



VanderHouwen

Recruiting • Relationships • Opportunity

Massachusetts Addendum Effective 5/1/2022

Sick Time

VanderHouwen provides eligible employees with paid sick time in accordance with the requirements of the Massachusetts Earned Sick Time Law (ESTL). For any questions about sick, please contact Human Resources at hr@vanderhouwen.com.

Eligibility

All employees (whether full-time, part-time, temporary or seasonal employees) whose primary place of work is in Massachusetts are eligible to accrue paid sick time.

Accrual of Sick Time

Eligible employees will begin to accrue paid sick time on the employee's first day of actual work. Sick time accrues at a rate of one hour of paid sick time for every 30 hours worked, up to a maximum accrual of 40 hours in a single calendar year. VanderHouwen's calendar year starts on January 1 of each year.

For accrual purposes, salaried exempt employees will be assumed to work 40 hours in a week unless the employee's regular workweek is less than 40 hours, in which case sick time accrues based upon that regular workweek. Nonexempt employees accrue paid sick time on all hours worked, including overtime hours. Employees do not accrue paid sick time for hours during which they are not working, such as paid time off or while using paid sick time.

Eligible employees may not use accrued paid sick time until 90 days after the employee's first day of actual work.

Reasons Sick Time May be Used

Sick time may be used only for the following reasons:

- To care for the employee's child, spouse or parent 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.
- 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;
- To attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse or parent; or
- To address the psychological, physical or legal effects of domestic violence against the employee or the employee's child; or
- To travel to and from an appointment, pharmacy or other location necessary for the purposes of the sick time.

For purposes of this policy, a "parent" includes a biological, adoptive, foster or step-parent of an employee or an employee's spouse, or another person who assumed the responsibilities of parenthood when the employee or employee's spouse was a child. Also, for purposes of this policy, a "child" includes a biological, adopted or foster child, a stepchild, a legal ward or a child for whom the employee has assumed the responsibilities of parenthood.

The smallest amount of sick time an employee can use is one hour. Employees who need to take more than one hour of paid sick time at one time can use additional sick time in 15-minute increments.

The use of sick time for any other purpose is not allowed and may result in disciplinary action up to and including termination of employment. Paid sick time may not be invoked as an excuse for being late for work without an authorized purpose. An employee who exhibits a pattern of using sick time immediately before or after PTO, holiday or the weekend may be subject to discipline unless the employee provides documentation supporting that the time was used for an authorized purpose.

Requesting Sick Time and Documentation

Except in cases of emergency, employees must provide advance notice of the need to use paid sick time. If the need for paid sick time is foreseeable, employees must make a good faith effort to provide notice seven days in advance of the need for leave, unless they learn of the need to use sick time within a shorter period. If the need for sick time is unforeseeable, employees should make reasonable efforts to provide notice.

For multi-day absences, employees must provide notice of the expected duration of the sick time. If the expected duration is unknown, employees (or their spouse, adult family member or other responsible party) must provide notice of the need to use sick time on a daily basis, unless doing so is unreasonable under the circumstances.

To provide notice of the need to use paid sick and safe leave, employees must verbally notify his or her supervisor and send a message to hr@vanderhouwen.com.

Employee shall submit a written Paid Sick Leave Request Form to Human Resources within 5 days of returning to work (only two exceptions to the 5 day rule will be granted so long as the form is received prior to next payroll period).

VanderHouwen may require that employees provide documentation verifying that paid sick and safe leave time was used for a covered purpose. Employees are required to provide the requested documentation within five days of the request.

Employees taking leave under this policy are not required to search for or find a replacement employee to cover the periods of time for which they are absent from work.

To provide notice of the need to use sick time, employees should contact Human Resources.

Employees may be required to provide supporting documentation from a health care provider or some other form of appropriate certification that the use of paid sick time was for an authorized purpose when paid sick time use:

- Exceeds 24 consecutive scheduled work hours;
- Exceeds three consecutive days on which the employee was scheduled to work;
- Occurs within two weeks before an employee's final scheduled day of work before termination (except for temporary workers);
- Occurs after four unforeseeable and undocumented absences within a three-month period; or
- Is by a minor employee and occurs after three unforeseeable and undocumented absences within a three-month period.

