



VanderHouwen

Recruiting • Relationships • Opportunity

New York State/New York City Addendum Effective January 1, 2021

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Paid Sick and Safe Leave (NY State Employees)

VanderHouwen provides eligible employees with paid sick and safe leave in accordance with the requirements of New York's Sick and Safe Leave Law (NYSSLL).

Accrual and Use of Sick and Safe Leave

VanderHouwen provides New York State eligible employees paid sick and safe leave. Eligible employees begin to accrue paid sick and safe leave on September 30, 2020, or their date of hire, whichever occurs later. Sick and safe leave accrues at a rate of one (1) hour for every 30 hours worked, up to a maximum accrual of 40 hours in a single calendar year.

For each use of sick and safe leave, employees must take a minimum of one (1) hour of leave per day. Eligible employees may use up to 40 hours of sick and safe leave in any calendar year. For purposes of sick leave, the year is defined as January 1 through December 31.

Upon returning to work following sick and safe leave taken in accordance with this policy, employees will be restored to the position they held before taking leave, with the same pay and other terms and conditions of employment.

Each employee will be provided a written accounting of the amount of accrued and unused sick time available. Please check your pay stub for this information or contact payroll@vanderhouwen.com.

Qualifying Absences

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

- An employee's or a covered family member's mental or physical illness, injury, or health condition, regardless of whether the illness, injury or health condition has been diagnosed or requires medical care at the time the employee requests leave.
- An employee's or family member's diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; need for medical diagnosis; or preventive care; or
- An employee or family member is the victim of domestic violence, a family offense, a sexual offense, stalking or human trafficking, and the employee needs time off from work to do the following (as related to the domestic violence, family offense, sexual offense, stalking or human trafficking):

- Obtain services from a domestic violence shelter, rape crisis center or other services program.
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the employee's or family member's safety.
- Meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding.
- File a complaint or domestic incident report with law enforcement.
- Meet with a district attorney's office.
- Enroll children in a new school; or
- Take any other action necessary to ensure the employee's or family member's health or safety or to protect those who associate or work with the employee.
- Eligible family members include an employee's spouse or domestic partner; parent, including a biological, foster, step- or adoptive parent of the employee or the employee's spouse or domestic partner, a legal guardian or a person who stood in loco parentis when the employee was a minor child; child, including a biological, adopted or foster child, a stepchild, a legal ward, a child of an employee standing in loco parentis or a child of a domestic partner; sibling; grandchild; or grandparent.

Requesting Sick and Safe Time/Documentation

Employees must provide seven days' notice if the need for safe and sick time is foreseeable (i.e., expected, or planned leave). When the need for safe and sick time is unforeseeable, VanderHouwen does not require advance written notice, but employees should provide notice as soon as practicable to hr@vanderhouwen.com and will be required to document their request within five (5) days of returning to work for safe and sick time and/or provide written confirmation that they used safe and sick time for purposes permitted under this policy. To provide notice of the need to use safe and sick time, employees should contact hr@vanderhouwen.com.

VanderHouwen may deny sick leave if the employee fails to provide notice as stated in this policy or fails to reasonably attempt to schedule sick leave in a manner that does not unduly disrupt operations.

If safe and sick time is for more than three consecutive workdays, VanderHouwen may request that employees provide supporting documentation establishing the need for and duration of safe and sick time. "Workdays" are the days or parts of days employees would have worked had they not used safe and sick time.

If safe and sick time is for less than three consecutive days, VanderHouwen may request that employees provide written confirmation that they used the time for a permissible purpose.

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

In accordance with the NYSSLL, VanderHouwen does not require, as a condition of providing sick and safe leave, the disclosure of confidential information relating to a mental or physical illness, injury or health condition of an employee or employee's eligible family member; or information relating to an absence from work due to domestic violence, a sexual offense, stalking or human trafficking.

Rate of Pay

Sick and safe leave is paid at the employee's regular rate of pay or the applicable state minimum wage rate, whichever is greater.

