



# VanderHouwen

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## NEW JERSEY HANDBOOK ADDENDUM Effective October 1, 2020

### **Paid Sick and Safe Leave**

VanderHouwen provides eligible employees with paid sick and safe leave in accordance with the requirements of New Jersey's earned sick and safe leave law (ESSLL). For any questions about sick, please contact Human Resources at [HR@vanderhouwen.com](mailto:HR@vanderhouwen.com).

### **Employee Documentation**

Employees are to submit VanderHouwen's Paid Sick Leave Request Form when requesting paid sick time for the appropriate pay period. If an employee uses more than three consecutive days of sick time, VanderHouwen may request supporting documentation verifying the employee was out for a qualifying reason.

### **Use of Sick Time**

Sick time may be used for qualifying absences (see below) in increments of one (1) hour and may be used to cover all or part of a shift. Employees must use sick time for qualifying absences. However, employees may choose to trade shifts instead of using sick time if approved by his or her supervisor. When using sick time, employees are not required to find coverage for their shift. When using sick time, employees will be paid at the rate the employee would have earned had they not been absent, however, employees will not be paid for lost tips, commissions, or overtime.

Accrued, but unused sick time will not be paid to the employee upon termination, resignation, retirement, or other separation of employment. An employee rehired within 6 months of separation is entitled to use previously accrued sick time immediately upon re-employment.

### **Requesting Sick and Safe Leave and Documentation**

If the need for paid sick and safe leave is foreseeable, employees must provide notice ten days before the leave would begin, unless they learn of the need to use leave within a shorter period.

If the need for paid sick and safe leave is unforeseeable, employees should provide notice as soon as practicable after the need for leave arises. 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](mailto: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.

For paid sick and safe leave that is needed because of domestic violence or sexual assault, satisfactory documentation includes:

- A police report indicating that the employee or a family member was a victim of domestic violence or sexual assault;
- A court document indicating that the employee or a family member is involved in legal action related to domestic violence or sexual assault; or
- A signed statement of a victim and witness advocate affirming that the employee or a family member is receiving services from a victim services organization.

The documentation need not explain the details of the violence or medical condition.

Failure to comply with these notice and documentation requirements may result in discipline.

### **Eligibility**

Employees (including those working on a full-time, part-time or temporary basis) are generally eligible to accrue paid sick and safe leave.

### **Reasons Sick and Safe leave May be Used**

Employees may use paid sick and safe leave for the following reasons:

- The employee's or the employee's family member's mental or physical illness, injury or health condition;
- For the diagnosis, care or treatment of the employee's or the employee's family member's mental or physical illness, injury or health condition;
- For preventive medical care for the employee or the employee's family member;
- The employee or the employee's family member is a victim of domestic or sexual violence (including stalking) and needs to obtain:
  - Medical attention;
  - Services from a designated domestic violence agency or other victim services organization;
  - Psychological or other counseling;
  - Relocation; or
  - Legal services, including obtaining a restraining order or preparing for or participating in a civil or criminal legal proceeding related to the domestic or sexual violence;
- To attend a child's 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;
- To attend a meeting regarding a child's care in connection with the child's health or disability;
- The employee's workplace or the employee's child's school or place of care is closed 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;
- The Governor has declared a state of emergency, or a health care provider, the Commissioner of Health or another public health authority has issued a determination that

the presence of the employee or the employee's family member in the community may jeopardize the health of others; and

- 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.

For purposes of this policy, "family member" includes an employee's:

- Child (including a biological, adopted, foster or stepchild, a legal ward, and the child of a domestic partner or civil union partner);
- Parent (including a biological, adoptive, foster or stepparent; legal guardian; parent of a spouse, domestic partner or civil union partner; a person who stood *in loco parentis* when the employee was a minor; and a parent's spouse, domestic partner or civil union partner);
- Spouse, civil union partner or domestic partner;
- Sibling (including a biological, adopted or foster sibling and a sibling of a spouse, domestic partner or civil union partner);
- Grandparent (including a grandparent's spouse, domestic partner or civil union partner);
- Grandchild; and
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship, including any person with whom the employee has a significant personal bond that is, or is like, a family relationship, regardless of biological or legal relationship.