Such certification must be provided within seven days after the leave, unless the employee can show good cause why more time is needed. Employees may submit their documentation in person or by any reasonable method, including email.

Paid Sick Time Carryover

Employees who have accrued sick time remaining at the end of the year may carry over up to 40 hours of the accrued and unused time to the next calendar year. However, employees may not use more than 40 hours of sick time in a calendar year. In addition, once an employee has a bank of 40 hours of sick time, no further sick time will accrue until previously accrued sick time is used.

VanderHouwen does not offer pay in lieu of actual sick time.

Effect on Other Rights and Policies

VanderHouwen may provide other forms of leave for employees to care for medical conditions or for reasons related to domestic violence or family leave under certain federal, state and municipal laws. In certain situations, sick time under this policy may run at the same time as leave available under another federal, state or municipal law, provided eligibility requirements for that law are met. VanderHouwen is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state and municipal medical, domestic violence or family leave rights.

Confidentiality

VanderHouwen will not disclose evidence of domestic violence experienced by an employee unless the employee provides written consent for disclosure.

Sick Time Records

VanderHouwen maintains true and accurate records regarding accrual and use of sick time, in accordance with the ESTL. Employees who request records pertaining to their accrual and/or use of sick time will be provided a copy within 10 business days. Upon request, employees will also be allowed to inspect original paper or electronic records at a reasonable time and place.

Separation from Employment

Compensation for accrued and unused paid sick time is not provided upon separation from employment for any reason.

Employees who are rehired within four months of the end of employment will immediately have access to previously accrued, unused paid sick time as of their first day of actual work. Employees who are rehired between four and 12 months following the end of employment and who had at least 10 hours of accrued, unused sick time at the end of employment will immediately have access to such sick time as of their first day of work.

Equal Employment Opportunity

VanderHouwen is committed to equal employment opportunity and compliance with federal antidiscrimination laws. We also comply with Massachusetts law, which prohibits discrimination and harassment against any employees or applicants for employment based on race, color, religious creed, sex (including pregnancy, childbirth and related medical conditions), gender identity, sexual orientation, national origin or ancestry, physical or mental disability, age (40 and over), military status, veteran status, certain criminal records, genetic information or testing, HIV testing, a personal admission to a facility for the care and treatment of a mentally ill person and taking of maternity leave. VanderHouwen will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

VanderHouwen also will not discriminate or retaliate against an employee because the employee provided evidence in connection with a claim for unemployment benefits or testified at any unemployment hearing.

Sexual and Other Unlawful Harassment

VanderHouwen is committed to providing a work environment free of harassment. VanderHouwen complies with Massachusetts law and maintains a strict policy prohibiting sexual harassment and harassment against employees or applicants for employment based on race, color, religious creed, sex

(including pregnancy, childbirth and related medical conditions), gender identity, sexual orientation, national origin or ancestry, physical or mental disability, age (40 and over), military status, certain criminal records, genetic information or testing, HIV testing, a personal admission to a facility for the care and treatment of a mentally ill person and taking of maternity leave. VanderHouwen will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

All employees are expected to comply with VanderHouwen's Sexual and Other Unlawful Harassment policy, as set forth in the Employee Handbook. While the Sexual and Other Unlawful Harassment policy sets forth VanderHouwen's goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit VanderHouwen's authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

Any employee who believes that he or she has been harassed or discriminated against should provide a written or verbal report to their supervisor, another member of management, to Human Resources as soon as possible. The responsibility to investigate complaints of harassment has been assigned to Human Resources. Employees who believe they have been harassed or discriminated against may also file a formal complaint with either or both of the government agencies listed below:

- The Massachusetts Commission Against Discrimination (MCAD) is the state agency responsible for handling complaints of harassment, including sexual harassment. The MCAD can be reached at the following locations:
 - Boston Office: One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108; telephone number (617) 994-6000.
 - Springfield Office: 436 Dwight Street, Second Floor, Suite 220, Springfield, MA 01103; telephone number (413) 739-2145.
 - Worcester Office: 484 Main Street, Room 320, Worcester, MA 01608; telephone number (508) 453-9630.
 - New Bedford Office: 800 Purchase Street, Room 501, New Bedford, MA 02740; telephone number (508) 990-2390.
- The Equal Employment Opportunity Commission (EEOC) is the federal agency that investigates harassment claims, including claims of sexual harassment. The EEOC can be reached at:
 - John F. Kennedy Federal Building, Government Center, 475 Government Center, Boston, MA 02203, telephone number (800) 669-4000.

