAL LEAVE

Eligibility Requirements
Employees are eligible for FMLA if:

- At least fifty (50) or more employees are employed within a 75-mile radius of the employee's work site;
- The employee has been employed for at least one year; and
- The employee has worked at least 1,250 hours within the previous twelve (12) months. *

*Special hours of service requirements apply to airline flight crew employees.

Basic Leave Entitlement
The FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period to eligible employees for certain family and medical reasons. The 12-month period is determined on a "rolling" 12-month period dating back from the time the employee uses any FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent (but not in-law) who has a serious health condition; and/or
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job.

Leave to care for the employee's child after birth, or placement for adoption or foster care must be taken within one (1) year of the child's birth or placement.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Military Family Leave
Eligible employees with a spouse, son, daughter, or parent (but not in-law) on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement which permits eligible employees (spouse, son, daughter, parent (but not in-law) or next of kin of a covered service member) to take up to twenty-six (26) weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period (one time basis only). A covered service member is a current 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 outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered service members also includes a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five-year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

Job Benefits and Protection

If applicable, during FMLA leave, the Company must maintain health coverage under any "group health plan" on the same terms as if the employee had continued to work. If paid time off is substituted for unpaid leave, the Company will deduct the employee's portion of any applicable health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must arrange with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Company's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave. For purposes of this paragraph, an employee will be considered to have returned to work if he or she returns to work for at least 30 calendar days, or if he or she retires at the end of the FMLA leave period or within 30 days thereafter.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Company's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may/must use accrued **[vacation/PTO/sick time (to the extent permitted by applicable law)]** while on unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

Upon written request, the Company will allow employees to use accrued **[vacation/PTO/sick time** to supplement any applicable paid disability, Workers' Compensation or other monetary benefits. Receipt of disability benefits, Workers' Compensation benefits or other monetary benefits does not extend the maximum amount of leave time to which an employee is eligible under the FMLA.

Employee Responsibilities
Employees must provide thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Company's normal call-in procedures.

Employees must provide sufficient information for the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for ineligibility.

Covered employers must inform employees if leave is designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for the Company to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Concerns regarding a possible violation with respect to either of these obligations should be reported to the Company's Human Resources Department.

Enforcement
Employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

CONNECTICUT FAMILY AND MEDICAL LEAVE POLICY (ADDENDUM TO FMLA POLICY – CONNECTICUT ONLY)

[Applies to (and a handbook policy is mandatory for) all employers with 75 or more employees in CT.]

Like the Family and Medical Leave Act ("FMLA") described elsewhere in this Handbook, the Connecticut Family and Medical Leave Act ("CFMLA") may require employers to provide family and medical leaves of absence for eligible employees. Either, or both laws, may apply to a leave. This policy will be interpreted to comply with the law(s) that apply to a particular leave. To the extent that state law mandates additional protection for pregnant employees, this policy also will be interpreted consistently with such requirements. This policy provides employees information concerning any CFMLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning CFMLA leave, they should contact _____.

Eligibility. Employees may be eligible for leave under CFMLA if they:

1) Have been employed by the Company for at least twelve (12) months (which need not be consecutive);
2) Worked at the Company for at least 1,000 hours of service during the 12-month period immediately preceding the commencement of the leave; and
3) Work for an employer with seventy-five (75) or more employees in Connecticut.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. Under the CFMLA, an eligible employee may take up to sixteen (16) weeks of unpaid leave within a 2-year period. The 1-year or 2-year period, as the case may be, is measured by a "rolling" twelve (12) or 24-month period dating back from the time the employee requests leave. Where both laws apply, the leave provided by each will run concurrently.

In addition to the entitlements outlined in the FMLA policy, the CFMLA provides leave to care for an employee's parent of a spouse. The CFMLA also provides leave to serve as an organ or bone marrow donor.

Additional Military Family Leave Entitlement (Injured Service Member Leave). In addition to the basic FMLA and CFMLA leave entitlements, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up twenty-six (26) weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Under the CFMLA an eligible employee also is entitled to take up twenty-six (26) weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the service member is the eligible employee's parent in law with a serious health condition.

Leave to care for a service member is only available during a single 12-month period and, when combined with other FMLA- or CFMLA-qualifying leave, may not exceed twenty-six (26) weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

Return to Work/Fitness for Duty Medical Certifications. Unless notified that providing such certifications is not necessary, employees returning to work from family and medical leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the company with medical certification confirming they are able to return to work and/or the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. Employees may obtain a Return to Work Medical Certification Form from the _____. The Company may delay job restoration following leave, other than an intermittent leave under the CFMLA, until employees provide return to work/fitness for duty certifications.

At the end of a leave under the CFMLA, employees will be returned to their original job, unless that job is not available, in which case they will be returned to an equivalent position. There is no key employee exception under the CFMLA.

PREGNANCY ACCOMMODATIONS (CONNECTICUT ONLY)

[*This handbook policy is optional. The statute has a written notice requirement requiring employers to provide notice to (A) new employees at the commencement of employment; (B) existing employees within one hundred twenty days after the effective date of this section; and (C) any employee who notifies the employer of her pregnancy within ten days of such notification. Per informal agency guidance, the law's "written notice" requirement cannot be satisfied through a handbook notice/policy. However, if the handbook/supplements are distributed to employees in hard copy or by e-mail (as opposed to, for example, being posted on your intranet), we believe that inclusion of this policy substantially complies with the written notice requirement. Otherwise, the statute provides that an employer may comply with the notice requirement by displaying a poster in a conspicuous place, accessible to employees, at the employer's place of business that contains the information required by this section in both English and Spanish.]*

In compliance with Connecticut law, the Company will not discriminate against an employee or prospective employee in the terms or conditions of the employee's employment in relation to

pregnancy, childbirth or a related condition including, but not limited to, lactation. The Company will not limit, segregate or classify an employee in a way that would deprive the employee of employment opportunities due to the employee's pregnancy.

The Company will endeavor to provide reasonable accommodations for conditions related to pregnancy, childbirth or a related condition, including, but not limited to, lactation, unless the accommodation would pose an undue hardship on the Company's business. Such accommodations include, but are not be limited to: being permitted to sit while working, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth or break time and appropriate facilities for expressing breast milk.

The Company will not force an employee or prospective employee affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment does not have a known limitation related to the employee's pregnancy, or does not require a reasonable accommodation to perform the essential duties related to the employee's employment. This includes, but is not limited to, forcing an employee to take leave if another reasonable accommodation can be provided to an employee's condition related to the pregnancy, childbirth, or a related medical condition.

The Company will not retaliate against an employee in the terms, conditions or privileges of the employee's employment based upon such employee's request for a reasonable accommodation under this policy. Further, the Company will not deny employment opportunities to an employee or prospective employee due to an employee's or prospective employee's request for a reasonable accommodation related to pregnancy, childbirth, or a related medical condition.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact _____.

LEAVE FOR FAMILY VIOLENCE (CONNECTICUT ONLY)

[*Applies to employers with 3 or more employees. This handbook policy is optional.*]

Employees who are victims of family violence are allowed up to twelve (12) days of unpaid leave during any calendar year for a qualifying purpose. "Family violence" includes incidents resulting in physical harm, bodily injury, assault, or an act of threatened violence between family or household members.

The purpose of a qualifying leave should be to:

1) Seek medical care or counseling for injury or disability as a result of family violence;
2) Obtain services from a victim services organization on behalf of the victim of family violence;
3) Relocate due to such family violence; or
4) Participate in any civil or criminal proceeding related to or resulting from such family violence.

Employees are not paid while on a domestic violence leave, but may use any accrued and unused paid time off time in connection with use of this leave. To the extent practicable, employees must provide reasonable (preferably seven (7) days) notice to request a domestic violence leave.

Employees should provide one of the following documents in connection with their use of domestic violence leave: a signed, written statement certifying that the leave is a result of an incident of family violence; a police or court record related to the incident of family violence; or a signed, written statement that the employee is a victim of family violence from an employee or agent of a victim services organization, an attorney, an employee of the office of victim services or victim advocate, or a medical professional or other professional from whom the employee has sought assistance concerning the incident of family violence. The Company will make every attempt to ensure documents provided in support of a domestic leave request under this policy remain confidential and protected from disclosure unless required by law.

PREGNANCY ACCOMMODATIONS (DELAWARE ONLY)

[*This handbook policy is optional, though to the extent it could satisfy the written notice requirement it is required if separate written notice is not required.* ***Regardless of whether the policy is provided, the law must be followed.]***

In compliance with Delaware law (19 Del. C. § 710 et seq.), the Company will not discriminate against an applicant or employee because of pregnancy, childbirth, or related conditions. The Company will treat applicants and employees, whom the employer knows or should know are pregnant, as well as other applicants and employees who are similar in their ability or inability to work but are not pregnant, without regard to the source of any condition affecting the other applicants' or employees' ability or inability to work.

The Company will endeavor to provide a reasonable accommodation to known pregnancy-related limitations of applicants and employees unless the accommodation would impose an undue hardship on the operation of the Company's business. The Company will not require an applicant or employee to accept an accommodation if she does not have a known pregnancy-related limitation or if the accommodation is not necessary for performance of the essential duties of the job, nor will the Company force a pregnant employee to take paid or unpaid leave if another reasonable accommodation is available which will permit the employee to continue working.

The Company will not deny employment opportunities or take adverse action against a pregnant employee with respect to the terms, conditions, or privileges of employment or for requesting or accepting a reasonable accommodation.

If employees have any questions concerning this policy, they should contact _____.

DISTRICT OF COLUMBIA PAID FAMILY BENEFITS (DISTRICT OF COLUMBIA ONLY)

Employees may be eligible for paid leave benefits for covered events pursuant to the D.C. Universal Paid Leave Amendment Act ("UPLA"). The UPLA is a D.C. paid leave benefit administered by the Office of Paid Family Leave ("OPFL") at the DC Department of Employment Services. Benefits are funded through an employer payroll tax, not deducted from employees'

pay. The District of Columbia (the "District") is solely responsible for determining whether an employee is eligible for paid leave benefits under the UPLA.

To be eligible for paid leave benefits, an employee must have been a covered employee during some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken. A covered employee is someone who: (a) spends more than 50% of his or her work time for the Company working in the District; or (b) whose employment for the Company is based in the District, who regularly spends a substantial amount of the employee's work time for the Company in the District, and who does not spend more than 50% of the employee's work time for the Company in another jurisdiction.

Paid leave benefits are available for the following covered events:

- Family Leave – to care for a family member with a serious health condition;
- Medical Leave – for an employee's own serious health condition; and
- Parental Leave – to bond with the employee's child after the child's birth, placement of a child with an employee for adoption or foster care, or placement of a child with an employee who will legally assume and discharge parental responsibility.

For purposes of paid leave benefits, a family member includes the employee's: biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom an employee stands in loco parentis; biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child; a person to whom the employee is related by domestic partnership or marriage; grandparent, which means the biological, foster, adoptive, or step parent of the employee's biological, foster, adoptive, or step parent; or a sibling, which means the biological, half-, step-, adopted-, or foster-sibling or sibling-in-law of the employee.

Parental leave benefits must be used within fifty-two (52) calendar weeks of the qualifying parental leave event.

The amount of paid leave benefits that may be payable varies depending on the covered event:

- Family Leave – up to 6 workweeks within a fifty-two (52) calendar week period
- Medical Leave – up to 2 workweeks within a fifty-two (52) calendar week period
- Parental Leave – up to 8 workweeks within a fifty-two (52) calendar week period

Additionally, the maximum amount of paid leave benefits that may be received in the aggregate within a fifty-two (52) calendar week period is 8 workweeks. The amount of benefits will be calculated by the District and will depend in part on an employee's average weekly wage as reported by the Company to the Department of Employment Services, subject to a maximum weekly benefit amount. Effective July 1, 2020 through October 1, 2021, the maximum weekly benefit amount is $1,000.

Employees may elect to receive paid leave benefits either intermittently or continuously in increments of no less than one (1) day.

Employees are subject to a seven (7) calendar day waiting period from the first day of a qualifying

event, but will only be subject to one (1) waiting period of seven (7) calendar days during and for which no benefits are payable within a fifty-two (52) calendar-week period.

Employees that have experienced an event that may qualify for paid leave benefits may contact _____ for information about the District's paid leave benefits program and how to apply for benefits. Employees also can learn more about applying for benefits with the OPFL at dcpaidfamilyleave.dc.gov.

Employees must, to the extent practicable, provide written notice of the employee's need for the use of paid leave benefits to _____ before taking leave. If the need is foreseeable, the eligible employees must provide written notice at least ten (10) business days in advance. If the need is not foreseeable, the eligible employees must provide notice in writing, or orally in exigent circumstances, before the start of the work shift for which the individual intends to first take time off work for a covered event. In the case of an emergency that prevents an employee from providing notice before the start of the work shift for which the employee intends to first take time off work for a covered event, the eligible employee, or another individual on behalf of the eligible employee, must notify the Company in writing, or orally in exigent circumstances, within forty-eight (48) hours after the emergency occurs. The eligible employee, or another individual on behalf of the eligible employee, must supplement oral notice with written notice as soon as practicable. The eligible employee's written or oral notice to the Company should include: (i) the type of covered event; (ii) the expected duration of the time off work for the covered event; (iii) the expected start and end dates of the time off work for the covered event; and (iv) whether the paid leave benefits sought will initially be used continuously or intermittently.

The UPLA does not provide job protection to employees when they take time off work and receive paid leave benefits unless they qualify for such reinstatement under federal or D.C. family and medical leave laws. Any time off for events that qualify for paid leave benefits will run concurrently with other leaves of absence, such as Family and Medical Leave/D.C. Family and Medical Leave, if applicable. Please see the Family and Medical Leave/ D.C. Family and Medical Leave policies for eligibility requirements.

The Company prohibits retaliation against an employee for requesting or using paid leave benefits or otherwise exercising or attempting to exercise any right provided in this policy or the UPLA.

Employees with questions regarding these benefits can contact _____.