VanderHouwen will not count employees' use of sick and safe leave in compliance with this policy as an absence when evaluating absenteeism. Therefore, any such use of sick and safe leave will not count as an "occurrence" under any Company policy. An employee who uses paid sick and safe leave for an unauthorized purpose may be subject to discipline, up to and including termination.

#### **Accrual and Use of Sick and Safe Leave**

Eligible employees began to accrue paid sick and safe leave under the ESSLL on October 29, 2018, or the employee's first day of work, whichever is later. Sick and safe leave accrues at a rate of one hour of paid sick and safe leave for every 30 hours worked. For exempt employees who are not required to record their hours worked, VanderHouwen will presume for the purpose of calculating paid sick and safe time accrual that the employee works 40 hours per week.

Eligible employees may accrue up to a maximum of 40 hours of paid sick and safe leave in a given calendar year.

Eligible employees may use paid sick and leave accrued under this policy and the ESSLL beginning on the 120th calendar day after their employment with VanderHouwen began.

Paid sick and safe leave may be used in increments of one hour. Eligible employees may use up to 40 hours of paid sick time in a calendar year.

Employees are not required to search for or find an employee to cover their work in order to take paid sick and safe leave. Please check your pay stub for this information or contact [payroll@vanderhouwen.com](mailto:payroll@vanderhouwen.com).

### **Requesting Sick and Safe Leave and Documentation**

When the need for paid sick and safe leave is foreseeable, employees must provide notice of the need for leave and its expected duration at least three calendar days prior to the start of the leave. Employees must make reasonable efforts to schedule the use of paid sick and safe leave in a manner that does not unduly disrupt Company operations.

If the need for paid sick and safe leave is unforeseeable, employees should provide notice of the need for leave and its expected duration as soon as practicable. To provide notice of the need to use paid sick and safe leave, employees should contact their supervisor or Human Resources.

If paid sick and safe leave is used for three or more consecutive workdays, VanderHouwen may require that the employee provide reasonable documentation that the paid sick and safe leave was used for a qualifying reason. For a medical-related absence, an employee can satisfy this requirement by providing documentation signed by a health care professional that indicates the need for leave and, if possible, the amount of leave required. For leave related to domestic or sexual violence, the employee can provide any of the following documents:

- 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 covered relation in dealing with the domestic or sexual violence.

For leave related to an epidemic or other public health emergency, the employee can provide a copy of the order of the public official or the determination by the health authority.

### **Confidentiality**

Health information and information pertaining to domestic or sexual violence related to an employee or the employee's family member will be treated as confidential and not disclosed except to the affected employee or with that employee's permission, unless otherwise required by applicable law.

### **Leave Carryover**

Employees who have accrued, unused paid sick and safe leave time remaining at the end of every year may carry over up to 40 hours from one year to the next.

**Rate of Pay**

Paid sick and safe leave is compensated at the same rate of pay and with the same benefits an employee normally earns, or at the state minimum wage (whichever is greater).

**Integration with Other Benefits**

It is an employee's responsibility to apply for any applicable benefits for which the employee may be eligible as a result of illness or disability, including temporary disability insurance, family leave insurance, workers' compensation insurance, and any other disability insurance benefits. If an employee elects to integrate paid sick and safe leave with other paid benefits, VanderHouwen will integrate all paid benefits such that an employee will not be paid more than their regular compensation at any time.

**Separation from Employment**

Compensation for accrued and unused paid sick and safe leave is not provided upon separation from employment for any reason. If an employee is rehired by VanderHouwen within six months of separation from employment, previously accrued but unused paid sick and safe leave will immediately be reinstated. The previous period of employment will be counted for purposes of determining the employee's eligibility to use paid sick and safe leave.

**Retaliation Prohibited**

VanderHouwen will not discriminate or retaliate against employees, or tolerate discrimination or retaliation against employees, because they request or use paid sick and safe leave in accordance with this policy and/or the ESSLL, file a complaint alleging a violation of the ESSLL or inform any other person of their rights under the ESSLL.