Complaints filed with the MCAD and the EEOC must be filed within 300 days of the incident giving rise to the claim.

Political Opinions

VanderHouwen will not terminate or threaten to terminate an employee or take other adverse action for the purpose of influencing the employee's vote in an election or political contribution. VanderHouwen also will not attempt to influence employee votes by promising higher wages or other incentives in the terms and conditions of employment.

Pregnancy and Lactation Accommodation

Employees and applicants for employment may request a reasonable accommodation for needs related to pregnancy and related conditions, including lactation or the need to express breast milk for a nursing child. VanderHouwen will provide a reasonable accommodation that would enable the employee or applicant to perform the essential functions of her job unless the requested accommodation would impose an undue hardship on VanderHouwen's program, enterprise or business.

A reasonable accommodation may include, but is not limited to, the following: more frequent or longer breaks; acquisition or modification of equipment or seating; assistance with manual labor; job restructuring; light duty; private non-bathroom space for expressing breast milk; modified work schedules; temporary transfers to a less strenuous or hazardous position; or time off to attend to a pregnancy

complication or recover from childbirth. VanderHouwen will not deny employment opportunities or take adverse employment action against otherwise qualified applicants or employees who request or use such reasonable accommodations.

Employees who take leave as an accommodation under this policy will be reinstated to their original job or to an equivalent position with equivalent pay, seniority, benefits and other terms and conditions of employment upon their notification to VanderHouwen of their intent to return to work or when the employee's need for a reasonable accommodation ends.

VanderHouwen may require that employees provide documentation about the need for a reasonable accommodation, or the need to extend an accommodation, from an appropriate health care or rehabilitation professional. VanderHouwen will not require such documentation when the requested accommodation is more frequent restroom, food and water breaks; seating; private non-bathroom space for expressing breast milk or limits on lifting over 20 pounds.

Employees who have questions about this policy or who wish to request leave or other reasonable accommodations under this policy should contact Human Resources. When an employee makes a request for a reasonable accommodation, VanderHouwen and employee will engage in a timely, good faith and interactive process to determine an effective reasonable accommodation.

Access to Personnel Files and Wage Records

Employees may review or obtain a copy of their personnel file, generally not more than two times per calendar year, by submitting a written request to Human Resources. The review will take place in the presence of a company representative during normal business hours.

Employees who disagree with any of the information contained in their personnel file should notify Human Resources. If an employee and VanderHouwen cannot agree to remove or correct the specified information, the employee can submit a written statement explaining their position regarding the disputed information. The statement will be maintained as part of the employee's personnel file and included in any disclosure to a third party.

Upon request, employees will also be allowed to inspect certain paper or electronic wage records maintained by VanderHouwen. Such records include the amount of pay per pay period, hours worked, rate of pay, PTO, and deductions from wages. These records are maintained by VanderHouwen for at least three years after entry. Employees will be allowed to inspect such wage records at a reasonable time and place. Upon request, employees will be provided with a copy of the wage records within ten business days.

Mandatory Time Off/Day of Rest

VanderHouwen will provide employees with at least one day (24 consecutive hours) of rest every seven days. The day of rest will include an uninterrupted period between the hours of 8:00 a.m. and 5:00 p.m.

Sunday Work

Employees required to perform their usual work on a Sunday will be provided 24 consecutive hours without work during the following six days.

Parental Leave

Eligible full-time employees working in Massachusetts are entitled to take up to eight weeks of unpaid leave per child for the:

- Birth of a child; or
- Adoption of a child under 18 years of age or under 23 years of age if the child is mentally or physically disabled.

If both spouses work for VanderHouwen and are eligible for leave under this policy, the spouses will be limited to a combined total of eight workweeks off for the birth, adoption or placement of the same child

Eligibility

Employees are eligible for leave under this policy if they are full-time have completed the initial probationary.