Leave Carryover

Accrued, unused paid sick and safe leave can be carried over from year to year. However, employees may not use more than 40 hours of paid sick and safe leave in a calendar year.

VanderHouwen does not offer pay in lieu of actual sick and safe leave.

Effect on Other Rights and Policies

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

Separation from Employment

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

Retaliation

Employees have the right to request, and use paid sick and safe leave in a manner consistent with the NYSSLL. VanderHouwen will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains sick and safe leave under this policy or who otherwise exercises their rights under the NYSSLL.

New York City Paid Sick and Safe Leave Policy (NYC Employees Only)

Accrual of Safe and Sick Time

VanderHouwen provides eligible employees with up to 40 hours of safe/sick time per year. All employees (whether full-time, part-time, or temporary) who work more than 80 hours per calendar year in New York City are eligible to accrue paid safe and sick time.

Eligible employees will begin to accrue paid safe and sick time on the employee's date of hire. Safe and sick time is accrued at a rate of one hour for every 30 hours worked in New York City, up to a maximum accrual of 40 hours in a single calendar year. Time off for safe and sick leave, vacation, or other paid time off is not included in actual hours worked. Salaried exempt employees will be assumed to work 40 hours in a week unless the employee's regular work week is less than 40 hours, in which case safe and sick time accrues based upon that regular work week. VanderHouwen's calendar year starts on January 1 of each year calendar year. Time off for sick, vacation or other paid time off is not included in actual hours worked.

Eligible employees may not use accrued paid safe and sick time until after the employee's 120th day of employment.

Paid safe and sick time may be used in an initial increment of one (1) hour and then in half-hour increments thereafter. Eligible employees may use up to 40 hours of paid safe and sick time in any calendar year. For purposes of sick leave, the year is defined as January 1 through December 31.

Each employee will be provided a written accounting of the amount of accrued and unused sick time available. Please check your pay stub for this information or contact payroll@vanderhouwen.com.

Paid safe and sick time will run concurrently with any leave taken under any federal, state, or local law including, but not limited to, leaves taken under the FMLA.

Reasons Safe and Sick Time May be Used.

Eligible employees may use paid safe and sick time for the following reasons:

- For an eligible employee's mental or physical illness, injury or health condition or need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care (e.g., screenings, checkups, patient counseling to prevent health problems).
- To care for an eligible family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or who needs preventive medical care; or
- If the employee's workplace is closed by order of a public official due to a public health emergency or the employee needs to care for a child, whose school or childcare provider has been closed by order of a public official due to a public health emergency. Such emergency must be declared by the New York City Mayor's office or the New York City Commissioner of Health.
- If the employee or an eligible family member is the victim of a family offense matter, sexual offense, stalking or human trafficking and time off is needed to:
 - Obtain services from a domestic violence shelter, rape crisis center or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking.
 - Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or family member.
 - Meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding, including but not limited to matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing, or consumer credit.
 - File a complaint or domestic incident report with law enforcement.
 - Meet with a district attorney's office.
 - Enroll children in a new school; or
 - Take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or family member or to protect those who associate or work with the employee.

A "family offense matter" is actual or threatened disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or blood circulation, assault, identity theft, coercion, or grand larceny, between spouses, former spouses, a parent, and child or between members of the same family or household.

Eligible family members include an employee's spouse or registered domestic partner; parent, parent-in-law or parent of a domestic partner; child or child of a domestic partner, including a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in *loco parentis*; sibling, including a half-sibling, step-sibling and sibling related through adoption; grandchild; grandparent; an individual related to the employee by blood and an individual whose close association with the employee is the equivalent of a family relationship.

Paid safe and sick time may not be used as additional vacation days. Additionally, paid safe and sick time may not be used to extend employment or to delay a termination date. Employees who use safe and sick time for purposes other than those permitted by this policy may be subject to disciplinary action.