**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 or sexual violence or family leave under certain federal and state laws. In certain situations, sick and safe leave under this policy may run at the same time as leave available under another federal or state 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 and state medical, domestic or sexual violence or family leave rights.

**Equal Employment Opportunity**

In addition to the protected statuses listed in the Employee Handbook, and in accordance with New Jersey law, VanderHouwen is committed to providing equal employment opportunities to all employees and applicants without regard to race (including traits historically associated with race, such as hair texture, hair type and protective hairstyles), creed, color, national origin, ancestry, age, sex, pregnancy or breastfeeding (including childbirth, breastfeeding or expressing milk for breastfeeding or medical conditions related to pregnancy, childbirth or breastfeeding), marital status, civil union or domestic partnership status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, disability (including AIDS and HIV-related illnesses), membership or liability for service in the United States Armed Forces, members in the organized militia or a Reserve component of the US Armed Forces and use or non-use of tobacco products outside the workplace.

Additionally, VanderHouwen prohibits retaliation against any employee who requests from, discusses with or discloses information regarding the job title, occupational category, rate of compensation, (including benefits), or protected class of the employee or any other employee to a current or former employee, a lawyer from whom the employee seeks legal advice or a government agency, if the purpose of the request is to assist investigating the possibility that potential discriminatory treatment concerning pay, compensation, bonuses, other compensation or benefits occurred or to take legal action.

VanderHouwen will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

### **Political Opinions**

VanderHouwen will not take adverse employment action or threaten to take such action in an attempt to induce or compel an employee to vote or refrain from voting for a particular candidate in an election.

### **Pregnancy and Lactation Accommodation**

Employees may, based on the advice of their physician, request a reasonable workplace accommodation in connection with their own pregnancy, childbirth, related medical conditions, including recovery from childbirth. Employees who are breastfeeding an infant child can also request a workplace accommodation. A reasonable accommodation will be provided unless it would impose an undue hardship on VanderHouwen's ordinary operations.

Reasonable accommodations for pregnancy may include job modifications such as additional bathroom breaks, water breaks, periodic rest breaks, assistance with manual labor, job restructuring, modified work schedules and temporary transfers to less-strenuous or -hazardous work. Reasonable accommodations for employees who are breastfeeding their infant children include reasonable daily break time and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area, for the employee to express breast milk for her infant child.

VanderHouwen will not treat a pregnant or breastfeeding employee less favorably than it would treat non-pregnant/non-breastfeeding individuals who are similar in their ability or inability to work.

Employees who have questions about this policy or who wish to request an accommodation under this policy should contact Human Resources.

VanderHouwen will not tolerate any retaliation against any employee who makes a good-faith request for or uses an accommodation in accordance with this policy.

### **Family Leave**

We recognize that employees may need to be absent from work for an extended period of time for family-related reasons. Accordingly, VanderHouwen will grant time off to employees in accordance with the requirements of the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA). When both the FMLA and NJFLA apply, the leave provided by each will count against the employee's entitlement

under both laws and must be taken concurrently. An employee who is eligible for leave under only one of these laws will receive benefits in accordance with that law only.

The following policy addresses employee rights under the NJFLA. Employees should refer to the National Handbook for additional details regarding the FMLA. Questions concerning this policy should be directed to Human Resources.

### **Leave Entitlement and Eligibility**

Employees who work in New Jersey, or who perform some work in New Jersey and have their work directed and controlled from New Jersey, may be eligible for leave under the NJFLA. To be eligible for leave, employees must have been employed by VanderHouwen for at least 12 months and have worked at least 1,000 base hours (including regular time, overtime, workers' compensation leave and military leave) during the 12-month period immediately preceding the leave. VanderHouwen may deny leave for certain highly compensated employees.

Eligible employees are entitled to 12 weeks of unpaid leave in a 24-month period. A 24-month period is determined by calendar year.

When two employees from the same family (e.g., spouses or siblings) request leave at the same time, VanderHouwen will allow each employee up to 12 weeks of unpaid leave, so long as the employee is otherwise eligible for leave.