DISTRICT OF COLUMBIA FAMILY AND MEDICAL LEAVE (ADDENDUM TO FMLA POLICY – DISTRICT OF COLUMBIA ONLY)

[Applies to (and this handbook policy is mandatory for) employers with 20 or more employees in DC.]

Like the Family and Medical Leave Act ("FMLA") described elsewhere in this Handbook, the District of Columbia Family and Medical Leave Act ("DCFMLA") may require employers to provide family and medical leaves of absence to eligible employees. Either, or both, laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the

same time. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any DCFMLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning DCFMLA leave, they should contact _____.

Eligibility. Employees are eligible for DCFMLA leave if they have worked in the District of Columbia:

1) Continuously for at least twelve (12) months;
2) For at least 1,000 hours of service during the 12-month period immediately preceding the leave; and
3) For an employer with at least twenty (20) employees in the District of Columbia.

Employees may qualify for leave under both the FMLA and DCFMLA.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. Under the DCFMLA, an eligible employee may take up to sixteen (16) workweeks of family leave (leave to care for a family member for the reasons outlined below or in the FMLA policy), plus up to sixteen (16) workweeks of medical leave (leave for an employee's own serious health condition), for a total of thirty-two (32) workweeks during any 24-month period. The 12- or 24-month period in which employees may take FMLA or DCFMLA leave is calculated as a rolling 12- or 24-month period measured backward from the date the employee uses any FMLA or DCFMLA leave. Where both laws apply, the leave provided by each will run concurrently.

In addition to the entitlements outlined in the FMLA policy, DCFMLA leave may also be taken for any one, or for a combination, of the following reasons:

1) The placement of a child for whom the employee permanently assumes and discharges parental responsibility; or
2) To care for a person to whom the employee is related by blood, legal custody, or marriage; child who resides with the employee and for whom the employee permanently assume and discharge parental responsibility; or person with whom the employee shares or has shared within last year a mutual residence and maintain a committed relationship, when that person has a "serious health condition."

However, unlike the FMLA, the DCFMLA does not cover leave for certain qualifying exigencies.

Substitution of Paid Leave for Unpaid Leave. Employees must/may use any accrued paid time off while taking FMLA leave. If leave is covered by the DCFMLA, employees may elect to "substitute" accrued paid time off for unpaid leave, but are not required to do so. An employee's decision to decline substitution of paid leave for unpaid DCFMLA leave time does not extend the length of the FMLA and/or DCFMLA leave. In addition, the substitution of paid time for unpaid FMLA or DCFMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation

injury/illness will run concurrently with any FMLA and/or DC FMLA leave entitlement.

ACCOMMODATIONS FOR PREGNANCY, CHILDBIRTH AND BEASTFEEDING (DISTRICT OF COLUMBIA ONLY)

[This handbook policy is optional, though to the extent it could satisfy the written notice requirement it is required if separate written notice is not required. Regardless of whether the policy is provided, the law must be followed.]

The Company will endeavor to provide reasonable accommodations to employees working in the District of Columbia whose ability to perform job functions is limited by pregnancy, childbirth, related medical conditions, or breastfeeding as required by law, unless such accommodations would result in an undue hardship to the Company. We will engage in a good faith and timely interactive process to determine whether a reasonable accommodation can be provided for such employees. We may request necessary medical certification. Reasonable accommodations may include: more frequent or longer breaks, time off to recover from childbirth, equipment modification, seating, temporary transfer to a less strenuous job, job restructuring or light duty, and having the employee refrain from heavy lifting, relocating the employee's work area, as well as accommodations for lactation such as providing private (non-bathroom) space for expressing breast milk.

If employees have questions regarding this policy or would like to request a reasonable accommodation pursuant to this policy, they can contact _____.

PARENTAL LEAVE (DISTRICT OF COLUMBIA ONLY)

[This handbook policy is optional. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Employees who work in D.C. and are parents are entitled to a total of twenty-four (24) hours of leave during any 12-month period to attend or participate in school-related events for their children. The term "parent" for purposes of this policy includes a father or mother, a person with legal custody of a child, a guardian of a child, an aunt, uncle or grandparent, or someone who is married to any of the above.

School-related events may be sponsored by either the school or an associated organization, such as a parent-teacher association. Examples of school-related events include, but are not limited to: a concert, play or rehearsal, a sporting event, or a meeting with a teacher or counselor. A school-related event must involve the employee's child directly as either a participant or a subject, but not as a spectator.

The Company may deny a request for leave under this policy if the granting of the leave would disrupt the Company's business and make the achievement of production or service delivery unusually difficult. The leave provided by this policy is unpaid unless the parent elects to use any paid time off or other leave (not including sick leave) that has been provided by the Company. Employees who desire to take leave under this policy must notify _____ at least ten (10)

calendar days prior to the leave, unless the need to attend the event is unforeseeable.

MAINE FAMILY AND MEDICAL LEAVE (ADDENDUM TO FMLA POLICY – MAINE ONLY)

[Applies to (and is optional for) employers with at least 15 employees at a single site in Maine. However, due to other state FML-type policies that must be included and for reconciliation with other paid time off policies, we strongly recommend inclusion for consistency. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Like the Family and Medical Leave Act ("FMLA") described elsewhere in this handbook, the Maine Family and Medical Leave Act ("MFMLA") may require employers to provide family and medical leaves of absence for eligible employees. Either, or both, laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the same time. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any MFMLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning MFMLA leave, they should contact _____.

Eligibility. MFMLA leave is available to "MFMLA eligible employees." To be an MFMLA eligible employee, an employee must:

1) Have been employed by a Company for at least twelve (12) consecutive months; and
2) Be employed by an employer that employs fifteen (15) or more employees at a single site in Maine.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The MFMLA provides eligible employees up to ten (10) workweeks of unpaid leave for certain family reason during a 24-month period. The 24-month MFMLA period and/or 12-month FMLA period is determined based on a rolling period measured backwards from the date the employee's leave will be taken. The total leave will not exceed twelve (12) weeks in any 12-month period (FMLA) or ten (10) weeks in any 24-month period (MFMLA), except for leave to care for an injured service member, which will not exceed twenty-six (26) weeks of leave during a single 12-month period. It is the Company's policy to provide the greater leave benefit provided under the FMLA or MFMLA and to run leave under concurrently under the FMLA and MFMLA whenever possible.

In addition to the entitlements outlined in the FMLA policy, leave under the MFMLA may be taken for any one, or for a combination, of the following reasons:

1) To care for the employee's domestic partner's child after birth or placement for adoption;
2) To care for the employee's domestic partner or sibling with a serious health condition;
3) To donate an organ for human organ transplant; or
4) If the employee's spouse, domestic partner, parent, sibling, or child, who is a member of state military forces or the United States Armed Forces (including the National Guard and Reserves), dies or incurs a serious health condition while on active duty.

Unlike the FMLA, MFMLA does not cover leave for certain qualifying exigencies or to care for

the employee's child after placement for foster care.

Leave Because of the Birth or Placement of a Child. Unlike FMLA, under MFMLA, there is no requirement that leave because of the birth of a child or placement of a child with the employee for adoption must be concluded within the 12-month period beginning on the date of birth or placement.

Protection of Group Health Insurance and Other Benefits. If an employee is taking MFMLA leave only, the continuation requirements for group health plans under the FMLA are not applicable to group health plans covered under ERISA. Therefore, an employee who is on MFMLA only leave likely will trigger COBRA requirements due to a reduction in hours worked.

Restoration of Employment and Benefits. As with FMLA leave, at the end of MFMLA leave, subject to some exceptions, employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and other terms. There is no key employee exception under the MFMLA.

PREGNANCY ACCOMMODATIONS (MARYLAND ONLY)

[Applies to (and this handbook policy is mandatory for) employers with 15 or more employees. Regardless of whether the policy is provided, the law must be followed.]

In compliance with Maryland law, if a pregnant employee requests an accommodation for a disability caused or contributed to by pregnancy, the Company will explore reasonable accommodations with the pregnant employee, and it will endeavor to provide a reasonable accommodation unless doing so would impose an undue hardship on the Company. Such accommodations may include changing the employee's job duties; changing the employee's work hours; relocating the employee's work area; providing mechanical or electrical aids; transferring the employee to a less strenuous or less hazardous position; or providing leave.

The Company may require certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities. A certification should include: (1) the date the reasonable accommodation became medically advisable; (2) the probable duration of the reasonable accommodation; and (3) an explanatory statement as to the medical advisability of the reasonable accommodation.

Employees with questions or concerns regarding this policy or who would like to request an accommodation should contact _____.

BALTIMORE LACTATION ACCOMMODATION POLICY (BALTIMORE ONLY)

[*Applies to employers with 2 or more full-time equivalent employees in Baltimore. In addition to distributing the policy at hire, employers must distribute a copy of the employer's lactation accommodation policy to all employees within 10 calendar days of any modification to the policy. The employer must also offer a copy of the lactation accommodation policy to any employee who requests or inquires about pregnancy or parental leave.]*

Pursuant to the Baltimore City Lactation Accommodation in the Workplace Ordinance (the "Ordinance"), employees have a legal right to request a lactation accommodation.

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk, to the extent required and in accordance with applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, to the extent permitted by applicable law.

The Company will provide employees with the use of a room or location within close proximity to the employee's work area, as defined by applicable law, other than a bathroom or closet for the employee to express milk in private. This location may be the employee's private office, if applicable.

Those who wish to request such an accommodation may submit a request to _____. The Company will respond to this request within five (5) business days, and engage in an interactive process with the employee to determine lactation break periods and a lactation location appropriate for the employee. The Company may not be able to provide lactation breaks or a lactation location if doing so would impose an undue hardship on the Company. If the Company is unable to provide lactation breaks or a lactation location, or provides a lactation location that does not fully comply with the Ordinance or the Company asserts any waiver or variance granted pursuant to the Ordinance, the Company will, in response to any request for a lactation accommodation, provide a written response specifying the reasons why the Company cannot provide a lactation breaks or a lactation location.

Retaliation against an employee for exercising their right under that Ordinance is prohibited. An employee who believes their rights under the Ordinance have been violated may file a complaint with _____, or with the Baltimore Community Relations Commission.

Employees can contact _____with questions regarding this policy.

PARENTAL LEAVE (MARYLAND ONLY)

[Applies to (and this handbook policy is optional for) employers with at least 15 but fewer than 50 employees in Maryland. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Eligible employees are entitled to take unpaid leave, not to exceed six (6) workweeks in any 12-month period for the birth of a child of the employee or the placement of a child with the employee for adoption or foster care; however, the Company may deny leave if: (1) the denial is necessary to prevent substantial and grievous economic injury to the Company's operations; and (2) the

Company notifies the employee of the denial before the employee begins taking leave.

To be eligible for parental leave, an employee must have been employed by the Company for at least (1) a 12-month period and (2) 1,250 hours during the previous twelve (12) months. Additionally, an employee is not eligible if the employee is employed at a worksite at which the Company employs less than fifteen (15) employees if the total number of employees employed by the Company within 75 miles of the worksite also is less than fifteen (15).

While parental leave is unpaid, employees may/must substitute accrued paid time off or other paid leave for unpaid leave provided pursuant to this policy.

Employees must provide thirty (30) days written notice of the intention to take parental leave, except no prior notice is required for a premature birth, an unexpected adoption, or an unexpected foster care placement.

While on parental leave, the Company will maintain coverage of a group health plan for the duration of the parental leave in the same manner that coverage would have provided if the employee had not taken parental leave. If an employee fails to return to work after the parental leave has expired, the Company may recover any premiums paid by the Company for maintaining coverage while the employees was on parental leave and such recover may occur by deducting the amount of premiums paid from the wages paid to the employee on termination of employment.

An eligible employee who returns to work after taking parental leave generally will be restored to the position held when the leave began or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. The Company may deny restoration of employment if: (i) the denial is necessary to prevent substantial and grievous economic injury to the Company's operations; (ii) the Company notifies the employee of the intent to deny restoration of employment at the time the Company determines that economic injury would occur; or (iii) in a case of parental leave that has already begun, the employee elects not to return to employment after receiving notice of the Company's intent to deny restoration of employment. Additionally, the Company may, during the parental leave period, terminate an eligible employee's employment for cause.

MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT

[*The law requires employers to distribute a written notice to their employees that details their right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy, including lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy pursuant to the new law. The notice shall be provided in a handbook, pamphlet or other means of notice to all employees including, but not limited to: (i) new employees at or prior to the commencement of employment; and (ii) an employee who notifies the employer of a pregnancy or an employee who notifies the employer of a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child not more than 10 days after such notification. The state has issued a sample notice that can satisfy the above requirements:* *https://www.mass.gov/files/documents/2018/02/26/Pregnant%20Workers%20Fairness%20Act%20Questions%20and%20Answers%202018-02-26.pdf. Note that the sample notice technically is not required. The sample notice is substantially similar to the draft policy here but also includes the following items: (i) contact information and complaint process for the MCAD and EEOC; and (ii) a definition of "undue hardship". With that said, the law itself doesn't require inclusion of these items and we are not aware of express agency guidance that requires inclusion.]*

Pursuant to Massachusetts Pregnant Workers Fairness Act (the "Act"), employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy.

The Company will provide a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation; provided, however, that the Company may deny such an accommodation if the accommodation would impose an undue hardship on the Company's program, enterprise or business. "Reasonable accommodations", may include, but are not be limited to: (i) more frequent or longer paid or unpaid breaks; (ii) time off to attend to a pregnancy complication or recover from childbirth with or without pay; (iii) acquisition or modification of equipment or seating; (iv) temporary transfer to a less strenuous or hazardous position; (v) job restructuring; (vi) light duty; (vii) private non-bathroom space for expressing breast milk; (viii) assistance with manual labor; or (ix) a modified work schedule; provided, however, that the Company is not required to discharge or transfer an employee with more seniority or promote an employee who is not able to perform the essential functions of the job with or without a reasonable accommodation.

The Company may require that documentation about the need for a reasonable accommodation come from an appropriate health care or rehabilitation professional; provided, however, that the Company will not require documentation from an appropriate health care or rehabilitation professional for the following accommodations: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting more than 20 pounds; and (iv) private non-bathroom space for expressing breast milk. The Company also may require documentation for an extension of the accommodation beyond the originally agreed to accommodation.