Requesting Safe and Sick Time/Documentation

Employees must provide seven days' notice if the need for safe and sick time is foreseeable (i.e., expected, or planned leave). When the need for safe and sick time is unforeseeable, VanderHouwen does not require advance written notice, but employees should provide notice as soon as practicable to hr@vanderhouwen.com and will be required to document their request within five (5) days of returning to work for safe and sick time and/or provide written confirmation that they used safe and sick time for purposes permitted under this policy. To provide notice of the need to use safe and sick time, employees should contact hr@vanderhouwen.com.

VanderHouwen may deny sick leave if the employee fails to provide notice as stated in this policy or fails to reasonably attempt to schedule sick leave in a manner that does not unduly disrupt operations.

If safe and sick time is for more than three consecutive workdays, VanderHouwen may request that employees provide supporting documentation establishing the need for and duration of safe and sick time. "Workdays" are the days or parts of days employees would have worked had they not used safe and sick time.

If safe and sick time is for less than three consecutive days, VanderHouwen may request that employees provide written confirmation that they used the time for a permissible purpose.

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

Employees are not required to search for or find a replacement worker to cover the hours during which such employee is utilizing safe and sick time.

The documentation should not disclose the nature of an employee's illness, injury or health condition or specify the details of a family offense matter, sexual offense, stalking or human trafficking. If requested, such documentation must be provided within seven days of returning to work. Employees are responsible for the cost of such documentation not otherwise covered by the employee's insurance or any other benefit plan.

Rate of Pay and Overtime

Safe and sick time is paid based on the employee's straight time pay rate in effect at the time the safe and sick time is taken. Safe and sick time is not considered time worked for the purpose of calculating overtime for the week in which the safe and sick time was taken. Employees will not receive overtime pay for safe and sick time.

Leave Carryover

Employees who have accrued 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 safe and sick time in a calendar year.

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

Confidentiality

Under the ESSTA, employers are prohibited from requiring that employees or their health care or service providers disclose personal health information or the details of the matter for which an employee requests sick and safe time. Employers are also required to keep information about an employee or an employee's family member obtained solely because of the ESSTA confidential unless the employee consents to disclosure in writing or disclosure is required by law.

In accordance with the ESSTA, VanderHouwen will keep confidential the health information of the employee or employee's family member, as well as information related to the employee's or family member's status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking. When such information is provided solely for the purposes of using paid safe and sick time, it will not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law. VanderHouwen reserves the right to consider this information in connection with a request for safe and sick time or in connection with a request for a reasonable accommodation for a victim of domestic violence, stalking or a sex offense.

Effect on Other Rights and Policies

VanderHouwen may provide other forms of leave for employees to care for medical conditions or issues related to domestic violence, stalking or sex offenses under certain federal, state, and municipal laws. In certain situations, 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, state, and municipal medical, victim or family leave rights.

Separation from Employment

Compensation for accrued and unused paid safe and sick time 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 safe and sick time will be immediately reinstated.

Retaliation

Employees have the right to request and use safe and sick time. VanderHouwen will not retaliate or tolerate retaliation against any employee who seeks or obtains safe and sick time under this policy, who makes a good-faith complaint about a possible ESSTA violation or who communicates with any person about such a violation. In addition, VanderHouwen will not retaliate against any employee who informs another person about the rights under the ESSTA.

Equal Employment Opportunity

In addition to the protected statuses listed in VanderHouwen Employee Handbook, and in accordance with New York law, VanderHouwen is committed to providing equal employment opportunities to all employees and applicants for employment or interns, as well as contractors, subcontractors, vendors, consultants, other individuals providing services in the workplace and their employees, based on race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including attire, clothing or facial hair worn in accordance with religious requirements), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records and domestic violence victim status. VanderHouwen will not tolerate discrimination or harassment based upon an individual's membership in one or more of these protected categories, known relationship or association with a member of one or more of these protected categories, or any other characteristic protected by applicable federal, state or local law.

Sexual Harassment

VanderHouwen is committed to providing a work environment that is free of unlawful sexual harassment. VanderHouwen strictly prohibits sexual harassment by or against any individuals involved in company operations, including employees (regardless of position), applicants, interns (paid or unpaid), vendors, contractors, sub-contractors, consultants, and any other third party involved in company operations. If such harassment is committed in the workplace by someone not employed by VanderHouwen, the reporting and complaint procedure in this policy should still be followed. The workplace includes:

- Actual worksites;
- Any setting in which work-related business is being conducted (whether during or after normal business hours);
- Company-sponsored events;
- Online and electronic interactions with company employees and third parties involved in company operations; and
- Company-owned/controlled property.