### **Permissible Uses of NJFLA Leave**

Eligible employees may take family leave to provide care for the following reasons:

- **Bonding Leave:** The birth of a child (including a child born according to a valid written agreement between the employee and a gestational carrier) or placement of a child for adoption or foster care with the employee;
- **Family Care Leave:** Serious health condition of a covered family member; or
- **Public Health Emergency Leave:** In the event of a Governor-declared state of emergency or when indicated by a public health official, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, that:
  - Requires in-home care for or treatment of the employee's child because the child's school or place of care has been closed by order of a public official due to the epidemic or other public health emergency;
  - Prompts a public health authority to issue a determination, including a mandatory quarantine order, requiring or imposing responsive or prophylactic measures as a result of illness caused by the 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
  - Results in the recommendation of a health care provider or public health authority that a family member who is in need of care by the employee voluntarily self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member would jeopardize the health of others.

A covered "family member" includes:

- A child (meaning a biological, adopted or foster child; a resource family child; a stepchild; a legal ward; or a child of a parent, including a child who becomes the child of a parent according to a valid written agreement between the parent and a gestational carrier);
- A parent (meaning a biological, adoptive or foster parent; a resource family parent; a stepparent; a parent-in-law; or a legal guardian who has a parent-child relationship with a child, who has sole or joint legal or physical custody, care, guardianship or visitation with a child; or who became the parent of a child according to a valid written agreement with a gestational carrier);
- A sibling;
- A grandparent;
- A grandchild;
- A spouse, domestic partner or a partner in a civil union couple; or
- Any other individual related by blood to the employee or with whom the employee shows a close association that is the equivalent of a family relationship.

A "serious health condition" means an illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility or continuing medical treatment or continuing supervision by a health care provider.

Leave for the birth of a child or for the placement of an adopted child must begin within one year after the child's birth or placement for adoption or foster care.

When a leave is covered by both the FMLA and the NJFLA, the leave will simultaneously count as part of the employee's entitlement under both laws. However, a leave granted due to the employee's own serious health condition under the FMLA is not covered by the NJFLA. As a result, a leave of 12 weeks to care for the employee's own serious health condition under the FMLA may be followed by an additional 12-week leave to care for a family member under the NJFLA. This may result in a combined leave period under both laws of up to 24 weeks.

### **Requesting Leave**

Employees requesting leave on a continuous basis must provide at least 30 days' advance notice to VanderHouwen before beginning NJFLA leave, unless emergent circumstances warrant shorter notice. Employees must provide prior notice of the leave in a reasonable and practicable manner, unless an emergency or other unforeseen circumstance precludes prior notice.

Employees must make a reasonable effort to schedule NJFLA leave in a manner that does not unduly disrupt Company operations.

### **Certification for Leave**

A request for NJFLA leave for Bonding Leave or Family Care Leave must be supported by certification issued by a duly licensed or other acceptable health care provider. Where leave is for the birth or placement of a child, the certification need only state the date of birth or placement. If a completed certification is not returned in a timely manner, the leave



may be denied. If VanderHouwen has reason to doubt the validity of the certification, we may require a second (and in some cases a third) medical opinion at VanderHouwen's expense.

A request for NJFLA Public Health Emergency Leave must be supported by certification issued by a school, place of care for children, public health authority, public official, or health care provider (depending upon the reason for which leave is being requested).

VanderHouwen may require any employee requesting leave to sign a certification setting forth the purpose for which the employee is requesting leave. Any employee who refuses to sign the certification or who falsely certifies the purpose of their leave may be denied leave.

VanderHouwen may discipline any employee who falsely certifies their reason for leave.

### **Intermittent or Reduced Schedule Leave**

Employees can elect to take NJFLA leave on a reduced leave schedule basis. However, a reduced schedule may not last longer than 12 months for any one period of leave. In addition, Family Care Leave may be taken on a reduced schedule or an intermittent basis when medically necessary only if:

- The total time within which the leave is taken does not exceed 12 months for each serious condition episode;
- The employee provides VanderHouwen with a copy of a certification from the family member's health care provider;
- The employee provides VanderHouwen with prior notice of the leave at least 15 days before the first day of the leave, unless an emergency or other unforeseen circumstance precludes prior notice; and
- The employee makes a reasonable effort to schedule leave so as not to unduly disrupt VanderHouwen's operations.