Notice of Leave

Employees must give at least two weeks' notice of their anticipated date of departure and intention to return to work. If the need for leave arises under circumstances that, for reasons beyond the employee's control, do not allow for two weeks' notice, employees must give notice as soon as practicable.

Compensation and Benefits During Leave

Parental leave will be without pay, unless an employee chooses to use accrued PTO, personal, medical and/or sick leave concurrently with all or part of the unpaid parental leave. Sick leave may only be used during portions of the parental leave that qualify for leave under VanderHouwen's sick leave policy, however. VanderHouwen will not require an employee to use accrued PTO or sick leave concurrently with any part of a parental leave. However, if an employee's parental leave qualifies as leave under the federal Family and Medical Leave Act, the two leaves will run concurrently. Eligible employees may apply for disability benefits related to their childbirth and/or pregnancy-related disabilities under the same terms and conditions that apply to other medical disabilities.

Parental leave will not affect the employee's rights to receive PTO, sick time and other benefits for which the employee was eligible at the commencement of their leave.

Return to Work

At the conclusion of parental leave, employees will be reinstated to their previous position or to a similar position with the same status, pay, length of service credit and seniority as of the date of their leave, unless other employees of equal seniority and status in the same or similar position were laid off due to economic conditions or other changes in operating conditions during the employee's parental leave. However, employees returning from parental leave do retain any preferential consideration for another position to which they may be entitled as of the date of the leave.

If an employee requests and is granted an extension of parental leave beyond eight weeks, and if this extension is not covered by any other law such as the federal Family and Medical Leave Act (FMLA), the employee's job will be not protected beyond the initial eight week period. Under these circumstances, VanderHouwen provides no assurance the employee will be restored to their previous position or a similar position when the extension expires

Anti-Discrimination

VanderHouwen will not discriminate or retaliate against employees because they request or take leave in accordance with this policy.

Small Necessities Leave

Employees eligible for leave under VanderHouwen's Family and Medical Leave policy, as set forth in the Employee Handbook, may take an additional 24 hours of unpaid leave during a 12-month period in order to:

- Participate in school activities directly related to the educational advancement of their children (such as parent-teacher conferences and interviewing for new schools);

- Accompany their children to routine medical and dental appointments (such as check-ups or vaccinations); or
- Accompany elderly relatives (individuals who are at least 60 years old and related to the employee by blood or marriage) to medical or dental appointments or appointments for other professional services related to the elder's care (such as nursing home interviews).

Notice of Leave

When foreseeable, employees must request leave no less than seven days in advance. If need for the leave is not foreseeable, the employee must request the leave as soon as practicable under the circumstances.

Terms of Leave

Leave under this policy can be taken intermittently or on a reduced-schedule basis.

If you have any questions about this policy, please contact Human Resources.

Abuse Victim Leave

Employees who are victims of abusive behavior, defined for purposes of this policy to include domestic violence, stalking, sexual assault and kidnapping, or that have a family member who is a victim of abusive behavior may take up to 15 days of unpaid leave within a 12-month period to address issues related to the abuse. For purposes of this policy, "abusive behavior" includes conduct by a current or former spouse; a person with whom the employee or covered family member shares a child; a person cohabitating with or who has cohabitated with the employee or covered family member; a person related by blood or marriage to the employee or covered family member; or a person with whom the employee or covered family member has or had a dating relationship.

An employee who is the perpetrator of the abusive behavior is not eligible for leave under this policy.

"Covered family members" include the employee's spouse; a person in a dating or engagement relationship with the employee and who resides with the employee; someone having a child in common with the employee; a parent, stepparent, child, stepchild, sibling, grandparent, grandchild or someone in a guardianship relationship with the employee.

Leave taken under this policy must be used to address issues directly related to the abusive behavior and may be used to:

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

Employees may take up to 15 days of leave within a 12-month period. The 12-month period begins on the date of an employee's first use of such leave and ends 12 months after that date.

Where they overlap, leave taken under this policy will run concurrently with leave under the federal Family and Medical Leave Act.