The Company will not:

1) take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;
2) deny an employment opportunity to an employee if the denial is based on the need of the Company to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;
3) require an employee affected by pregnancy, or require said employee affected by a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;
4) require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the Company's program, enterprise or business;

5) refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by the Company, on the Company's program, enterprise or business.

An employee who notifies the Company of a pregnancy or an employee who notifies the Company of a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child will receive an additional copy of this notice not more than 10 days after such notification.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact _____.

PARENTAL LEAVE (MASSACHUSETTS ONLY)

[Applies to (and this handbook policy is optional for) employers with 6 or more employees. The law does not require written notice (but does require a posting), but we recommend including in the handbook. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

1. Eligibility

Employees who have completed the introductory period, or, if there is no introductory period, employees employed by the same employer for at least three consecutive months as a full-time employee, are entitled to a parental leave of absence for a period not to exceed eight (8) weeks for:

- The purpose of giving birth;
- For placement of a child under the age of eighteen (18) (or under the age of twenty-three (23) if the child is mentally or physically disabled);
- for adoption with the employee who is adopting or intending to adopt the child; or
- for the placement of a child with an employee pursuant to a court order.

An employee who either has multiple births or adopts more than one child at the same time is entitled to eight (8) weeks of leave for each child. If two Company employees seek to take parental leave in connection with the same child, then they are entitled to a total of eight (8) weeks of parental leave in the aggregate for the birth or adoption of that child.

2. Notice

In order to be eligible for this leave, an employee must give notice of the anticipated date of departure and intention to return to work to the Company at least two (2) weeks in advance, or as soon as practicable if the delay is for reasons beyond the employee's control. Parental leave will be without pay, except that if an employee has accrued unused paid time off, an employee may choose to use such time concurrently with all or part of the leave. Thus, if an employee is eligible for both FMLA leave and parental leave under this policy, the employee may (but is not

required to) use accrued paid time off for the period of leave covered by this policy.

3. Reinstatement

Employees returning from parental leave within the time limits specified above generally will be restored to the position of employment held by the employee when the leave commenced or to an equivalent position with the same rate of pay they received at the commencement of the leave; however, the Company may not reinstate an employee on parental leave to the previous position or a similar position if other employees of equal seniority or status in the same or similar position(s) have been laid off due to economic conditions or have been otherwise affected by changes in employment conditions during the period of leave. While parental leave may be extended, unless otherwise provided by applicable law, reinstatement may not be guaranteed at the conclusion of a parental leave that was more than eight (8) weeks in duration. An individual who fails to return upon the conclusion of her approved leave will be considered to have voluntarily resigned.

4. Health Insurance and Other Benefits

Benefit accruals will be suspended during the leave of absence. A parental leave will not affect an employee's ability to receive paid time off, bonuses, advancement, seniority or other benefits for which the employee was eligible on the date leave began; however, the leave period will not be included in the computation of such benefits. Parental leave runs concurrently with leave provided under any other applicable policy in the Handbook including, without limitation, leave under the FMLA policy, if applicable. Parental leave also runs concurrently with any time period qualifying an employee for receipt of monetary benefits, including benefits received under any short-term disability policy. The receipt of such monetary benefits or use of paid time off during any period of parental leave does not extend the length of the leave.

SMALL NECESSITIES LEAVE (MASSACHUSETTS ONLY)

[Applies to employers with at least 50 employees within 75 miles of the employee's worksite. This handbook policy is optional, but per agency guidance, some form of notice, such as written notice or a posting, is encouraged. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

In addition to leave set forth under the Company's FMLA policy, pursuant to the Small Necessities Leave Act ("SNLA"), employees eligible for FMLA leave are entitled to a total of twenty-four hours of SNLA leave during the preceding twelve-month period, as defined in the FMLA policy, for the purpose of meeting certain family obligations. The twenty-four (24) hours of unpaid leave are in addition to leave permitted by the FMLA and the Massachusetts Maternity Leave Act. Those obligations must be one of the following:

- Participation in school activities directly related to the educational advancement of an employee's child, such as parent teacher conferences or interviewing for a new school;

- Accompanying an employee's child to routine medical or dental appointments; or

- Accompanying an employee's elderly relating to routine medical or dental appointments or appointment for other professional services related to that elder's care.

The 12-month period during which an eligible employee can take a leave under this policy is a rolling period. This period is measured backward from the date an employee uses SNLA leave. An eligible employee's leave entitlement consists of up to twenty-four (24) hours of SNLA leave during this rolling 12-month period. Employees with questions regarding the 12-month period should contact _____.

Employees are "eligible" to take SNLA leave only if they:

1) Have worked for the Company for at least twelve (12) months;
2) Have worked 1,250 hours during the twelve (12) months; and
3) Work for an employer with at least fifty (50) employees who work within 75 miles of the employee's work site.

Meaning of "12-Month Period." The 12-month period during which an eligible employee can take a leave under this policy is a rolling period. This period is measured backward from the date an employee uses SNLA leave. An eligible employee's leave entitlement consists of up to twenty-four (24) hours of SNLA leave during this rolling 12-month period. Employees with questions regarding the 12-month period should contact _____ .

Use of Leave. This time does not have to be taken consecutively. An eligible employee may take SNLA leave intermittently and need not use the entire twenty-four (24) hour leave at once. However, the leave taken cannot exceed twenty-four (24) hours during the twelve 12-month period.

If an employee is entitled to any paid leave under the Company's paid time off policies, that leave must be used before any unpaid leave under this policy will be granted.

Notice and Documentation. Whenever the need for leave is foreseeable, employees must provide the Company with at least seven (7) days' notice prior to taking the leave. In all other instances, employees are requested to provide as much notice as possible. The Company may request written certification confirming the necessity for the leave.

Employees with questions or concerns regarding this policy can contact _____ .

LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE (MASSACHUSETTS EMPLOYEES)

[*Applies to employers with 50 or more employees in MA. This handbook policy is optional if notice is provided to employees through other means such as written notice, an e-mail, or a posting. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]*

Employees are entitled to up to fifteen (15) days of unpaid leave from work in any 12-month period

if, as defined by applicable law, the employee, or a family member of the employee, is a victim of abusive behavior and the employee is not the perpetrator of the abusive behavior against such employee's family member. Domestic abuse leave may be taken to:

1) Seek or obtain medical attention, counseling, victim services or legal assistance;
2) Secure housing;
3) Obtain a protective order from a court;
4) Appear in court or before a grand jury;
5) Meet with a district attorney or other law enforcement official;
6) Attend child custody proceedings; or
7) Address other issues directly related to the abusive behavior against the employee or family member of the employee.

Except in cases of imminent danger to the health or safety, an employee seeking leave from work under this policy must provide appropriate advance notice of the leave to the Company. If there is a threat of imminent danger to the health or safety of the employee or the employee's family member, the employee is not required to provide advanced notice of leave; provided; however, the employee must notify the Company within three (3) workdays that the leave was taken or is being taken pursuant to this policy.

Such notification may be communicated to the Company by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

If an unscheduled absence occurs, the Company will not take any negative action against the employee if the employee, within 30 days from the unauthorized absence, or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation described below.

Employees must/may substitute available paid time off during unpaid leave taken under this policy.

Employees must provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave taken is consistent with this policy; provided, that the Company will not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. Employees must provide such documentation to the Company within a reasonable period after the Company requests documentation relative to the employee's absence.

An employee may satisfy this documentation requirement by providing any of the following documents to the Company:

1) A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;
2) A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
3) A police report or statement of a victim or witness provided to police, including a police

incident report, documenting the abusive behavior complained of by the employee or the employee's family member;

4) Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section;
5) Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member;
6) A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; or
7) A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Information related to the employee's leave under this policy will be kept confidential by the Company and will not be disclosed, except to the extent that disclosure is: (1) requested or consented to, in writing, by the employee; (2) ordered to be released by a court of competent jurisdiction; (3) otherwise required by applicable federal or state law; (4) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or (5) necessary to protect the safety of the employee or others employed at the workplace.

The Company will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided under this policy or to make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser. The Company will not discharge or in any other manner discriminate against an employee for exercising the employee's rights under this policy. The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this policy commenced. Upon the employee's return from such leave, to the extent required by applicable law, the employee will be entitled to restoration to the employee's original job or to an equivalent position.

Employees with questions or concerns regarding this policy can contact _____.

MATERNITY LEAVE (NEW HAMPSHIRE ONLY)

[Applies to (and this handbook policy is optional for) employers with at least 6 employees nationally. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically determined to be able to return to work.

Employees must/may substitute available paid time off during unpaid leave taken under this policy, but such substitution does not extend the maximum amount of leave time to which an employee is eligible under this policy. This leave will run concurrently with FMLA leave, as applicable, and any other leave as permitted by applicable law.

Continuation of Insurance Benefits. During an approved maternity leave, the Company will maintain an employee's health insurance benefits under the same terms and conditions applicable to employees not on leave, provided that the employee continues regular employee contributions to these plans on a timely basis. An employee on maternity leave who is not eligible for FMLA leave or who has exhausted the employee's FMLA available leave weeks will be responsible for paying in advance each month the employee's portion of the premiums of the employee's insurance coverage(s) and that of any dependents. Failure to do so may result in loss of coverage and possible refusal by the insurance carrier(s) to allow coverage to be reinstated.

Other Employee Benefits. Paid time off does not continue to accrue during any unpaid leave of absence, and employees are not eligible for other employment-related benefits such as holiday, bereavement, jury duty, or other pay during the leave.

An employee who returns to work following an approved unpaid leave of absence will be considered as having had continuous employment for purposes of seniority and other benefits based upon years of service.

Requesting Leave. Requests for maternity leave must be submitted in writing and approved in advance by _____. An employee who requires maternity leave for a period of more than six (6) weeks must provide the Company with certification from a physician that she is disabled from working.

No Work While on Leave. Taking another job while on an unpaid leave of absence may lead to disciplinary action, up to and including termination of employment.

Returning/Not Returning from Leave. The Company does not guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave of absence is sought. When an employee on an approved maternity leave is physically able to return to work, the employee's original job or a comparable position will be made available to the employee's, unless business necessity makes this impossible or unreasonable. If the employee fails to return to work on the first working day following the expiration of the leave, the employee will be considered to have voluntarily quit the employee's job, unless the Company has approved an extension of the leave, or the employee's failure to report for work is approved by the Company.

Employees with questions concerning this policy should contact _____.

LEAVE FOR DOMESTIC/SEXUAL VIOLENCE (NEW JERSEY ONLY)

[*Applies to employers that employ 25 or more employees for each working day during each of 20 or more calendar workweeks in the current or previous calendar year. This handbook policy is optional if other appropriate means are used to keep employees informed, such as separate written notice*

to employees.]

The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act"), provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed twenty (20) days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period. Further, the employee must have worked for an employer in New Jersey that employs twenty-five (25) or more employees for each working day during each of twenty (20) or more calendar workweeks in the then-current or immediately preceding calendar year.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence or a victim of a sexually violent offense. Leave may also be taken by an employee whose family member is a victim of domestic violence or a sexually violent offense. Leave may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
2) Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;
3) Obtaining psychological or other counseling for the employee or the employee's family member;
4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee's family member;
5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member, was a victim.

For purposes of this policy, family member includes the employee's child, parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the Company with written notice of the need for the leave, unless an emergency or other unforeseen circumstances precludes prior notice. In all instances, notice should be provided as far in advance as reasonable and practicable under the circumstances. The Company may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. The Company will retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or New Jersey law, rule or regulation.

The unpaid leave may be taken intermittently in intervals of no less than one (1) day. Employees may elect to substitute available paid time off or any family temporary disability leave benefits during unpaid leave taken under this policy, but this substitution does not extend the length of the leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the NJ Family Leave Act, or the federal FMLA, the leave will count simultaneously against the employee's entitlement under each respective law.

The NJ SAFE Act also prohibits an employer from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

To obtain relief for a violation of the NJ SAFE Act, an aggrieved person must file a private cause of action in the Superior Court within one (1) year of the date of the alleged violation

NEW JERSEY FAMILY LEAVE (ADDENDUM TO FMLA POLICY - NEW JERSEY ONLY)

[*Applies to employers with 30 or more employees nationally.]*

Like the Family and Medical Leave Act ("FMLA") Policy described elsewhere in this Handbook, the New Jersey Family Leave Act ("NJFLA") may require employers to provide family and medical leaves of absence for eligible employees. Either or both of these laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the same time. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any NJFLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning NJFLA leave, they should contact _____.

Eligibility. NJFLA leave is available to "NJFLA eligible employees." To be an NJFLA eligible employee, an employee must:

1) Have been employed by the Company for at least twelve (12) months;
2) Have worked at least 1,000 "base hours" during the 12-month period preceding the leave; and
3) Be employed by an employer with thirty (30) or more employees.

"Base Hours" are the hours of work for which the employee receives compensation including overtime hours and hours for which the employee receives workers' compensation benefits.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons. The NJFLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family reasons during a 24-month period. NJFLA leave may be taken because of: (i) the birth of a child including via a surrogate or gestational carrier; (ii) the placement of a child with the employee for adoption or foster care; (iii) to care for the employee's family member who has a serious health

condition; or (iv) in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which: (a) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency; (b) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or (c) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

For purposes of NJFLA, a "family member" means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, or one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

As noted above, because the NJFLA is only a "family leave" law, employees should note that leave granted due to an employee's own serious health condition is not covered by the NJFLA. This can result in important distinctions in the calculation of available leave. For example, because the period of leave caused by an employee's disability due to pregnancy or childbirth is more properly classified as leave due to an employee's own serious health condition, the Company normally would count such time toward the employee's FMLA allotment only. Once the period of disability due to pregnancy or childbirth has ended (i.e., employee is cleared to return to work), an employee would be eligible to use their leave under the NJFLA to care for the employee's newborn child and run that time concurrently with any remaining FMLA leave. In instances where an employee remains disabled due to childbirth and an employee has no FMLA leave remaining, the Company will allow employees to begin using NJFLA leave.