Sexual Harassment Defined

Sexual harassment is unwelcome verbal or physical behavior based upon a person's gender/sex and includes unwanted verbal or physical sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the individual making the report is not the intended target of such conduct.

The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;

- Visual conduct: leering, making sexual gestures, displaying pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, whistling, suggestive or insulting sounds or lewd or sexual comments about an individual's appearance, body, dress, sexuality or sexual experience;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements; and
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work; and
 - Bullying, yelling, name-calling.
- Retaliation for making reports or threatening to report sexual harassment.

Sexual harassment can occur regardless of the gender of the person committing it or the person exposed to it. Harassment on the basis of an individual's sexual orientation, self-identified gender, perceived gender or transgender status are all forms of prohibited sexual harassment.

Individuals who observe conduct that may violate this policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this policy are encouraged to take reasonable action to defuse such behavior, if possible, such as intervening directly, alerting a supervisor or Human Resources to assist or making a report under this policy.

Protection against Retaliation

Retaliation is prohibited against any person covered by this policy who, in good faith:

- Makes a complaint of sexual harassment, either internally or with a government agency, using the complaint procedure described below;
- Objects to, opposes or speaks out against sexual harassment;
- Participates in a sexual harassment investigation;
- Encourages another person to report harassment; or
- Files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency.

Prohibited retaliation includes, but is not limited to:

- Termination, demotion, suspension, failure to hire or consider for hire;
- Failure to give equal consideration in making employment decisions;
- Failure to make employment recommendations impartially;
- Adversely affecting working conditions or otherwise denying any employment benefit, as well as more subtle behaviors such as increased workload or transfer to a less desirable location.

Retaliation is unlawful and a form of misconduct that will result in disciplinary action, up to and including termination of employment. Individuals who believe they or any other individual have been subjected to retaliation, or believe that another individual has been subjected to retaliation, should report this concern using the complaint procedure set forth below.

Complaint Procedure

Individuals who believe that they or another individual have been subjected to sexual harassment, or who believe another individual has been subjected to sexual harassment, should as soon as possible, report it to their manager, equal employment opportunity officer or Human Resources. Employees are not required to make the report to their immediate supervisor, manager or person who has engaged in the complained of conduct. Reports of sexual harassment can be made verbally or in writing. To submit a complaint in writing, individuals can use the complaint form, but are not required to do so.

After a report is received or VanderHouwen otherwise becomes aware of a possible violation of this policy, a fair, timely, thorough and objective investigation will be undertaken if needed and will reach reasonable conclusions based on the information collected. VanderHouwen will maintain confidentiality surrounding the investigation to the extent possible, consistent with a thorough and objective investigation and to the extent permitted or required under applicable law. Both the person(s) raising the complaint and the person(s) about whom the complaint was made will be permitted to provide information that may be relevant to the investigation. VanderHouwen also will gather information and speak with witnesses, as applicable. Once the investigation is completed and a determination is made, the complaining party will be advised that the investigation has been completed and may be informed of the resolution. The individual about whom the complaint was made will be informed of the outcome and, if VanderHouwen determines that this policy has been violated, will be subject to disciplinary action. VanderHouwen expects all employees to fully cooperate with any investigation conducted by VanderHouwen into a complaint of sexual harassment.

Supervisory Responsibilities

All supervisors or managers who receive a complaint or information about suspected sexual harassment, observe behavior that may violate this policy or for any other reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Human Resources.

In addition to being subject to discipline for engaging in sexually harassing conduct themselves, supervisors and managers will be subject to discipline, up to and including termination of employment, for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in prohibited retaliation.