An intermittent leave taken in connection with a single serious health condition may not exceed 12 months.

Public Health Emergency Leave may be taken on a reduced schedule or intermittent basis only if:

- The employee provides VanderHouwen with prior notice of the leave as soon as practicable; and
- The employee makes a reasonable effort to schedule the leave so as not to unduly disrupt Company operations and, if possible, provides the employer, 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.

With advance notice and if certain conditions are met, employees can take leave for the birth, adoption or placement of a child in foster care on an intermittent basis.

Employees must make a reasonable effort to schedule intermittent or reduced schedule leave so that it does not unduly disrupt VanderHouwen's business operations.

VanderHouwen may require employees on reduced schedule or intermittent leave to temporarily transfer to an available alternative position for which the employee is qualified and that better accommodates a recurring period of leave than does the employee's regular position. The alternative position will have pay and benefits equivalent to the employee's regular position.

Upon returning from a reduced schedule or intermittent leave, the employee will be placed in the same or an equivalent job as the one they left when the leave began.

### **Compensation and Benefits During Leave**

Leaves of absence under this policy are generally without pay. However, some employees may be eligible for temporary disability benefits or paid leave benefits and should consult VanderHouwen's temporary disability benefits and paid family leave insurance policies. In addition, employees who have accrued paid leave (e.g., sick, vacation or personal time) may use that time during their approved NJFLA leave.

Employees will be permitted to continue employment benefits during the leave at the same level and under the same conditions that coverage would have been provided had the employee continued in employment and not taken leave.

### **Outside Employment**

Employees may not take a new full-time position while on leave. Employees can take a new part-time job as long as it does not exceed half of the employee's regularly scheduled hours worked for VanderHouwen. Employees may also continue full-time or part-time employment they had prior to the leave.

### **Return from Leave**

Employees generally will be restored to their original position or to a position with equivalent pay, benefits and other terms and conditions of employment. However, employees have no greater right to continued employment than if they had not taken the leave. Employees wishing to return to work prior to a leave's prearranged end date may do so if the early return would not cause VanderHouwen undue hardship.

Reinstatement may be denied if:

- During the leave, the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave; or

- The employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of the intent to do so, was the only way for VanderHouwen to prevent substantial and grievous economic injury to its operations. Certain highly compensated employees (those earning pay in the top 5%) may be denied leave or reinstatement if necessary to prevent substantial and grievous economic injury to VanderHouwen's business. If an employee falls within this category, they will be advised by VanderHouwen of any decision to deny leave. This exception does not apply to employees seeking Public Health Emergency Leave.

### **Retaliation**

VanderHouwen will not interfere, restrain or deny the exercise of any rights provided under this policy. If an employee believes that their NJFLA rights have been violated in any way, they should immediately report the matter to Human Resources.

### **Jury Duty**

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

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 spent engaged in attending court for prospective jury service or for serving as a juror is not compensable except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty.

### **Military Leave**

In addition to the military leave rights set forth in the Employee Handbook, New Jersey employees who leave full- or part-time employment to perform military service will be reinstated to their previous position, or one of like seniority status and pay, upon return. For purposes of this policy, "military service" means duty by any person in the active military service of the United States and active duty in the military service of the State ordered by the Governor, as well as National Guard active duty ordered by a Governor of any other state.

Employees (other than temporary employees) who leave their job to perform military service generally are eligible for reinstatement if they:

- Receive a duly executed certificate of completion of military service;
- Are still qualified to perform the duties of the position; and
- Apply for reemployment within 90 days after being relieved from service.

If VanderHouwen's circumstances have changed, making it impossible or unreasonable to reinstate an employee who left to enter active military service in the Armed Forces of the United States, the Army or Air National Guard of New Jersey or any other state in time of war or emergency, the employee may request to be restored to another available position for which they are able or qualified to perform the duties.

Qualified employees (not in a temporary position) who take a temporary leave of up to three months to participate in assemblies or annual training or to attend any service schooling conducted by the Armed Forces of the United States are eligible for reemployment if they apply for employment within 10 days after completing service. The leave may not exceed three months in any four-year period.