Intermittent Leave and Reduced Leave Schedules. FMLA and/or NJFLA leave usually will be taken for a period of consecutive days, weeks or months. Under the NJFLA, intermittent leave must be taken in increments of at least one week and reduced schedule leave must be at least one work day over a period of 12 consecutive months. Additionally, under NJFLA, employees may take intermittent leave for bonding with the employee's child after birth or placement of the child for adoption or as a foster child. NJFLA also may be taken intermittently in the case of leave taken due to an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease, if: (1) the covered individual provides the Company with prior notice of the leave as soon as practicable; and (2) the covered individual makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the Company and, if possible, provide the Company, prior to the commencement of the intermittent leave, with a regular schedule of the day or days of the

week on which the intermittent leave will be taken.

Employee Responsibilities. Under the NJFLA, employees must provide fifteen (15) days' advance notice of the need to take NJFLA leave when an employee requests intermittent leave to care for a family member with a serious health condition or to bond with to bond with a child after birth or placement of the child for adoption or as a foster child, unless an emergency or other unforeseen circumstance precludes prior notice. For other leave requests, the advance notice requirement remains 30 days, consistent with FMLA.

Substitute Paid Leave for Unpaid FMLA and NJFLA Leave. Employees must/may use any accrued paid time off while taking unpaid FMLA and/or NJFLA leave, except that employees will not be required to use any paid time off during any leave also covered under the New Jersey SAFE Act. The substitution of paid time for unpaid FMLA and/or NJFLA leave time does not extend the length of FMLA and/or NJFLA leaves and the paid time will run concurrently with an employee's FMLA and/or NJFLA entitlement.

Protection of Group Health Insurance and Other Benefits. If an employee is taking NJFLA leave only, the continuation requirements for group health plans under the FMLA are not applicable to group health plans covered under ERISA. Therefore, an employee who is on NJFLA only leave likely will trigger COBRA requirements due to a reduction in hours worked.

Restoration of Employment and Benefits. As with FMLA leave, at the end of NJFLA leave, subject to some exceptions, employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and other terms. However, unlike key employees under the FMLA who may be denied reinstatement, key employees under NJFLA may be denied NJFLA leave if: (1) the employee is a salaried employee among the highest paid 5% of employees or one of the seven (7) highest paid employees; and (2) denial of the leave is necessary to prevent substantial and grievous economic injury to the Company's operations. The Company will notify employees if they qualify as key employees under the NJFLA and that leave is being denied. Nonetheless, the Company may not deny reinstatement when, in the event of a state of emergency declared by the Governor or when indicated to be needed by the Commissioner of Health or other public health authority, the family leave is for an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease. If the denial of the NJFLA leave occurs while the employee's leave already has begun, the employee must return to work within two (2) weeks.

FAMILY LEAVE INSURANCE BENEFITS (NEW JERSEY ONLY)

[*This handbook policy is optional, however due to other state paid family benefits law policies, we strongly recommend inclusion for consistency. Employees must also be given a written or electronic copy of the required notification at the time of hire; when an employee gives notice that he or she is taking time off to bond with a newborn or newly adopted child or to care for a seriously ill family member at any time; and upon an employee's first request*.]

Employees taking time off work (i) to care for a family member with a serious health condition, (ii) to bond with a child during the first 12 months after birth or placement of the child for adoption or as a foster child, (iii) to engage in activities for which unpaid leave may be taken pursuant to the New Jersey Security and Financial Empowerment Act (NJ SAFE Act), on the employee's own

behalf, if the employee is a victim of an incident of domestic violence a sexually violent offense, or to assist a family member of the individual who has been a victim of an incident of domestic violence a sexually violent offense (except for any time for which the employee receives disability benefits for a disability caused by the violence or offense), or (iv) in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease, provide in-home care or treatment of the family member of the employee required due to: (a) the issuance by a healthcare provider or the commissioner or other public health authority of a determination that the presence in the community of the family member may jeopardize the health of others; and (b) the recommendation, direction, or order of the provider or authority that the family member be isolated or quarantined as a result of suspected exposure to a communicable disease, may be eligible to receive family leave benefits through the state, which is administered by the Division of Temporary Disability Insurance, the New Jersey Department of Labor and Workforce Development.

For purposes of this policy, family member includes the employee's child (including a child conceived through a gestational carrier agreement), parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

These benefits are financed solely through employee contributions to the state. The state is responsible for determining if an associate is eligible for such benefits.

Employees who need to take time off work for a reason set forth above should speak to _____, who will provide information about the state's family leave benefits program and how to apply for benefits. Employees also may contact the Division of Temporary Disability Insurance for further information. Employees should maintain regular contact with _____ during this time away from work so we may monitor employees' return-to-work status. In addition, employees should contact _____ when ready to return to work so we may determine what positions, if any, are open.

Employees taking time off work who receive paid family leave benefits are not guaranteed job reinstatement unless they qualify for such reinstatement under federal and/or state leave laws or other applicable laws. Any time off for family leave purposes will run concurrently with other leaves of absence, such as Family and Medical Leave Act and the New Jersey Family Leave Act and/or the NJ SAFE Act, if applicable. Please see the "Family and Medical Leave" and/or the NJ SAFE Act policies for eligibility requirements.

NEW YORK CITY REASONABLE ACCOMMODATIONS & COOPERATIVE DIALOGUE POLICY (NEW YORK CITY ONLY

[This handbook policy is optional, but recommended due to procedural obligations and related

enforcement guidance on the topics of pregnancy accommodations and disability accommodations. Regardless of whether this handbook policy is disseminated, employers must provide all employees, at the commencement of employment, with written notice of their right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, and it is recommended that employers use the Commission's Pregnancy and Employment Rights poster (available on the Commission's website) to provide this notice to employees. Per the Commission's guidance, employers should also provide a copy of the employer's pregnancy accommodation policy and remind her of the availability of accommodations any time an employee notifies the employer about her pregnancy.]

The Company is committed to complying with applicable federal, state and local laws governing reasonable accommodations of individuals. To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for who the Company has notice may require such an accommodation, without regard to any protected classifications, related to an individual's: (i) physical or mental disability; (ii) sincerely held religious beliefs and practices; (iii) needs as a victim of domestic violence, sex offenses or stalking; (iv) needs related to pregnancy, childbirth or related medical conditions; and/or (v) any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business.

Any individual who would like to request an accommodation based on any of the reasons set forth above should contact _____. Accommodation requests can be made in writing using a form which can be obtained from _____. If an individual who has requested an accommodation has not received an initial response within five (5) business days, the individual should contact the _____.

After receiving a request for an accommodation or learning indirectly that an individual may require such an accommodation, the Company will engage in a cooperative dialogue with the individual. Even if an individual has not formally requested an accommodation, the Company may initiate a cooperative dialogue under certain circumstances, such as when the Company has knowledge that an individual's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event the Company initiates a cooperative dialogue with an individual, it should not be construed as the Company's belief an individual requires an accommodation, but will serve as an invitation for the individual to share with the Company any information the individual desires to share, or to request an accommodation.

The cooperative dialogue may take place in person, by telephone, or by electronic means. As part of the cooperative dialogue, the Company will communicate openly and in good faith with the individual in a timely manner in order to determine whether and how the Company may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, the Company will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the individual. The Company is not required to provide the specific accommodation sought by an individual, provided the alternatives are reasonable and either meet the specific needs of the individual or specifically address the individual's limitations.

As part of the cooperative dialogue, the Company reserves the right to request medical documentation from an individual where the reason for the accommodation is due to a physical or mental disability or needs related to pregnancy, childbirth or related medical conditions, to the maximum extent permitted by applicable law. Specifically, where the reason for the accommodation is due to needs related to pregnancy, childbirth or related medical conditions requests for medical documentation will be limited to the following circumstances:

1) when an individual requests time away from work, including for medical appointments, other than time off requested during the six (6) to eight (8) week period following childbirth (for recovery from childbirth); or
2) when an individual requests to work from home, either on an intermittent basis or a longer-term basis.

If the Company believes that the provided documentation is insufficient, and before denying the request based on insufficient documentation, the Company will request additional documentation from the individual or, upon the individual's consent, speak with the health care provider who provided the documentation. As applicable, an employee whose time off is covered by the Family Medical Leave Act (FMLA) may also be required to provide medical documentation, depending on the circumstances of the leave request, pursuant to federal law.

At the conclusion of the cooperative dialogue, the Company will provide written notice to the individual in a timely manner indicating that the Company is granting or denying a reasonable accommodation.

Where a reasonable accommodation is being granted, written notice to the individual will indicate that either the Company:

1) will be able to offer and provide a reasonable accommodation as requested; or
2) will be able to offer and provide an alternative reasonable accommodation.

Where a reasonable accommodation is being denied, written notice to the individual will indicate one or more of the following:

1) an accommodation would not meet the requested need,
2) an accommodation would cause an undue hardship on the Company's operations,
3) documentation of the need for the accommodation was inadequate,
4) an accommodation would require removal of an essential requisite of the job,
5) an accommodation would pose a direct threat, and/or
6) any other basis for denying an accommodation

The Company will endeavor to keep confidential all communications regarding requests for reasonable accommodations and all circumstances surrounding an individual's underlying reason for needing an accommodation.

We will not allow any form of retaliation against individuals who have requested an accommodation, for who the Company has notice may require such an accommodation or who otherwise engage in the cooperative dialogue process.

Individuals with questions regarding this policy should contact _____.

NEW YORK CITY TEMPORARY SCHEDULE CHANGE (NEW YORK CITY ONLY)

[This handbook policy is optional, but agency FAQs state that "employers' policies must meet or exceed the requirements of the Temporary Schedule Change Law." As such, arguably something like this is needed unless the company already has a policy on point.]

Employees who work eighty (80) or more hours in New York City in a calendar year and have been employed by the Company for one hundred twenty (120) or more days are eligible for two (2) temporary changes to their work schedules each calendar year for certain "personal events."

A temporary schedule change may last up to one (1) business day on two (2) separate occasions or up to two (2) business days on one (1) occasion each calendar year. A business day is any twenty four (24) hour period during which an employee is required to work any amount of time.

A temporary change means an adjustment to an employee's usual schedule including in the hours, times or locations an employee is expected to work. The change can include: using short-term unpaid leave, paid time off, working remotely, or swapping or shifting working hours with a co-worker. The Company has the option of granting unpaid leave in lieu of the temporary change requested by the employee.

A "personal event" includes the following:

- The need to care for a child under the age of 18 for whom the employee provides direct and ongoing care.
- The need to care for an individual ("care recipient") with a disability who is a family member or who resides in the caregiver's household for whom the employee provides direct and ongoing care to meet the needs of daily living and.
- The need to attend a legal proceeding or hearing for public benefits to which the employee, a family member, or the employee's minor child or care recipient is a party.
- Any other reason for which the employee may use leave under NYC's Paid Safe and Sick Leave Law.

For purposes of this policy a "family member" includes: a child (biological, adopted, or foster child; legal ward; child of an employee standing in loco parentis); a grandchild; a spouse (current or former regardless of whether they reside together); a domestic partner (current or former regardless of whether they reside together); a parent; a grandparent; a child or parent of an employee's spouse or domestic partner; a sibling (including a half, adopted, or step sibling); any other individual related by blood to the employee; and any individual whose close association with the employee is the equivalent of family.

Request for a temporary schedule change must be made orally or in writing to the Company or the employee's direct supervisor as soon as practicable after the employee becomes aware of the need for the change. The request should include:

- The date of the temporary schedule change;
- That the change is due to a personal event; and

- Proposed type of temporary schedule change (unless the employee would like to use leave without pay).

The Company will respond immediately to such requests. Assuming the employee has not exceeded the number of allowable requests and the request is for a qualifying reason, the Company will either approve the proposed type of temporary schedule change or provide leave without pay. The Company also may offer employees the ability to elect to use paid time off. Employees will not be required to use leave under NYC's Paid Safe and Sick Leave Law for a temporary schedule change.

If the employee requested the schedule change orally (for example, in person or by phone), the employee must submit a written request no later than the second business day after the employee returns to work. The employee should include in the written request the date of the temporary schedule change and that the change was due to a personal event.

The Company will provide a written response to any written request for temporary schedule change within fourteen (14) days. The response will include:

- If the request was granted or denied
- How the request was accommodated (if granted) or the reason for denial (if denied)
- Number of requests the employee has made for temporary schedule changes
- How many days the employee has left in the year for temporary schedule changes

Employees have the right to temporary schedule changes and may file a complaint for alleged violations of this policy and applicable law with the New York City Department of Consumer and Workforce Protection. The Company prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy and applicable law, or interference with any investigation, proceeding or hearing related to or arising out of the employee's rights pursuant to this policy and applicable law.

Employees with questions concerning this policy should contact _____.

BLOOD DONATION LEAVE (NEW YORK ONLY)

[Requires 20 or more employees in at least one site in NY for coverage. This handbook policy is optional if other written notice is given such as through a separate written notification, notice in employees' paychecks, employee mailings, or through a posting.]

In accordance with New York Labor Law, the Company will provide employees who work in New York at least twenty (20) hours per week up to three (3) hours of unpaid leave in any calendar year to donate blood.

Employees must provide _____ with reasonable notice of their intention to participate in a blood drive. If the blood drive is at an offsite location, employees must provide at least three (3) days advance notice. If the blood drive is onsite, employees must provide at least two (2) days advance notice.

The Company fully supports the use of this leave to make a blood donation. We will not tolerate any form of retaliation against an employee for requesting or using leave to donate blood.

NEW YORK STATE PAID FAMILY LEAVE (NEW YORK ONLY)

Eligibility Requirements

Employees who have a regular work schedule of 20 or more hours per week and have been employed at least 26 consecutive weeks prior to the date paid family leave ("PFL") begins (or who have a regular work schedule of less than 20 hours per week and have worked at least 175 days prior to the date PFL begins) are eligible for PFL. Paid time off can be counted toward an employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status. An employee has the option to file a waiver of PFL and therefore not be subject to deductions when their regular employment schedule is: (i) 20 or more hours per week but the employee will not work 26 consecutive weeks; or (ii) less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period.