Employees needing leave under this policy must provide advance notice of the need for leave to the greatest extent possible. However, if there is a threat of imminent danger to the health or safety of the employee or a covered family member, the employee must notify VanderHouwen within three workdays that protected leave was taken or is being taken. Such notice may be provided by the employee, a family member of the employee or a professional assisting the employee with addressing the abusive behavior, and can be made via telephone, in person or in writing.

If an absence is unscheduled, VanderHouwen will not take any negative action against the employee as long as the employee provides appropriate documentation with 30 days of the unauthorized absence.

VanderHouwen may require employees to provide supporting documentation demonstrating that the employee or a covered family member was the victim of abusive behavior and that the reason for taking leave was related to that behavior. Such documentation should be provided within a reasonable period of time and may include:

- A protective order or other document issued by the court;
- A document under the letterhead of a court, provider or public agency that the employee attended for the purpose of obtaining assistance regarding the abusive behavior;
- A police report or witness statement provided to the police;
- Documents showing that the perpetrator was convicted of an offense constituting abusive behavior, or admitted to facts sufficient to establish guilt of abusive behavior;
- Medical documentation;
- A sworn statement, signed under penalty of perjury, from a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional advocate who has assisted the employee and/or their family address the effects of abusive behavior; or
- A sworn statement, signed under penalty of perjury, from the employee, attesting that the employee or a covered family member has been the victim of abusive behavior.

All information and documentation related to an employee's use of domestic violence leave will be kept confidential, unless such disclosure is expressly required by law, requested in writing by the employee or necessary to protect the safety of the employee or other employees.

Upon return from leave, employees will be restored to their original position or to an equivalent position. VanderHouwen will not take any adverse action against an employee for exercising his or her rights under this policy. Additionally, employees taking leave under this policy will not lose any benefits accrued prior to the start of the leave.

Crime Witness Leave

Employees who are victims of a crime may time off from work to appear as a witness in a criminal proceeding regarding that crime. Leave under this policy will be unpaid except that exempt employees will not incur any reduction in pay for a partial week absence due to witness duty.

Employees should notify VanderHouwen of their required service prior to the day of attendance.

Jury Duty Leave

VanderHouwen encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or subpoenas, attend court for prospective jury service or serve as a juror. Under no circumstances will employees be terminated, threatened, harassed, coerced or penalized because they request or take leave in accordance with this policy.

All employees, including temporary employees, will receive their regular compensation during the first three days of jury service. Any additional time off under this policy will be without pay, except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty.

Employees scheduled to work at night will not be required to: (1) work beyond midnight the night before first day of jury service; (2) work while impaneled on a trial unless authorized by the judge; or (3) be required to work on the last day of service if released by the court after 4 p.m.

Employees should provide their supervisor with notice of any jury summons or subpoena within a reasonable amount of time after receipt and before their appearance is required. Verification from the court clerk of having served may also be required.

Time Off to Vote

VanderHouwen encourages all employees to fulfill their civic responsibilities and to vote in all public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Employees who have less than two consecutive hours between the time their polling location opens and the time their scheduled shift begins may arrive late to work so that they have a total of two consecutive hours after the polls open to vote. Time off under this policy will be without pay, except that exempt employees may receive pay, as required by law.

Employees must provide reasonable advance notice of the need for time off to vote so that time off can be scheduled to minimize disruption to normal work schedules.

Military Leave

In addition to the military leave rights set forth in the Employee Handbook, members of the armed forces of the Commonwealth, including the state defense force, the state staff, or the armed forces of another state or territory who are employed within Massachusetts and ordered to active duty under state or federal law, are entitled to the rights, protections, privileges and immunities provided under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and described more fully in the Military Leave policy set forth in the Employee Handbook.

When military service, as described above, is in support of a critical homeland security or emergency management operation, as determined by the adjutant general, it will not be counted toward the cumulative 5-year period of absence allowed for military leave.

Veterans Day and Memorial Day Leave for Veterans

VanderHouwen will provide employees who are also veterans unpaid time off to observe Veterans Day or participate in Memorial Day exercises, parades or services.

Employees whose services are essential to and critical to public health and safety and the safety and security of VanderHouwen or the property of VanderHouwen are not eligible for this leave.

Leave under this policy will be unpaid, except that exempt employees may receive pay, as required by law.