Time off under this policy is without pay. Employees will be considered as having been on furlough or a leave of absence during the leave and will be entitled to participate in insurance or other benefits offered by VanderHouwen in accordance with the established rules and practices regarding leaves of absence in effect at the time the employee is ordered to military service or training.

Employees returning from leave under this policy will not be terminated without cause within one year following the date of reemployment.

VanderHouwen will not discriminate or retaliate against an employee because the employee takes a leave of absence in accordance with this policy.

### **Emergency Responder Leave**

Employees who serve as volunteer emergency responders may arrive late to work, or be absent from work, in order to respond to a fire or emergency call or to serve as a volunteer emergency responder during a declared state of emergency, provided they have complied with VanderHouwen's notice requirements set forth below.

For purposes of this policy, "volunteer emergency responder" means an active member in good standing of a volunteer fire company; a volunteer member of a first aid, rescue or ambulance squad; or a member of a county or municipal volunteer Office of Emergency Management (as long as the member's official duties include responding to a fire or emergency call).

Employees are required to provide notice at least one hour before they are scheduled to report to work, and upon returning to work must provide a copy of the incident report and a certification by the incident commander or other official or officer in charge.

Time off under this policy will be without pay, except that exempt employees will receive pay when required by applicable law. Additionally, employees will be allowed to use any accrued available paid time off, including PTO.

VanderHouwen may deny requests for leave under this policy for certain employees that are essential to Company operations.

### **Discussion of Wages**

Employees are permitted to inquire about, disclose, compare or otherwise discuss their wages or the wages of another employee or former employee. VanderHouwen will not terminate, discipline, coerce or otherwise discriminate against employees because they make such inquiries, disclosures, comparisons or otherwise discuss the wages of another employee.

### **Meal Breaks for Minors**

Employees under the age of 18 who work five or more consecutive hours will be provided a 30-minute uninterrupted meal break. During the meal break, employees will be relieved of all duties. An uninterrupted 30-minute meal break will be unpaid for non-exempt employees.

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

All non-exempt employees must record their meal breaks.

### **Family Leave Insurance**

Employees may be eligible for up to 12 weeks of state-provided family leave insurance (FLI) benefits through the Division of Temporary Disability Insurance (the Division) when they take time off for one of the following purposes:

- To bond with a child during the first 12 months after a child's birth if the employee or employee's domestic partner or civil union partner is a biological parent of the child or the parent of the child pursuant to a valid gestational carrier agreement, or after the placement of the child for adoption or as a foster child with the employee;
- To care for a family member with a serious health condition, including providing psychological comfort and arranging third-party care for the family member;
- When the employee or employee's family member is a victim of an incident of domestic violence or a sexually violent offense, to engage in activities for which an employee can take unpaid leave under the New Jersey Security and Financial Empowerment Act (NJ SAFE Act), as described in VanderHouwen's Domestic or Sexual Violence Victim Leave policy; or
- In the event of a state of emergency declared by the Governor, or when indicated as necessary 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, to provide in-home care or treatment of the employee's family member that is required because:
  - A healthcare provider or the commissioner or other public health authority has issued a determination that the family member's presence in the community may jeopardize the health of others; and
  - The provider or authority recommends, directs or orders that the employee's family member be isolated or quarantined as a result of suspected exposure to a communicable disease.

If an employee receives benefits for a disability caused by domestic violence or a sexually violent offense, that time off will be considered a period of disability for the employee and not a period of family leave.

The New Jersey Family Leave Insurance Law defines a "family member" to include an employee's child, spouse, domestic partner, civil union partner, sibling, grandparent, grandchild, parent, parent-in-law or any other individual related to the employee by blood or who has a close association with the employee that is the equivalent of family. A "child" includes a biological, adopted, foster or stepchild; legal ward; or a child of an employee's domestic partner or civil union partner or a child who becomes the employee's child pursuant to a valid written agreement with a

gestational carrier. A "parent" includes a biological parent, foster parent, adoptive parent or stepparent of the employee or a person who was a legal guardian of the employee when the employee was a child or who became the parent of the child pursuant to a valid written agreement with a gestational carrier.