Entitlement

PFL is available to eligible employees for up to ten (10) weeks *(increases to up to twelve (12) weeks on or after January 1, 2021)* within any 52 consecutive week period: (a) to participate in providing care, including physical or psychological care, for the employee's family member (child, spouse, domestic partner, parent, parent-in-law, grandchild or grandparent) with a serious health condition; or (b) to bond with the employee's child during the first twelve months after the child's birth, adoption or foster care placement; or (c) for qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States. The 52 consecutive week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

PFL benefits are financed solely through employee contributions via payroll deductions. The weekly monetary benefit will be 60% of the employee's average weekly wage or 60% of the state average weekly wage, whichever is less *(increases to 67% on or after January 1, 2021)*.

The Company and an employee may agree to allow the employee to supplement PFL benefits up to their full salary with paid time off, to the maximum extent permitted by applicable law.

An employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52 consecutive calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently. If an employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

Leave *may not* be taken for any one, or for a combination of, the following reasons: (i) for a birth mother's pregnancy or prenatal conditions; (ii) for an employee's own health condition; and/or; (iii) for an employee's own qualifying military event.

Definition of a Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition, including transplantation, preparation and recovery from surgery related to organ or tissue donation, that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently in daily increments. Leave taken on an intermittent basis will not result in a reduction of the total amount of leave to which an employee is entitled beyond the amount of leave actually taken.

Employee Responsibilities

An employee must provide thirty (30) days' advance notice before the date leave is to begin if the qualifying event is foreseeable. When thirty (30) days' notice is not practicable for reasons such as lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee must provide notice as soon as practicable and generally must comply with the Company's normal call-in procedures. Failure by the employee to provide (30) days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to thirty (30) days from the date notice is provided.

Employees must provide sufficient information to make the Company aware of the qualifying event and the anticipated timing and duration of the leave. Employees must specifically identify the type of family leave requested. Employees also must provide medical certifications and periodic recertification or other supporting documentation or certifications supporting the need for leave. An employee requesting paid family leave must submit a completed Request for Paid Family Leave or PFL-1 form and additional certification form(s) as follows to _____: (1) Bonding Certification: PFL-2 Form plus documentation; (2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or (3) Military Qualifying Event: PFL-5 Form plus documentation. To obtain the PFL claim forms, employees must contact the Company's PFL Carrier, _____ at _____.

To submit a request for PFL, employees must populate the [insert reference to employee's portion of Carrier's PFL-1 Form], and submit it to the Company at [insert specific Company contact information]. The Company will populate its section of the form – [insert reference to Company's portion of form], and will return it to employees within 3 business days. If the Company fails to respond, employees may submit all materials directly to _____. Depending on the type of PFL leave employees are seeking, employees will be required to complete additional PFL forms as

described in the [Insert Letter/Notice] employees will receive from _____. Employees must submit the completed PFL forms to _____before or within 30 days after the start of their leave. _____must pay or deny leave requests within 18 calendar days of receiving an employee's completed forms.

Job Benefits and Protection

During any PFL taken pursuant to this policy, the Company will maintain coverage under any existing group health insurance benefits plan as if the employee had continued to work. The employee must make arrangements with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Company's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Any employee who exercises their right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay, and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. While on PFL, employees **[**will or will not**]** continue to accrue sick or vacation time.

Leave Concurrent with FMLA

The Company will require an employee who is entitled to leave under both the FMLA and PFL, to take PFL concurrently with any leave taken pursuant to the FMLA. When the total hours taken for FMLA in less than full-day increments reaches the number of hours in an employee's usual workday, the Company may deduct one (1) day of PFL from an employee's annual available PFL.

Questions and/or Complaints about PFL

If employees have any questions regarding this policy, they should contact _____. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, please consult the Company's other leave policies or contact [Insert Company Contact Information]. The Company is committed to complying with the PFL and shall interpret and apply this policy in a manner consistent with the PFL. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If employees believe their rights have been violated and/or denied job restoration as a result of requesting and/or taking PFL, they must send [insert specific Company contact info] a formal request for job reinstatement using the *Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)*, which can be found in the forms section of https://www.ny.gov/PaidFamilyLeave. Employees must file the completed form with the Company and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If the Company does not comply with an employee's request for reinstatement within 30 days, the

employee may file a PFL discrimination complaint with the Workers' Compensation Board using the *Paid Family Leave Discrimination Complaint (Form PFL-DC-120),* which is also available on the New York Paid Family Leave website. Once an employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

WESTCHESTER COUNTY SAFE TIME LEAVE (WESTCHESTER ONLY)

*[**Further changes will be needed to this policy prior to September 30, 2020 to account for the recently enacted NY state sick leave law. With that said, we are still awaiting additional agency guidance that will impact policy language.** This handbook policy is optional, however we strongly recommend including in the handbook. Employers are also required to provide employees with a copy of the Safe Time Leave Law and written notice of how the law applies to that employee within 90 days of employment or 90 days of the effective date of the law, whichever is later. Additionally, employers must display a copy of the Safe Time Leave Law and a poster in English, Spanish and any other language deemed appropriate by the County of Westchester, in a conspicuous locations accessible to the employee.]*

Eligibility. The Company provides safe time leave to employees who work in Westchester County for more than 90 days in a calendar year and are victims of domestic violence or human trafficking, as defined by below. For employees who work in Westchester County who are eligible for safe time under the general _____ policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general _____ policy.

Available Leave. Eligible employees are entitled to take up to forty (40) hours of paid safe time leave in any year. For purposes of this policy, the year is the 12-month period beginning January 1st and ending on December 31st.

Usage. Employees can begin to use their safe time leave after their 90th calendar day of employment. immediately. Safe time leave can be taken in full days and/or in increments.

Employees who are victims of domestic violence or victims of human trafficking may use safe time leave for the following reasons:

1) To attend and/or testify in criminal court proceedings relating to domestic violence or human trafficking;
2) To attend and/or testify in civil court proceedings relating to domestic violence or human trafficking; or
3) To move to safe location.

Unless the employee advises the Company otherwise, we will assume, subject to applicable law, that employees want to use available safe time leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have safe time leave available.

An employee's use of safe time leave will not be conditioned upon searching for or finding a replacement worker.

Notice and Documentation. Notice to _____ may be given orally, in writing, or by electronic means. When possible, the request should include the expected duration of the absence. When the use of safe time leave is foreseeable, the employee shall make a good faith effort to provide notice to _____ in advance and, when possible, shall make a reasonable effort to schedule the use of safe time leave in a manner that does not unduly disrupt the operations of the Company.

Employees may be required to provide reasonable documentation that the safe time leave has been used for one of the enumerated purposes above. Documentation provided by the employee may include any one of the following:

1. a court appearance ticket or subpoena;
2. a copy of a police report;
3. an affidavit from an attorney involved in the court proceeding relating to the issue of domestic violence and/or human trafficking; or
4. an affidavit from an authorized person from a reputable organization known to provide assistance to victims of domestic violence and victims of human trafficking (such as My Sisters' Place).

Payment. Safe time leave is paid at the hourly rate the employee normally earns from employment at the time the employee uses such time, unless otherwise required by applicable law. Use of safe time leave is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. Unused safe time leave does not carry over from year to and will not be paid upon separation.

Enforcement & Retaliation. Retaliation against employees who request or use safe time leave is prohibited. Employees have the right to file a complaint with the Department of Weights and Measures – Consumer Protection if they believe they have been denied safe time leave, retaliated against, or that their rights to safe time leave has been otherwise interfered with or restrained; or may bring a civil action in the event of retaliation.

Employees with questions or concerns regarding this policy can contact _____.

LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING (PHILADELPHIA ONLY)

[Applies to (and this handbook policy is optional for) all employers, regardless of size, but the leave entitlement depends on the number of employees. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Employees who are victims of domestic violence, sexual assault, or stalking, or who have a family or household member who is a victim of domestic violence, sexual assault, or stalking, may take

up to eight (8) workweeks of unpaid leave in a 12-month period.[23] For purposes of this policy, "family or household members" include spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners, persons who share biological parenthood, or "Life Partners" (as defined under the Philadelphia Code).

Leave under this policy may be taken to:

1) seek medical attention for, or recovering from, physical or psychological injuries caused by domestic violence, sexual assault, or stalking to the employee or the employee's family or household member;
2) obtain services from a victim services organization for the employee or the employee's family or household member;
3) obtain psychological or other counseling for the employee or the employee's family or household member;
4) participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual assault, or stalking or ensure economic security; or
5) seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.

Leave may be taken intermittently or on a reduced work schedule.

Employees must provide at least forty-eight (48) hours' advance notice of their intention to take leave under this policy, unless providing such notice is not practicable. The Company may require certification verifying that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking and the leave is for one of a qualifying purpose. Employees can satisfy the certification requirement by providing a sworn statement and any of the following: (1) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual assault, or stalking or the effects of the violence; (2) a police or court record; or (3) other corroborating evidence. Employees who fail to provide this certification within forty-five (45) days of the Company's request may be subject to disciplinary action.

Any information provided by an employee pursuant to this policy will be kept confidential unless disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal, state, or local law.

During an approved leave, the Company will maintain the employee's health benefits as if the employee continued to be actively employed; however, if the employee fails to return from leave after the employee's leave entitlement has expired, and the reason for the employee's failure to return is unrelated to the continuation, recurrence, or onset of domestic violence, sexual assault, or

23 This assumes there are 50 or more employees nationally (currently or in the prior calendar year). If less than 50 employees nationally, in both this and the prior calendar year, the entitlement can be reduced to four (4) workweeks.

stalking that entitled the employee to leave under this policy, the Company may recover the premium it paid to maintain the employee's coverage during the period of leave.

Employees may substitute any accrued paid time off for the unpaid leave provided under this policy, but substitution does not extend the length of the leave. Leave under this policy will run concurrently with leave under applicable federal, state, or local laws, to the maximum extent permitted under such applicable law.

Employees who take leave under this policy will be returned to the position they held at the time when the leave commenced, or to a position with equivalent benefits, pay, and other terms and conditions of employment.

Employees with questions or concerns regarding this policy can contact _____.

PITTSBURGH PREGNANCY ACCOMMODATIONS (PITTSBURGH ONLY)

[*This handbook policy is optional, but recommended due to guidance issued by the Pittsburgh Commission on Human Rights*.]

In compliance with the Pittsburgh City Code, the Company will not discriminate against an employee because of pregnancy, childbirth, or related medical conditions and events. The Company will endeavor to reasonably accommodate an employee affected by pregnancy, childbirth, or related medical conditions as well as an employee who is the partner of a person who is pregnant or affected by a related medical condition in order to allow the employee to perform the essential duties of their job unless doing so will impose an undue hardship on the Company's business. Such accommodations may include, but are not limited to, modifications or adjustments to an employee's work station, including seating accommodations; work schedule modifications, including additional water, bathroom, rest and lactation-related breaks; modified job requirements or job reassignment, including light duty work; or providing unpaid leave.

Any employee who needs to request an accommodation due to pregnancy, childbirth, or a related medical condition should contact _____. If an employee who has requested an accommodation has not received an initial response within five (5) business days, the employee should contact _____.

After receiving a request for an accommodation due to pregnancy, childbirth, or a related medical condition or otherwise becoming aware that an employee requires such an accommodation, the Company will engage in an interactive process with the employee. Even if an employee has not formally requested an accommodation, the Company may initiate an interactive process under certain circumstances, such as when the Company has knowledge that an employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to the employee's or their partner's pregnancy, childbirth, or related medical condition, in compliance with applicable law.

The interactive process may take place in person, by telephone, or by electronic means such as e-mail. As part of the interactive process, the Company will communicate with the individual in order to determine whether and how the Company may be able to provide a reasonable

accommodation. To the extent necessary and appropriate based on the request, the Company will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the individual. The Company is not required to provide the specific accommodation sought by an individual, provided the alternatives are reasonable and either meet the specific needs of the individual or specifically address the individual's limitations.

As part of the interactive process, the Company reserves the right to request medical documentation, to the extent permitted by applicable law. If the Company believes that the provided documentation is insufficient, and before denying the request based on insufficient documentation, the Company reserves the right to request additional documentation from the employee or, upon the employee's written consent, speak with the health care provider who provided the documentation. As applicable, an employee whose time off is covered by the Family Medical Leave Act (FMLA) may also be required to provide medical documentation, depending on the circumstances of the leave request, pursuant to federal law.

At the conclusion of the interactive process, the Company will provide written notice to the employee in a timely manner indicating that the Company:

1) will be able to offer and provide a reasonable accommodation,
2) will not be able to provide a reasonable accommodation to the employee because there is no accommodation available that will not cause an undue hardship on the Company's operations, or
3) will not be able to provide a reasonable accommodation to the employee because no accommodation exists that will allow the employee to perform the essential requisites of the job.

The Company will not retaliate or take any adverse employment action against an employee because the employee has requested a reasonable accommodation under this policy, opposed a discriminatory act prohibited by the Code, made a complaint of discrimination under the Code; or testified or otherwise assisted or participated in an investigation by or proceeding before the Pittsburgh Commission on Human Relations.

Employees with questions or concerns regarding this policy should contact _____.

RHODE ISLAND PARENTAL AND FAMILY LEAVE (ADDENDUM TO FMLA POLICY – RHODE ISLAND ONLY)

[Applies to employers with 50 or more employees in Rhode Island. This handbook policy is optional; however, due to other state FML-type policies that must be included and for reconciliation with other paid time off policies, we strongly recommend inclusion for consistency. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Like the Family and Medical Leave Act ("FMLA") described elsewhere in this Handbook, the Rhode Island Parental and Family Leave Act ("RIPFLA") may require employers to provide family and medical leaves of absence for eligible employees. Either, or both, laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the same time.

This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any RIPFLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning RIPFLA leave, they should contact _____.

Eligibility. RIPFLA leave is available to "RIPFLA eligible employees." To be a RIPFLA eligible employee, an employee must have been employed:

1) For at least twelve (12) consecutive months;
2) On a full-time basis for an average of thirty (30) or more hours per week; and
3) By an employer that has fifty (50) or more employees in Rhode Island.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons. The RIPFLA provides eligible employees up to thirteen (13) consecutive workweeks of unpaid leave for certain parental and family reasons during a 24-month period. The twelve (12) month FMLA period and the 24-month RIPFLA period is determined based on a rolling period measured backwards from the date the employee's leave will be taken.