Employees should contact their supervisor to make appropriate arrangements.

Emergency Responder Leave

Employees who serve as volunteer firefighters or emergency medical technicians may take time off from work to respond to an emergency that occurred prior to the time the employee is scheduled to report to work. For purposes of this policy, "respond to an emergency" means responding to, working at the scene of, or returning from a fire, rescue, emergency medical service call, hazardous materials incident or a natural or man-made disaster in the good faith belief that such action is necessary to prevent the imminent loss of life or property.

Leave under this policy will be unpaid except that exempt employees may be paid, as required by law.

VanderHouwen may request employees to provide a statement signed by the chief of the fire or ambulance department certifying the date and time the employee responded to and returned from the emergency.

Retaliation Prohibited

VanderHouwen will not retaliate, or tolerate retaliation, against employees because they oppose practices they believe violate the ESTL or because they support another employee's exercise of rights under the EST.

Paid Family and Medical Leave

In accordance with the Massachusetts Paid Family and Medical Leave Law ("MPFML"), eligible employees are entitled to a leave of absence to care for a family member with a serious health condition, care for their own serious health condition, bond with a new child, care for a family member who is a covered servicemember or assist with obligations that arise when a family member is called into active military service. Employees are also eligible to receive partial wage replacement benefits during the leave through the state-mandated Department of Family and Medical Leave ("Department") Employment Security Trust Fund.

Eligible Employees

This policy applies to eligible Massachusetts-based employees including full-time, part-time, permanent or seasonal workers, as well as some former employees. To be eligible for paid family and medical leave ("PFML"), employees must meet financial eligibility requirements established by the Department, and former employees cannot have been separated from VanderHouwen for more than 26 weeks. Participation in the program is not optional for these employees.

Contributions

PFML benefits are funded by both a Company contribution and an employee contribution to the Employment Security Trust Fund. Employee contributions are made through payroll deductions, and the amount of the contribution depends on the employee's average weekly wage. The maximum deduction amount will be adjusted periodically by the Department. The amount of any deduction taken will be reflected on an employee's paystub.

Reasons For and Length of Leave

Eligible employees may be entitled to:

- Up to a maximum of 12 weeks of PFML in a benefit year for the birth, adoption or foster care placement of a child; or due to a qualifying exigency arising because a family member is on active duty or has been notified of an impending call to active duty in the United States Armed Forces.

- Up to a maximum of 20 weeks of PFML in a benefit year to attend to their own serious health condition that incapacitates them from work.
- Up to a maximum of 26 weeks of PFML in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious injury or illness related to the family member's military service.

Eligible employees may be entitled to:

- Up to a maximum of 12 weeks of PFML in a benefit year to care for a family member with a serious health condition.

A covered employee is allowed a maximum of 26 weeks of PFML, in the aggregate, in a benefit year.

- **"Benefit year"** means the period of 52 consecutive weeks beginning on the Sunday immediately preceding the first day of PFML.
- **"Child"** means a biological, adopted or foster child, a stepchild or a legal ward; a child to whom the covered individual stands *in loco parentis*; or a person to whom the covered individual stood *in loco parentis* when the person was a minor child.
- **"Family Member"** means the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered individual; a person who stood *in loco parentis* to the covered individual when the covered individual was a minor child; or a grandchild, grandparent or sibling of the covered individual.
- **"Parent"** means a biological, adoptive, step- or foster parent.
- **"Qualifying Exigency"** means a need arising out of the employee's family member's active duty service or notice of an impending call or order to active duty in the Armed Forces (e.g., providing for the care or other needs of the military member's child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave, or making arrangements following the death of a military member).
- **"Serious Health Condition"** means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility or continuing treatment by a health care provider.
- **"Sibling"** means a biological or adoptive sibling, or a stepsibling.

Wage Replacement Benefits

Eligible employees may receive wage replacement benefits from the Department. The amount of wage replacement benefits is calculated based on the employee's average weekly wage in relation to the state average weekly wage and is capped at a maximum weekly benefit amount that is adjusted annually. PFML benefits are administered by the Department. There is generally a seven-day waiting period after an application for a PFML benefit is approved before benefit payments begin. Employees may use available PTO, sick leave (if applicable) or other paid time off during the waiting period.