### **Eligibility**

Employees who have worked at least 20 base weeks in the year preceding the leave or earned in total at least 1,000 times the applicable minimum wage during the prior year are eligible to apply for and receive FLI benefits. The Division determines whether an employee is eligible for benefits.

### **Amount and Duration of Benefits**

The weekly FLI benefit is generally 85% of the employee's average weekly wage and is subject to a state-imposed cap. The maximum benefit is generally 12 weeks (or 56 intermittent days) during the 12-month period or one-third of the employee's base year earnings, whichever is less.

When applicable and allowed under applicable law, FLI benefits will run concurrently with leave time available under the New Jersey Family Leave Act or federal Family and Medical Leave Act. Employees are permitted to use any accrued but unused paid time, including paid sick and safe leave, during a period of family temporary disability leave. FLI benefits will not be paid for any period during which the employee receives paid sick leave, vacation time or other leave from VanderHouwen at full pay.

### **Benefits on an Intermittent Basis**

Employees may file claims for intermittent periods of time when medically necessary to care for a seriously ill family member. Benefits can be taken on an intermittent basis for this purpose, if:

- The total leave time the employee takes does not go over 12 months;
- The employee provides a copy of the appropriate medical certification;
- The employee provides at least 15 days' notice, unless an emergency or unplanned event prevents the employee from doing so; and
- The employee makes a reasonable effort to schedule leave in a manner that does not unduly burden VanderHouwen and, if possible, provides a regular schedule of the days or days of the week on which the intermittent leave will be taken.

With Company approval, employees can file claims for FLI benefits during non-consecutive weeks when taking intermittent leave for the birth, adoption or placement of a child for foster care.

### **Notice and Certification**

Employees intending to take leave to bond with a newborn or newly adopted child or a child newly placed with the employee for foster care must provide VanderHouwen with a minimum of 30 days' notice prior to beginning the family leave.

Unless an emergency or other unforeseen circumstance prevents prior notice, employees intending to take continuous leave to care for a family member must provide VanderHouwen with advance notice in a reasonable and practicable manner. Employees intending to take leave for reasons related to the employee or employee's family member being a victim of an incident of domestic violence or a sexually violent offense must provide written notice as far in advance as is reasonable and practical under the circumstances, unless an emergency or other unforeseen circumstance precludes prior notice.

Employees intending to take intermittent leave to care for a family member or for the birth, adoption or placement of a child in foster care, must provide VanderHouwen with a minimum of 15 days' notice prior to the first day on which benefits will be paid for intermittent leave, absent emergency or unforeseen circumstances. Before intermittent leave related to the birth, adoption or placement of a child for foster care begins, the employee must, if possible, provide VanderHouwen with a regular schedule of the days or days of the week on which intermittent leave will be taken.

Unless the leave is unforeseeable, employees who fail to provide this notice may have the amount of benefits they receive reduced. For continuous leave taken for the birth, adoption or placement of a child for foster care, failure to provide advance notice will result in the reduction of benefits by two weeks' worth of benefits unless the time for leave is unforeseeable or changes for unforeseeable reasons.

Employees requesting FLI benefits for leave to care for a family member will be required to provide certification from a health care provider to the Division. Employees requesting FLI benefits for leave related to the employee or employee's family member being a victim of an incident of domestic violence or a sexually violent offense must, if requested by the Division, provide certification in support of their claim.

VanderHouwen will not discharge, threaten or otherwise discriminate or retaliate against an employee or refuse to restore the employee following a period of leave because the employee requested or took FLI benefits. However, nothing in this policy affords employees any greater right to reinstatement than is available under the New Jersey Family Leave Act, as described in VanderHouwen's New Jersey Family Leave policy.

### **Temporary Disability Benefits**

New Jersey employees who are temporarily disabled by a non-work-related injury or illness may receive benefits through the New Jersey Temporary Disability Benefits Plan (State Plan). Employees are eligible for temporary disability benefits (TDB) only when they suffer an accident or illness that is not covered by New Jersey's workers' compensation law, including a disability that is the result of organ or bone marrow donation by a covered employee.