In addition to the entitlements outlined in the FMLA policy, under the RIPFLA, leave also may be taken to care for the employee's parent-in-law who has a serious health condition. Unlike FMLA, RIPFLA does not cover leave for certain qualifying exigencies or to care for the employee's child after placement for foster care.

Spouses Employed by the Same Company. Unlike the FMLA, which provides that spouses employed by the same Company are limited to a combined total of twelve (12) workweeks in a 12-month period if the leave is taken for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition, no such limitation applies to RIPFLA.

Intermittent Leave and Reduced Leave Schedules. Unlike the FMLA, which entitles employees to take FMLA leave intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours the employee works each workday) when medically necessary due to a serious health condition of the employee or covered family member, no such entitlement exists under the RIPFLA.

Restoration of Employment and Benefits. As with FMLA leave, at the end of RIPFLA leave, subject to some exceptions, employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and other terms. There is no key employee exception under the RIPFLA.

PREGNANCY ACCOMMODATIONS (RHODE ISLAND ONLY)

[This handbook policy is optional, though to the extent it could satisfy the written notice requirement it is required if separate written notice is not required. Regardless of whether the policy is provided, the law must be followed.]

In compliance with Rhode Island law, the Company will not discriminate against an employee in relation to pregnancy, childbirth and related conditions.

The Company will endeavor to provide reasonable accommodations for conditions related to pregnancy, childbirth or related conditions, unless the accommodation would pose an undue hardship on the Company's business. Such accommodations include, but are not limited to: more frequent or longer breaks; time off to recover from childbirth; acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring; light duty; assistance with manual labor; break time and private non-bathroom space for expressing breast milk; or modified work schedules.

The Company will not require an individual with a need related to pregnancy, childbirth, or a related medical condition to accept an accommodation that the individual chooses not to accept. This includes, but is not limited to taking leave if another reasonable accommodation can be provided to an employee's condition related to the pregnancy, childbirth, or a related medical condition.
The Company will not deny employment opportunities to an employee or prospective employee, if such denial is based on the Company's inability to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact _____.

PAID TEMPORARY CAREGIVER INSURANCE BENEFITS AND LEAVE (RHODE ISLAND ONLY)

[This handbook policy is optional; however, for consistency with other state paid family leave benefits law policies, we strongly recommend inclusion for consistency. Employers are also required to give notice to any employee who takes potentially qualifying leave. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

An employee may be eligible for up to four (4) weeks of caregiver leave and temporary caregiver benefits within any 52-week period to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, or grandparent or to bond with a newborn child, new adopted child, or new foster-care child. Temporary caregiver benefits are available through the Rhode Island "Temporary Caregiver Insurance" ("TCI") program, which is administered by the Rhode Island Department of Labor and Training ("DLT"). Temporary caregiver benefits only are available to an employee exercising their to take a leave while covered by the TCI program. These benefits are financed solely through employee contributions to the TCI program. That program is solely responsible for determining if an employee is eligible for such benefits.

An employee may be eligible for temporary caregiver benefits for any week in which the employee is unable to perform their regular and customary work because they are (1) bonding with a newborn child or a child newly placed for adoption or foster care with the employee or domestic partner (available during the first twelve (12) months of parenting only); or (2) caring for a child, a parent,

parent-in-law, grandparent, spouse, or domestic partner, who has a serious health condition, subject to a waiting period.

Employees may use accrued paid time off during any eligibility waiting period.

An employee must file a written intent with the Company with a minimum of thirty (30) days' notice prior to commencement of the caregiver leave. Failure by the employee to provide the written intent may result in delay or reduction in the claimant's benefits, except in the event the time of the leave is unforeseeable or the time of the leave changes for unforeseeable circumstances.

An individual who exercises their right to leave covered by the temporary caregiver insurance program must file a certificate form with the DLT containing all information required by the DLT. For leave for reason of caring for a seriously ill family member, an employee must file a certificate with the DLT that must contain:

1) A diagnosis and diagnostic code prescribed in the international classification of diseases, or where no diagnosis has yet been obtained, a detailed statement of symptoms;
2) The date if known, on which the condition commenced;
3) The probable duration of the condition;
4) An estimate of the amount of time that the licensed qualified health care provider believes the employee is needed to care for the family member;
5) A statement that the serious health condition warrants the participation of the employee to provide care for the employee's family member. "Warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, arranging third-party care for the family member as well as directly providing, or participating in the medical and physical care of the patient; and
6) A certificate filed to establish medical eligibility of the serious health condition of the employee's family member will be made by the family member's treating licensed qualified heath care provider.

In the case of a parent, or persons who are in loco parentis caring for the serious health condition of a foster care child, the employee must submit all required information, with a written request to the department of children, youth and families for the release of medical information by the child's treating licensed qualified health care provider. The department of children, youth and families will transmit the requested medical information, pending all properly submitted forms, to the DLT, within ten (10) business days of request. In the absence of the requested transmitted medical information by the department of children, youth and families within ten (10) business days, the employee may request the licensed qualified healthcare provider to directly transmit the medical eligibility of the serious health condition to the DLT.

Any employee who exercises their right to leave covered by temporary caregiver insurance will, upon the expiration of that leave, be entitled to be restored by the Company to the position held by the employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of leave.

During any caregiver leave taken pursuant to this policy, the Company will maintain any existing

health benefits of the employee in force for the duration of the leave as if the employee had continued in employment continuously from the date the employee commenced the leave until the date the caregiver benefits terminate; provided, however, that the employee will continue to pay any employee shares of the cost of health benefits as required prior to the commencement of the caregiver benefits.

The Company may require an employee who is entitled to leave under the FMLA and/or the RIPFLA, who exercises their right to benefits under the temporary caregiver insurance program, to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to the FMLA and/or RIPFLA.

If employees have any questions regarding this policy, they should contact _____.

SCHOOL INVOLVEMENT LEAVE (**RHODE ISLAND** ONLY)

[Applies to (and this handbook policy is optional for) employers with 50 or more employees in Rhode Island. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Full-time employees who have worked an average of at least thirty (30) hours per week and who have been employed by the Company for 12 consecutive months are entitled to a total of 10 hours of unpaid leave a year to attend school conferences or other school-related activities in which a child of whom the employee is the parent, foster parent, or guardian is involved. Employees must provide 24 hours' notice before the leave and must make a reasonable effort to schedule the leave so it does not disrupt the employers' operations.

VERMONT PARENTAL & FAMILY LEAVE (ADDENDUM TO FMLA POLICY – VERMONT ONLY)

[Applies to (and is optional for) employers with 10 or more employees who work an average of 30 hours per week (parental leave) and employers with 15 or more employees who work an average of 30 hours per week (family leave); however, due to other state FML-type policies that must be included and for reconciliation with other paid time off policies, we strongly recommend inclusion for consistency. Regardless of whether the policy is provided, the leave must be provided to the extent an employee is eligible.]

Like the Family and Medical Leave Act ("FMLA") described elsewhere in this handbook, the Vermont Parental and Family Leave Act ("VPFLA") may require employers to provide family and medical leaves of absence for eligible employees. Either, or both, laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the same time. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any VPFLA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in this handbook. If employees have any questions concerning VPFLA leave, they should contact _____.

Eligibility. VPFLA leave is available to "VPFLA eligible employees." To be VPFLA eligible

employee, an employee must:

1) Have worked for the Company for an average of at least thirty (30) hours a week for twelve (12) consecutive months; and
2) Be employed by an employer doing business in or operating within the state of Vermont, which:
   a) For parental leave purposes, employs ten (10) or more employees for an average of at least thirty (30) hours per week for twelve (12) consecutive months; and for
   b) For family leave purposes, employs fifteen (15) or more employees for an average of at least thirty (30) hours per week for twelve (12) consecutive months.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons. The VPFLA provides eligible employees:

1) Up to twelve (12) weeks of unpaid leave for pregnancy, birth, adoption of a child 16 or under, or serious illness of themselves or close family members in any 12-month period; and
2) Up to four (4) hours of unpaid leave in any 30-day period and not to exceed twenty-four (24) hours in any 12-month period for participation in school activities or conferences, accompany immediate family member to medical or professional services appointments to include routine or care and well-being, or to respond to medical emergency involving family member (i.e., Short Term Family Leave).

For purposes of VPFLA leave, family member includes an employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse, or parent of spouse. Spouse includes the employee's civil union partner.

For purposes of VPFLA leave, "serious illness" is defined as an accident, disease, or physical or mental condition that poses imminent threat of death; requires inpatient care in a hospital; or requires continuing in-home care under direction of a physician.

For adoption, leave may be taken any time within one (1) year of the initial placement of the child with the employee. Short Term Family Leave must be taken in a minimum of 2-hour increments. An employee's use of Short Term Family Leave is counted separately from the employee's use of parental or family leave.

Notice Requirements. Generally, employees must give reasonable written notice of their intent to take VPFLA leave, including the date leave is expected to commence and the estimated duration. In the case of serious illness of the employee or a member of the employee's family, the Company may require certification from a physician to verify the condition and the amount and necessity for the leave requested. With respect to Short Term Family Leave, employees must notify the Company as early as possible, but in no event later than seven (7) days before leave is expected to be taken except in cases of emergency. Employees must also provide reasonable notice of any intent to extend leave.

Spouses Employed by the Same Company. Unlike the FMLA, which provides that spouses employed by the same Company are limited to a combined total of twelve (12) workweeks in a

12-month period, if the leave is taken for the birth and care of a newborn child, placement of a child for adoption or foster care, or care of a parent with a serious health condition, no such limitation applies to VPFLA.

Substitute Paid Leave for Unpaid FMLA and VPFLA Leave. While employees must/may use any accrued paid time off while taking unpaid FMLA leave, for leave that qualifies under the VPFLA, employees have the option to use up to six (6) weeks of accrued paid time off. Nonetheless, the substitution of paid time for unpaid FMLA and/or VPFLA leave time does not extend the length of FMLA and/or VPFLA leaves and the paid time will run concurrently with an employee's FMLA and/or VPFLA entitlement.

Restoration of Employment and Benefits. As with FMLA leave, at the end of VPFLA leave, subject to some exceptions, employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and other terms. There is no key employee exception under the VPFLA.

PERSONAL LEAVE (ALL STATES) (For reasons not qualifying for family and medical leave.)

Under certain circumstances, the Company may, at its discretion, grant a personal leave of absence without pay to employees who are not eligible for any other Company leave of absence and/or have exhausted all other leave entitlements. A written request for a personal leave must be presented to your Supervisor at least two weeks prior to the requested start of the leave, except in cases of emergency. Your request will be considered on the basis of the reasons given, our staffing and production requirements, and your performance and attendance records, and other non-discriminatory factors. Normally, personal leaves of absence are granted for a period of up to 30 days. Under unusual circumstances, requests for extensions of personal leave will be considered if received in writing prior to the expiration of the approved leave, and the request is granted. These time limitations do not apply to leaves taken for medical reasons.

Employees must/may use accrued **[vacation/PTO/sick time (assuming the reason for taking a personal leave is covered under the policy)]** while on unpaid personal leave. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with any personal leave granted. Upon written request, the Company will allow employees to use accrued paid vacation and sick time off to supplement any applicable paid disability or Workers' Compensation benefits. Receipt of disability benefits or Workers' Compensation benefits does not extend the length of any personal leave granted.

While you are on a personal leave of absence, you will not be entitled to receive or accrue benefits. If you wish, you may continue insurance coverage by paying the appropriate premium, to the extent permitted and in accordance with the applicable plans.

While you are on personal leave of absence, you will not be permitted to accept work for another employer.

When they anticipate returning to work, employees should notify management of their expected return date. Employees should notify management at least one (1) week before the expiration of leave. Upon your return to work, you will be eligible to accrue and receive all your benefits as usual.

Upon completion of a personal leave of absence, the Company will attempt to return employees to either their original job, or to a similar position, subject to prevailing business considerations. We cannot guarantee re-employment upon the expiration of your personal leave unless required by law. Failure to advise management of availability to return to work or failure to return to work because your leave must extend beyond that granted generally will be deemed a voluntary resignation of your employment as of the last day worked prior to commencing the leave unless otherwise prohibited by applicable law.

SECTION 5- GENERAL INFORMATION

LOCKERS AND UNIFORMS

Uniforms and lockers will be provided for employees required to wear special clothing and who wish to change before starting or after work. Lockers remain the property of the company. In certain circumstances, we may gain access to them in your absence with or without notice.

PERSONAL PROTECTIVE EQUIPMENT

Safety glasses (non-prescription type), safety goggles, dust masks, gloves, and hard hats will be furnished to employees required to use them. Safety shoes and any other items of wearing apparel required for the job will be furnished by the employee. Sneakers, sandals, shoes with platform heels, and similar types of unsafe footwear should not be worn by employees handling materials or equipment. Other personal clothing should be of design and condition so as not to act as a safety hazard, and to reflect positively on the company.

SAFETY

We place the highest emphasis on safety and strive to make working areas, equipment, and machinery as safe as possible. Each employee's responsibility is to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risks. Safety rules for each working area and piece of equipment are posted conspicuously. Employees are expected to strictly observe these rules.

The Company will provide training opportunities as necessary to ensure employees are properly trained in operating machinery and equipment and in appropriate safety procedures.

Additionally, please observe the following safety rules:

- Worn out or damaged safety equipment should be reported to your supervisor.

- "Horseplay" or "practical jokes" in work areas will not be tolerated.

- First aid kits are located at strategic points throughout the yard. Employees should be aware of their locations.

- Good housekeeping practices contribute to a safe working environment. Employees will be assigned specific housekeeping responsibilities in their work areas to help meet these responsibilities. Additionally, each employee should develop personal habits of placing trash, paper, cigarette butts, foods scraps, etc., in proper containers.