Health Benefits

During approved PFML, VanderHouwen will continue making contributions for an employee's group health benefits on the same terms as if the employee had continued to work. This means that, if an employee wants benefits coverage to continue during PFML, the employee must continue to make any premium payments they were required to make for themselves or their dependents prior to the leave.

Intermittent Leave

Under some circumstances, employees can take PFML on an intermittent basis (i.e., taking leave in

separate blocks of time) or on a reduced schedule basis (i.e., reducing the employee's normal weekly or daily work schedule). An employee may take PFML leave intermittently or on a reduced schedule basis to care for their own or a family member's serious health condition or to care for a family member who is a covered service member, if a health care provider determines it is medically necessary. If an employee requests intermittent or reduced schedule PFML for their own serious health condition, VanderHouwen may request additional information and will work with the employee to identify a schedule for leave that meets the employee's needs without unduly interrupting VanderHouwen's business operations (subject to the approval of the employee's health care provider).

In the case of PFML for the birth, adoption or foster care placement of a child, VanderHouwen will consider requests to take leave intermittently or on a reduced schedule on a case-by-case basis depending upon the needs of VanderHouwen.

Employees may take PFML on an intermittent or reduced schedule basis when leave is due to a qualifying exigency.

PFML can be taken in increments of one hour. Taking leave intermittently or on a reduced leave schedule will result in a proportionate reduction in the employee's available allotment of leave. Employees cannot apply for payment of benefits for intermittent PFML until they have accumulated eight hours of leave time or until 30 calendar days following the first use of intermittent leave, whichever comes first.

Employees seeking intermittent PFML must notify the Department and VanderHouwen of the schedule for intermittent leave. Employees who are approved for and use intermittent leave and fail to work in accordance with an agreed-upon schedule may be subject to discipline. If an employee's use of intermittent PFML is inconsistent with the Department's approval, VanderHouwen may also request additional information in support of the need for leave.

Applying For PFML Benefits

Employees must file claims for PFML benefits directly with the Department using the Department's forms. The Department's contact information is:

The Massachusetts Department of Family and Medical Leave

MassPFML@Mass.gov
www.mass.gov/DFML

For questions about benefits and eligibility:
(833) 344-7365

For questions about contributions and exemptions:
(617) 466-3950

Employees will be required to submit to the Department additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for leave upon the birth or placement of a child or a medical certification from a health care provider for leave to care for the employee's or a family member's serious health condition.

Requesting PFML

Employees must provide at least 30 days' advance written notice to Human Resources and specify the type of leave, the anticipated starting date of the leave, the anticipated length of the leave and the expected date of return. Written notice includes, but is not limited to, handwritten or typed notices, and all forms of written electronic communications such as text messages and email.

If the employee is unable to provide 30 days' notice due to circumstances beyond their control, the employee must provide notice as soon as practicable. Failure to provide timely notice may result in a denial or delay in an employee's receipt of PFML. A request for an extension must be filed 14 calendar days prior to the expiration of the original approved leave, unless good cause for the delay is shown.

Employees who are planning medical treatment should consult with VanderHouwen in advance of an application to the Department and make a reasonable effort to schedule the treatment so that it will not

unduly disrupt VanderHouwen's business operations (subject to approval from the employee's health care provider).

VanderHouwen will treat any medical or health information as confidential and will not disclose such information except with the permission of the employee requesting leave, unless disclosure is otherwise required by law.

The Department will not accept an application for benefits if proper notice is not made to VanderHouwen as described above.

Return to Work

An eligible employee who takes PFML and returns to work on or before the approved leave's end date will be entitled to return to their former job or to an equivalent job with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave. Upon reinstatement, the employee will have the same rights to accrue PTO, sick leave, bonuses, advancement, seniority, length-of-service credit or other employment benefits, plans or programs. Taking PFML will not result in the loss of any employment benefit accrued prior to the date the leave began.

VanderHouwen may deny restoration to any employee if:

- Other employees of equal length of service credit and status in the same or equivalent positions have been laid off due to economic conditions or other changes in operating conditions; or
- The contract for employment for which the employee was hired has concluded and VanderHouwen would not have otherwise continued to employ the employee.