During a state of emergency declared by the Governor or when indicated to be needed by the Commissioner of Health or other public health authority, TDB are also available for an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease or efforts to prevent the spread of a communicable disease, which requires in-home care or treatment of an employee due to:

- The determination by a health care provider, the commissioner or other public health authority that the employee's presence in the community may jeopardize the health of others; and
- The recommendation, direction or order of the provider or authority that the employee be isolated or quarantined because of suspected exposure to a communicable disease.

To be eligible for TDB, employees must either: have worked at least 20 "base weeks" in covered New Jersey employment within the base year preceding the week in which the disability began or the week in which the employee submits a claim for benefits; or earned at least 1,000 times the minimum wage in effect on October 1 of the calendar year preceding the calendar year in which

the disability began. A "base week" is any calendar week in which the employee earned at least 20 times the state minimum wage. To qualify for TDB, the employee's illness or injury must have started while the employee was eligible for benefits.

Benefits begin on the eighth consecutive day of a disability and may continue being paid for up to a maximum of 26 weeks, or one-third of an employee's total wages in a year. Eligible employees will receive a weekly benefit amount equal to 85 percent of their weekly wage, up to a maximum of 70 percent of the statewide average weekly wage. The maximum amount of total benefits payable for each period of disability is 26 times the employee's weekly benefit rate or one-third of the employee's total wages in a year, whichever is less. No benefits are paid for the first week of disability, unless the disability:

- Is related to an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease or efforts to prevent the spread of a communicable disease, as described above;
- Is the result of a covered employee donating an organ or bone marrow; or
- Continues for a period lasting longer than three weeks.

Employees who collect TDB from the state may be ineligible to simultaneously receive benefits under other state or federal unemployment, disability or workers' compensation laws.

Employees may be eligible to return to work on a reduced basis while recovering from a disability. For employees who are otherwise eligible for TDB but only able to work on a reduced basis, benefits will be paid such that the sum of the employee's wages and benefits will equal the weekly amount the individual would have been paid if totally unable to perform the duties of the job due to disability. Employees cannot receive TDB for work on a reduced basis unless they were totally unable to perform the duties of employment due to disability and receiving full benefits for at least seven consecutive days prior to claiming partial benefits for a reduced work schedule. The maximum duration of partial benefits for work on a reduced schedule is eight weeks unless the New Jersey Department of Labor and Workforce Development's Temporary Disability Insurance Division, after a review of medical information from a qualified healthcare provider, approves an extension in writing up to a maximum of 12 weeks of benefits.

When filing a claim for TDB under the State Plan, employees will be required to provide written notice to the New Jersey Department of Labor and Workforce Development's Temporary Disability Insurance Division within 30 days after the beginning of a period of disability. Employees will also be required to provide certification of the disability from a health care provider.

### **Reinstatement Following Bone Marrow and Organ Donation**

Employees who experience a period of disability that is the result of donating any organ or bone marrow, and that is a compensable disability under New Jersey's Temporary Disability Benefits Law, will be restored at the end of the period of disability to their original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. However, an employee has no greater right to reinstatement than if they had not been absent for the purpose of organ or bone marrow donation.



For example, if an employee who was absent from work for a disability resulting from organ or bone marrow donation would have been laid off had they not been absent, or if the employee's job is eliminated during the period of disability and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

### **Smoke-Free Workplace**

VanderHouwen prohibits smoking, including the use of electronic smoking devices, in the workplace and within a reasonable distance from outside entrances where smoke could enter the building. Employees wishing to smoke must do so outside company facilities, away from entrances, during scheduled work breaks.

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

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

### **Cell Phone Use/Texting While Driving**

As set forth in the Employee Handbook, VanderHouwen prohibits employees from using cellular phones for business reasons while driving, for any reason while driving for work-related purposes and while driving a company-owned vehicle. Employees should also be aware that talking, text messaging or sending an electronic message on a wireless telephone or electronic communication device without a hands-free function while driving is a violation of New Jersey law, in addition to being a violation of Company policy.

**VanderHouwen  
Acknowledgement of Revised Policy  
Effective October 1, 2020**

I acknowledge that I have received the New Jersey Handbook 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: \_\_\_\_\_