FIRE PREVENTION

Fire is the major threat to the existence of any building material establishment. Because of the presence of large amounts of highly flammable material, the steady traffic of customers and employees, and the extensive use of electrical and heating equipment, all employees must be attentive to the existence of fire hazards and knowledgeable about the steps to take in combating a fire should one occur.

SMOKING

[As stated below, most states, as well as many cities, counties and municipalities require employers to adopt and post in a conspicuous place, a smoking policy which prohibits smoking inside the workplace. You should therefore consult your labor counsel prior to adopting and implementing a policy in this most sensitive area. Employers are generally free to prohibit smoking on their premises, and as noted above, in most circumstances, they are required to do so by law. These laws do not, however prohibit employees from smoking generally, and employers in many states are prohibited from taking adverse employment actions against individuals based on their "off-duty" conduct.

It is the policy of _____ to protect the health, welfare and comfort of its employees and at the same time to accommodate the desires of smoking and non-smoking individuals. The purpose of this policy is not to regulate the personal habits of any individual, but simply to ensure the comfort of all employees in the workplace and to comply with state law governing workplace smoking.

Smoking, including use of e-cigarettes, vaping devices and similar electronic devices, is prohibited at all times in all areas of our facilities, including private offices, restrooms, hallways, classrooms, employee medical facilities, copying and word processing areas, storage, file and locker rooms, all other areas containing office equipment used in common by employees, the reception area, and any other areas generally accessible to the public. Smoking is also prohibited in Company-owned vehicles occupied by more than one person. Compliance with this policy is mandatory for all employees and persons visiting the Company, with no exceptions.

Employees can bring any good faith concerns that they have concerning smoking in their workplace or potential violations of this policy to their immediate supervisor or to _____ without fear of retaliation.

We request and expect everyone's assistance in helping the Company to comply with its legal responsibilities under applicable state and local law and thank you in advance for your cooperation.

PERSONAL APPEARANCE

Although we do not have a dress code for our staff, all employees are expected to wear clothing and observe personal hygiene habits which are in good taste and that project a positive image for the company.

ELECTRONIC COMMUNICATIONS AND COMPUTER SYSTEMS

The Company's communication and computer systems are the property of the Company intended for business purposes. This includes the computers, related hardware, software and networks as well as telephone, voice mail, e-mail and Internet systems. Any personal use must not interfere with performance or operations, must not result in added expenses to the Company and must not violate any Company policy or applicable law. Users have no legitimate expectation of privacy regarding system usage.

The Company may access its communication and computer systems and obtain the communications and information within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Company deems it appropriate to do so. Further, the Company may review Internet usage. The reasons for which the Company may obtain such access include, but are not limited to: maintaining the systems; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during an employee's absence.

The Company may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Company's policies including, but not limited to, those prohibiting harassment, in their entirety, apply to the use of the Company's communication and computer systems. Additionally, employees may not use the Company's communication and computer systems in violation of any law including, but not limited to, those related to copyrights and software piracy.

All employees, upon request, must inform management of any private access codes or passwords.

No employee may access, or attempt to obtain access to, another employee's communication or computer systems without appropriate authorization.

Employees may not install, duplicate, or remove software on the Company's computer systems without prior management approval. Personal computers and other electronic devices (cell phones, flash or thumb drives, etc.) may not be connected directly to the Company's computer systems without prior management approval.

Employees are prohibited from using personal e-mail accounts to conduct Company business. Employees may not use any third-party email or instant messaging accounts or services (such as Gmail, AOL, Yahoo, etc.) on the Company's computer systems that are not ordinarily used in the performance of their job duties.

Violation of this policy may result in disciplinary action, up to and including discharge.

BLOGGING & SOCIAL NETWORKING POLICY

The Company respects the right of any employee to maintain a blog or website or to participate in social networking on or through websites or services such as Twitter, Facebook, LinkedIn, YouTube, Instagram, SnapChat or similar sites/services (collectively "social media"); however, to protect the Company's interests and ensure employees focus on their job duties, employees must adhere to the following rules:

- Employees may not use social media during working time, unless specifically authorized to do so as part of their job duties.

- All rules regarding confidential and proprietary business information apply in full to social media. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed through social media.

- When using social media, if an employee expresses either a political opinion or an opinion regarding the Company's actions and also identifies oneself as an employee of the Company (or if it can be inferred that the employee is an employee of the Company), the poster must specifically state that the opinion expressed is the employee's personal opinion and not the Company's position. This is necessary to preserve the Company's goodwill in the marketplace.

- Be respectful of potential readers and colleagues. Please do not use discriminatory language, or make maliciously false statements when commenting about the Company, superiors, co-workers, or our competitors.

- Employees may not use the Company's logos or trademarks for commercial purposes or to endorse any product or service.

- Employees may not make any statement or post any comment or other material endorsing, recommending, or promoting any of the Company's (or any affiliated company's) products or services without disclosing the nature of the employee's relationship with the Company.

- Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through social media. For example, posted material that is discriminatory, obscene, defamatory, libelous, or threatening is forbidden.

All other Company policies apply equally to social media. Employees should review this Handbook for further guidance.

The Company encourages all employees to keep in mind the speed and way information posted through social media can be relayed (and often misunderstood) by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager or Human Resources. When in doubt, do not post! Failure to follow these guidelines may result in discipline, up to and including termination. In enforcing this policy, the Company reserves the right to monitor social media activities of employees, whether or not such activities are conducted with Company resources, to the extent permitted by and in accordance with applicable law.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

PERSONAL USE OF COMPANY VEHICLES/EQUIPMENT

The company may permit employees to borrow equipment and tools for use in personal projects. All such usage must conform to the following procedures.

- The supervisor or manager of the department involved will determine if the material involved is loanable and if the borrower is qualified to use it.

- All borrowed items must be used expressly by the employee requesting them. Equipment must not be loaned out to be used by friends or relatives.

- The employee bears all responsibility for repair or replacement of damaged or broken equipment.

- Items which are not returned within the agreed upon time or in the proper condition may subject the employee to disciplinary action.

[Employers generally may not withhold or deduct from an employee's paycheck the cost of unreturned items or damage to company property and vehicles.]

EMPLOYEE PARKING

Adequate free parking space is provided for all employees. Employees are urged to park in areas that will not interfere with customer parking and to obey all traffic signs. The Company is not responsible for damage to or loss of property from vehicles while on Company property.

SUGGESTION BOX

A suggestion box is provided to give employees the opportunity to let us know of any ideas which might improve our safety, efficiency or general operation. Communications placed in the suggestion box do not have to be signed, but the employee may do so if desired.

To further encourage suggestions which will result in cost savings, higher efficiency, or increased productivity, employees submitting ideas for improved operations that are implemented are eligible for a bonus depending on the value of the suggestion to the company.

IDENTIFICATION CARDS

The company may issue to all employees a company identification card. The card is meant to help employees get checks cashed and may be used in similar cases where a company identification card is helpful. All identification cards remain the property of the company and must be returned when the employee leaves the company.

PERSONAL MATTERS

To facilitate the orderly conducting of company business, employees are asked to observe the following:

- Limit personal phone calls to only those that are necessary and keep each one brief. Do not use company phones.
- Do not use your cell phone while on working time or at any time in work areas.
- Do not have personal mail delivered to the company's office.
- Discourage friends and family members from social visits during working hours.
- Get permission from management prior to bringing visitors on company premises.

OUTSIDE EMPLOYMENT (MOONLIGHTING)

We recognize that, occasionally, an employee may also work for oneself or someone else outside the company. This is acceptable as long as such activities do not interfere with the proper performance of the employee's regular duties.

However, employees may not engage in employment that will result in an actual or potential conflict of interest. Examples of such conflict are working for a competitor, or engaging in activities that result in competition for a customer, such as running a building or remodeling business. Employees planning to engage in outside work are requested to first discuss the matter with their supervisor.

EMPLOYEE OF THE MONTH

The company rewards outstanding employee service each month by recognizing an employee as the "Employee of the Month."

SERVICE AWARDS

The company formally recognizes years of service at five-year intervals. Such recognition includes a framed plaque, lapel pin, and a gift.

SOLICITATION AND DISTRIBUTION

To avoid unnecessary annoyances and interruptions from your work, solicitation by an employee of another employee is prohibited while either person is on working time.

Employee distribution of literature, handbills or other printed materials is prohibited on working time and in work areas.

Working time includes the time during which any of the employees involved are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

Employees also are prohibited from engaging in solicitation and distribution to customers or working employees at any time in selling areas (i.e., on the selling floor) during the times selling is occurring in such areas.

Trespassing, soliciting, or distributing literature by non-employees on our premises is prohibited at all times.

BULLETIN BOARDS

We maintain bulletin boards in suitable places for the posting of official Company notices relating to Company business, sponsored activities, and federal and state regulations. Make it a point to look at the bulletin boards each day to keep up with "what's happening." Please do not post or remove any items from the bulletin board. Only members of management can post or remove any items from the bulletin board.

CONFIDENTIALITY

You may come in contact with and have access to customer records or lists and other confidential proprietary business and customer information. This proprietary information is confidential and should be shared with no one other than for the purposes of providing customer service. No public statements concerning proprietary business information should be made by employees. All inquiries should be forwarded to _____.

[Please note that some states, such as Connecticut and Massachusetts, have laws requiring that employers have a data privacy protection policy, although it need not be in the employee handbook. A model policy for Connecticut is provided below.]

PRIVACY PROTECTION POLICY (CONNECTICUT ONLY)

[Applies to all CT employers. This handbook policy is optional if it is provided to employees as a separate published or publicly-displayed policy document. Conn. Gen. Stat. § 42-471 requires employers to safeguard personal information they maintain about employees. The law specifically mandates that employers who "collect Social Security numbers in the course of business" create a privacy protection policy that must be published or publicly displayed. The policy must: (1) Protect the confidentiality of Social Security numbers, (2) prohibit unlawful disclosure of Social Security numbers, and (3) limit access to Social Security numbers.]

Employees are permitted to access and use "personal information" only as necessary and appropriate for such persons to carry out their assigned tasks for the Company and in accordance with Company policy. "Personal information" means information capable of being associated with a particular individual through one or more identifiers, including, but not limited to, a Social Security number (SSN), a driver's license number, a state identification card number, an account number, a credit or debit card number, a passport number, an alien registration number or a health insurance identification number, and does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media. Accessing and using such information without authorization by the Company or contrary to the Company's policies and procedures can result in discipline up to and including termination of employment. Employees who come into contact with SSNs or other sensitive personal information without authorization from the Company or under circumstances outside of their assigned tasks may not use or disclose the information further, but must contact _____ to turn over all copies of the information in whatever form.

For more information about whether and under what circumstances employees may have access to this information, employees may review their job description or contact _____.

RHODE ISLAND WHISTLEBLOWER PROTECTIONS (RHODE ISLAND ONLY)

[This policy is optional but employers must post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this chapter.]

The Company will not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment:

1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the law of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false;
2) Because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action;
3) Because an employee refuses to violate or assist in violating federal, state or local law, rule or regulation; or
4) Because the employee reports verbally or in writing to the Company or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the laws of this state, a political subdivision of this state, or the United States, unless the employee knows or has

reason to know that the report is false. Provided, that if the report is verbally made, the employee must establish by clear and convincing evidence that the report was made.

Employees who wish to make a report in accordance with (4) above, should contact Human Resources. Additionally, employees with questions regarding this policy or who believe this policy have been violated in any way should contact Human Resources.

RULES OF CONDUCT

There are certain standards of conduct which we all must observe as good citizens and employees. While it would be impossible to list all prohibited activities, the following rules are necessary and reasonable for the proper conduct of any business. Generally, no conduct which is unethical or illegal will be tolerated. The following are examples of some, but not all, misconduct which may subject you to disciplinary action up to and including discharge. This may consist of an oral or written warning, suspension, or immediate discharge, depending upon the nature of the offense.

- Stealing
- Fighting
- Falsification of records (including time cards and job applications)
- Failure to comply with a manager or supervisor's lawful job-related directive
- Violation of the solicitation and distribution policy
- Unauthorized or careless use of, destruction or damage to Company property, tools, or vehicles
- Release of confidential or proprietary information
- Possession, use, sale, distribution, or reporting to work under the influence of intoxicants, illegal drugs, or controlled substances
- Accepting gifts from suppliers or customers without prior permission
- Carrying weapons or other hazardous devices (unless such prohibition is restricted by applicable law)
- Poor work performance
- Any conduct that violates the Equal Employment Opportunity, Non-Harassment, or Sexual Harassment policies
- Removing records or material from Company property without permission.
- Gambling

- Violation of established safety regulations (including smoking regulations)
- Abusive or threatening language
- Unreported or excessive absenteeism or tardiness (unless protected by applicable law)

Neither this Handbook nor any other communication by management representatives, either written or oral, made at the time of hire or during the course of employment, is intended to, in any way, create an employment contract. The observance of these rules, which are subject to the terms of any applicable collective bargaining agreement, will help to ensure that our workplace remains a safe and desirable place to work.

DRUG AND ALCOHOL FREE WORKPLACE POLICY

1. Statement of Purpose

Our Company has vital interests in ensuring a safe, healthy and efficient working environment for our employees and our customers and in preventing accidents and injuries resulting from the misuse of alcohol and/or the use of controlled substances. The unlawful or improper presence or use of controlled substances or alcohol in the workplace conflicts with these vital interests. For these reasons, we have established a drug and alcohol free workplace policy. This policy represents management guidelines only and should not be interpreted as a contract of employment. This policy applies to all current employees, including managers and supervisors, except for drivers of certain commercial motor vehicles who are covered by the Federal Motor Carrier Safety Administration's (FMCSA's) drug and alcohol testing rules and our substance abuse policy for drivers. Drug and/or alcohol testing may be required as part of our substance abuse policies. All employees will receive a copy of the applicable policy.