Coordination With Other Leaves and Benefits

Leave taken under the MPFMLL will run concurrently with leave taken under the Massachusetts Parental Leave Act, the federal Family and Medical Leave Act and any disability plan or employer paid family and medical leave program when the leave is for a qualifying reason under the other law, plan or program. In no case will the combined pay an eligible employee receives through any wage-replacement program(s), including PFML benefits and any Company-provided paid family and medical leave program, exceed the employee's average weekly wage. Additionally, all wage-replacement benefits will be fully integrated to avoid duplication of benefits, to the fullest extent permitted by state or federal law.

Employees who elect to use accrued paid leave benefits, such as PTO or sick leave, for a MPFMLL qualifying leave will not be eligible for PFML wage replacement benefits. The time taken for such leave will still be subtracted from the employee's overall leave entitlement under the MPFMLL.

Fraudulent Use of PFML Prohibited

Employees who fraudulently obtain PFML benefits will not receive the protections and benefits provided by the law, and may be required to repay the Trust Fund for any benefits received.

Protected Rights

VanderHouwen takes its PFML obligations very seriously and will not interfere with, restrain or deny the exercise of any right protected under the MPFMLL. VanderHouwen will not discriminate or retaliate against any individual because they use or request leave in accordance with this policy, file a complaint or institute a proceeding related to the MPFMLL, testify or provide information in an inquiry or proceeding related to the MPFMLL, or otherwise exercise their rights under the MPFMLL. If an employee believes

that their MPFMLL rights have been violated in any way, they should immediately report the matter to Human Resources.

Meal Breaks

Employees who work six or more continuous hours will be provided at least a 30-minute meal break. Employees must not perform any work during the meal break, are free to leave the workplace premises and are allowed to pray during meal breaks. Employees are expected to return to work promptly at the end of every meal break.

An uninterrupted 30-minute meal break will be unpaid for nonexempt employees.

Employees who are unable to take all of the meal breaks to which they are entitled in accordance with this policy, or who have been prevented or discouraged from taking a break to which he or she is entitled under this policy, should immediately notify a supervisor or Human Resources.

Discussion of Wages

VanderHouwen does not prohibit employees from discussing or disclosing information about their own wages or inquiring about or discussing the wages of other employees. VanderHouwen will not retaliate against employees for disclosing their wages or inquiring about or discussing the wages of other employees.

This policy does not apply to the disclosure of other employees' wage information by human resources managers or supervisors who have access to such information solely as part of their essential job functions and who, while acting on behalf of VanderHouwen, make unauthorized disclosure of that information.

Smoke-Free Workplace

VanderHouwen prohibits smoking in the workplace and in company-owned vehicles occupied by more than one person. Employees wishing to smoke must do so outside VanderHouwen's facilities during scheduled work breaks.

Employees wishing to smoke may do so during scheduled work breaks outside Company facilities where smoke does not migrate back into the workplace.

Employees that observe other individuals smoking in the workplace in violation of this policy have a right to object and should report the violation to their supervisor or another member of management. Employees will not be disciplined or retaliated against for reporting smoking that violates Massachusetts law or this policy.

Employees that violate this policy may be subject to disciplinary action up to and including termination of employment.

Cell Phone Use/Texting While Driving

As is set forth in the Employee Handbook, VanderHouwen prohibits employees from using cellular phones for business reasons while driving or for any reason while driving for work-related purposes or driving a company-owned vehicle. Employees should also be aware that it is a violation of Massachusetts law to use a cell phone while driving, except in hands-free mode. It is also a violation of Massachusetts law to read or view text, images or video displayed on a mobile electronic device while driving (except for maps generated by a navigation app or system and displayed on a mounted electronic device).

**VanderHouwen
Acknowledgement of Policy**

I acknowledge that I have received the Massachusetts Addendum for the Employee Handbook. The attached policy is intended to be an addition to the current Employee Handbook.

I understand that it is my responsibility to read and comply with this policy. I further understand that I should consult my manager regarding any questions raised by this policy and not answered by the Employee Handbook.

Employee's Name (printed): _____

Employee's Signature: _____

Date: _____