2. Prohibited Conduct

Employees are prohibited from reporting for duty or remaining on duty after consuming alcohol. Additionally, employees are prohibited from consuming alcoholic beverages during working hours, including meal and break periods. This does not include the authorized and reasonable use of alcoholic beverages at Company-sponsored functions or activities. In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, sale, transfer or possession of drugs or controlled substances while on Company paid time, on Company premises, in Company vehicles, or while engaged in Company activities. Employees also are prohibited from continuing to work if they have tested positive for drugs and/or alcohol. Employees are prohibited from reporting for duty, or remaining on duty, when the employee uses any drugs or controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner, and the licensed medical practitioner authorized the employee to report to work because the licensed medical practitioner determined that such use will not impair the efficiency of the employee or pose a risk to the safety of the employee or others in the work place; however, to the extent permitted by and in accordance with applicable law, this

exception does not extend any right to report to work under the influence of medical marijuana or to treat the lawful use medical marijuana as a defense to a policy violation or a positive drug test, to the extent you are subject to any drug testing requirement.

3. Required Drug and/or Alcohol Tests

Where permissible by and in accordance with applicable state and/or local laws, all current employees may be required to submit to reasonable suspicion, return-to-duty and follow-up from rehabilitation drug and/or alcohol tests.

Drivers of commercial motor vehicles will be required to submit to all tests required by the FMCSA's drug and alcohol testing rules and our substance abuse policy for drivers. The Company will adhere to the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40, as amended, and/or applicable state and/or local laws for all drug and alcohol tests conducted pursuant to this policy as may be required. It will use the Part 40 procedures as a guideline where no other procedure is mandated. These procedures at a minimum ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct individual. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests to every extent feasible. The Company may alter, supplement or replace this policy with specific provisions addressing such testing and related matters, in the event it implements a substance abuse testing program for employees or applicants other than drivers.

4. Consequences for Policy Violations

Employees may not refuse to submit to any lawful drug and/or alcohol test required under the applicable Company's substance abuse policy. Where permissible by state and/or local laws, any employee who refuses to submit to a required drug and/or alcohol test or receives a confirmed positive drug and/or alcohol test result will be subject to discipline, up to and including termination. Any employee who alters, substitutes, or attempts to alter or substitute, a urine specimen will be subject to discipline, up to and including termination.

Any employee who violates this policy and the Company's substance abuse policy in any other way will be immediately removed from the employee's job duties and will be subject to discipline, up to and including termination.

5. Inspection of Company Property

In addition to testing, the Company reserves the right to take other appropriate and lawful actions to enforce this policy, including but not limited to, the right to inspect Company issued lockers, desks, Company vehicles, or other Company property with or without notice. Where permissible by state and/or local laws, the Company reserves the right to inspect employee property when there is reasonable suspicion to believe that the employee may have violated the drug and/or alcohol prohibitions contained in this policy. Employees are required to cooperate in any such search or inspection.

6. Rehabilitation

Consistent with its fair employment policy, the Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist recovering addicts or alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The Company will attempt to assist you through referrals to assistance or rehabilitation programs, appropriate leaves of absence, and other measures to the extent these measures do not impose an undue hardship upon the Company, and/or jeopardize the employee's health and safety or the health and safety of co-workers or others; however, employees may not request an accommodation to avoid discipline for a policy violation.

[Many states, including those in New England, have statutes, regulations and case law affecting workplace drug and alcohol testing. Violation of these laws may result in administrative and civil liability. Therefore, prior to adopting a substance abuse policy, you should consult your employment law counsel. The substance abuse testing practice group at Jackson Lewis, the Association's labor and employment counsel, is available to assist you in preparing a compliant substance abuse testing program.]

COMPANY CREDIT CARDS

The company issues credit cards to employees who have need for such cards. These cards are to be used only for charging expenses incurred in connection with company business. Charge receipts must be turned into the accounting office, which must be notified immediately in the event of loss or theft of a card.

TRAVELING ON COMPANY BUSINESS

When an employee is required to use his or her vehicle for company business, a record of the mileage should be maintained and turned in to the accounting office on an expense form. Reimbursement for such use will be made at the rate of ____ per mile. The company is not responsible for maintenance, insurance coverage, or other expenses involved in operating personal vehicles.

Likewise, employees required to travel by public carrier on company business will be reimbursed for expenses incurred in such travel. Receipts for travel must be turned into the accounting office for reimbursement. Employees may receive a travel advance, a pre-paid ticket, or make other arrangements when travel or other expenses are anticipated to be substantial.

[If you have non-exempt employees who travel for work note that there are federal and state laws governing the extent to which certain "travel time" is compensable as hours worked. Jackson Lewis, the Association's labor and employment counsel, is available to discuss this issue further.]

PROTECTION OF COMPANY PROPERTY

We are extremely proud of our facilities and rely on you to maintain their appearance. Be alert for persons "hanging" around and report suspicious behavior to your supervisor. Any incidents of broken or defaced property witnessed or discovered, regardless of how minor, should be reported immediately to your supervisor.

PREVENTING SHRINKAGE

Inventory "shrinkage" or loss affects our profits. All employees should be aware of the importance of keeping shrinkage to a minimum. Careless or deliberate damage to goods in the yard will be cause for disciplinary action.

CUSTOMER RELATIONS

Customer service is one of the cornerstones of our success. Without satisfied customers and their continued patronage, the company would not survive.

In addition to being helpful, friendly, and courteous, employees should observe the following guidelines in dealing with customers.

- Treat all customers' requests or questions with respect, whether they are professionals, amateur builders, or novice homeowners.
- Never appear as a "high pressure" salesperson, but always greet and offer to help each customer as they enter the store.
- When correcting a customer, do so in a firm but polite manner.
- Always thank customers and ask them to return again soon.
- When there is a line at the counter, acknowledge each new arrival and let them know they will be waited on as soon as possible. Never ignore a customer.
- For new walk-in customers, be sure to direct them to the proper area in the yard to pick up their order.
- When a customer appears in the yard with a ticket and everyone is busy, acknowledge the customer and let him/her know he/she will be helped as soon as possible.
- Truck drivers making deliveries should treat customers as if they were in the store.
- Yard employees should ensure that customers observe safety rules while on the premises.

HANDLING CUSTOMER COMPLAINTS

Our basic philosophy is customer satisfaction. All employees should work toward this goal. If you are unable to comply with a customer's request or otherwise satisfy his or her complaint, the department manager should be notified. Although customers may occasionally be wrong or unreasonable in their demands, they should never be made to feel this way.

Also, be attentive to frustrated customers. Look for signs such as: apparent frustration at not being able to find an item or the correct item; under-the-breath comments like "I'm never coming back here again;" or people who walk in to a specific area, quickly look for but can't find an item, and walk out.

SPECIAL OCCASIONS

The company acknowledges each employee's birthday and resignations of long-term employees, and provides refreshments on such occasions. Therefore, employees should not solicit funds or contributions for such occasions in violation of the Solicitation and Distribution policy.

KEEPING UP-TO-DATE

We believe that a professional, competent, and knowledgeable sales force is vital to our success. Therefore, all persons who wait on customers must be thoroughly familiar with all the products stocked and special order items available. Such staff should keep current and abreast of the industry by reading manufacturers' literature on new products and other informational sources that will contribute to an in-depth product knowledge.

CRIMINAL BACKGROUND CHECK POLICY (MASSACHUSETTS ONLY)

[Applies to employers who run 5 or more background checks in Massachusetts annually. This handbook policy is optional if a separate policy is maintained and provided with pre-adverse and adverse action notices.]

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed.

Questioning a Subject About their Criminal History. In connection with any decision regarding employment or volunteer opportunities, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about it. The source(s) of the criminal history record is also to be disclosed to the subject.

Determining Suitability. If a determination is made that the criminal record belongs to the subject and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not limited to, the following:

a. Relevance of the record to the position sought;
b. The nature of the work to be performed;
c. Time since the conviction;
d. Age of the candidate at the time of the offense;
e. Seriousness and specific circumstances of the offense;
f. The number of offenses;
g. Whether the applicant has pending charges;
h. Any relevant evidence of rehabilitation or lack thereof; and
i. Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

Adverse Decisions Based on Criminal Background Information. If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS regulation 2.18. The subject shall be provided with a copy of the organization's Criminal Background Check policy and a copy of the criminal history (unless a copy was provided previously). The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the record. Subjects shall also be provided a copy of DCJIS' **Information Concerning the Process for Correcting a Criminal Record.**

Currently, the Company does not conduct Criminal Offender Record Information ("CORI") checks through the Massachusetts Department of Criminal Justice Information Services ("DCJIS") iCORI database. If the Company chooses to conduct such checks through the iCORI database in the future, the following procedures will apply.

Conducting Cori Screening. CORI checks**,** conducted through the state's iCORI database**,** will only be conducted as authorized by the DCJIS and MGL c. 6, §172, and only after a CORI Acknowledgement Form has been completed.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

A CORI acknowledgement form shall be completed on an annual basis for checks submitted for any other purpose, provided that the requestor has adopted the language from the DCJIS CORI acknowledgement form that notifies individuals that their CORI may be requested at any time within the one year that the acknowledgement form is valid. If the requestor has not adopted the DCJIS CORI acknowledgement form language, then it must ensure that an acknowledgement form is completed for each and every subsequent CORI check.

Access to CORI. All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Company must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

CORI Training. An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at [The Company] will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, if the Company is an agency required by MGL c. 6, §171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review the CORI policy.

Use of CORI in Background Screening. CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

Verifying a Subject's Identify. If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

Secondary Dissemination Logs. All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

NOTICE TO PHILADELPHIA EMPLOYEES REGARDING UNPAID WAGES

[Applies to and is mandatory in the handbook for employers with Philadelphia operations.]

Employees who work in Philadelphia may file a wage theft complaint or bring a civil action for unpaid wages pursuant to Philadelphia's Wage Theft Ordinance ("Ordinance"). A signed wage theft complaint, in which the alleged unpaid wages are equal to or greater than the minimum threshold amount of $100 and equal to or less than the maximum threshold amount of $100,000, must be filed with the wage theft coordinator in the Mayor's Office of Benefits and Wage

Compliance less than three (3) years from the date the alleged wage theft occurred. Retaliation against an employee for exercising rights provided under the Ordinance, such as filing a complaint or bringing a civil action, is prohibited.

IF YOU MUST LEAVE US

Should you decide to leave your employment with us, we ask that you provide your immediate supervisor with at least _____ weeks' advance notice. Your thoughtfulness will be appreciated and will be noted favorably should you ever wish to reapply for employment with the company or seek a favorable reference from us. Additionally, all resigning employees must complete a brief exit interview form and attend a short exit conference with the Personnel Department prior to leaving.

Infractions of company policies, rules and regulations, or poor job performance may result in discharge from employment. Termination for misconduct will result in forfeiture of all termination benefits except those required by law. Final paychecks for resigning or terminated employees will be made available on the next regular payday or sooner, consistent with applicable law.

A FEW CLOSING WORDS

This handbook is intended to give you a brief look at _____ and its policies. From time to time, we may modify the terms and procedures in it, which will be distributed to staff for notification. If you have any questions at any time, ask your supervisor or contact the Personnel Department. We welcome you with the sincere hope that our association will be a successful and rewarding one. Together, we can look forward to continued success and mutual prosperity.

RECEIPT OF EMPLOYEE HANDBOOK

*[**VERSION FOR NON-UNIONIZED WORKFORCES** - TO BE INCLUDED ON A SEPARATE, PERHAPS TEAR-OFF PAGE, SIGNED BY EMPLOYEES AT THE TIME OF DISTRIBUTION AND FILED IN THE EMPLOYEES' PERSONNEL FILES.]*

By signing below, I acknowledge the following:

I have received a copy of the _____ Employee Handbook and understand that I am responsible for becoming familiar with the policies described in it.

I understand that the information contained in it represents management guidelines only which may be modified from time to time.

I understand that neither the handbook's policies nor any representations made by a management representative, at the time of hire or subsequently, are to be interpreted as a contract between the Company and any of its employees, and that this manual supersedes all prior manuals and policy statements.

I understand that employment with the Company is at-will, and either the employee or the company may terminate employment at any time, with or without cause or reason; and that no representative of the Company is authorized to provide any employee, individually or on a collective basis, with an employment contract or special arrangement concerning the terms or conditions of employment unless the contract or agreement is in writing and signed by _____.

_____ _____

(Employee name - print) (Date)

_____

(Employee signature)

RECEIPT OF EMPLOYEE HANDBOOK- UNIONIZED EMPLOYEES

*[**VERSION FOR UNIONIZED WORKFORCES** - TO BE INCLUDED ON A SEPARATE, PERHAPS TEAR-OFF PAGE, SIGNED BY EMPLOYEES AT THE TIME OF DISTRIBUTION AND FILED IN THE EMPLOYEES' PERSONNEL FILES.]*

By signing below, I acknowledge the following:

I have received a copy of the _____ Employee Handbook and understand that I am responsible for becoming familiar with the policies described in it.

I understand that the information contained in it represents management guidelines only which may be modified from time to time.

I understand that neither the handbook's policies nor any representations made by a management representative, at the time of hire or subsequently, are to be interpreted as a contract between the Company and any of its employees, and that this manual supersedes all prior manuals and policy statements.

I understand that employment with the Company is at-will, and either the employee or the company may terminate employment at any time, with or without cause or reason; and that no representative of the Company is authorized to provide any employee, individually or on a collective basis, with an employment contract or special arrangement concerning the terms or conditions of employment unless the contract or agreement is in writing and signed by _____.

I understand that this handbook is not intended to supersede any express provisions of any applicable collective bargaining agreement.

_____ _____

(Employee name - print) (Date)

_____

(Employee signature)

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to _____. If you are more comfortable reporting verbally or in another manner, you may do so and can follow the guidelines set forth in the Company policy. You will not be retaliated against for filing a complaint. Once a complaint is received, the Company will follow the investigation process described in our policy.

General Information

Your Name / Job Title:

_____

Your Department / Supervisor:

_____

Preferred Communication Method (if via e-mail or phone, please provide contact info):

_____

Complaint Information

1. Please tell us who you believe has violated our policy against sexual harassment. What is their relationship to you (e.g., Supervisor, Subordinate, Co-Worker, Other):

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Please provide specific date(s) the alleged sexual harassment occurred. Additionally, please advise if the alleged sexual harassment is continuing?

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint.

This last question is optional, but may help the investigation

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____