Discipline

If VanderHouwen determines that this policy has been violated, including in the event that a manager knowingly allows the policy to be violated and does not report the violation, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

Good Faith Reporting

The initiation of a good faith complaint of sexual harassment or retaliation will not be grounds for disciplinary or other retaliatory action, even if the allegations cannot be substantiated or the employee was mistaken about aspects of the complaint. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination of employment.

Other Information

Sexual harassment is illegal under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and some local laws. Employees may file a complaint with the federal Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights, another enforcement agency (if applicable) or in certain courts of law. Agencies accept and investigate charges of sexual harassment. The EEOC has district, area and regional offices and may be contacted by visiting www.eeoc.gov, emailing info@eeoc.gov or by telephone at 1-800-669-4000 (TTY 1-800-669-6820). The New York State Division of Human Rights may be contacted by visiting www.dhr.ny.gov, by telephone at 718-741-8400, or by mail to One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Employees subjected to unlawful harassment may be entitled to certain remedies, including monetary damages, civil

penalties, and injunctive relief (such as an order that certain action be taken, or certain behavior stop). Individuals can also contact the town, city or county in which they live or work to find out whether other local agencies may be able to receive complaints. Additional information, including the physical location of agency offices and the rules and requirements for filing complaints, can also be found at the respective agency websites.

Sexual Harassment (NYC Employees Only)

VanderHouwen is committed to providing a work environment that is free of unlawful sexual harassment. VanderHouwen strictly prohibits sexual harassment by or against any individuals involved in company operations, including employees (regardless of position), applicants, interns (paid or unpaid), vendors, contractors, sub-contractors, consultants, freelancers and any other third party involved in company operations. If such harassment is committed in the workplace by someone not employed by VanderHouwen, the reporting and complaint procedure in this policy should still be followed. The workplace includes:

- Actual worksites;
- Any setting in which work-related business is being conducted (whether during or after normal business hours);
- Company-sponsored events;
- Online and electronic interactions with company employees and third parties involved in company operations; and
- Company-owned/controlled property.

Sexual Harassment Defined

Sexual harassment is unwelcome verbal or physical behavior based upon a person's gender/sex and includes unwanted verbal or physical sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the individual making the report is not the intended target of such conduct.

The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, whistling, suggestive or insulting sounds or lewd or sexual comments about an individual's appearance, body, dress, sexuality or sexual experience;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements; and

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work; and
 - Bullying, yelling, name-calling.
- Retaliation for making reports or threatening to report sexual harassment.

Sexual harassment can occur regardless of the gender of the person committing it or the person exposed to it. Harassment on the basis of an individual's sexual orientation, self-identified gender, perceived gender or transgender status are all forms of prohibited sexual harassment.

Individuals who observe conduct that may violate this policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this policy are encouraged to take reasonable action to defuse such behavior, if possible, such as intervening directly, alerting a supervisor or Human Resources to assist or making a report under this policy.

Protection against Retaliation

Retaliation is prohibited against any person covered by this policy who, in good faith:

- Makes a complaint of sexual harassment, either internally or with a government agency, using the complaint procedure described below;
- Objects to, opposes or speaks out against sexual harassment;
- Participates in a sexual harassment investigation;
- Encourages another person to report harassment; or
- Files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency.

Prohibited retaliation includes, but is not limited to:

- Termination, demotion, suspension, failure to hire or consider for hire;
- Failure to give equal consideration in making employment decisions;
- Failure to make employment recommendations impartially;
- Adversely affecting working conditions or otherwise denying any employment benefit, as well as more subtle behaviors such as increased workload or transfer to a less desirable location.

Retaliation is unlawful and a form of misconduct that will result in disciplinary action, up to and including termination of employment. Individuals who believe they or any other individual have been subjected to retaliation, or believe that another individual has been subjected to retaliation, should report this concern using the complaint procedure set forth below.

Complaint Procedure

Individuals who believe that they or another individual have been subjected to sexual harassment, or who believe another individual has been subjected to sexual harassment, should as soon as possible, report it to their manager, equal employment opportunity officer or Human Resources. Employees are not required to make the report to their immediate supervisor, manager or person who has engaged in the complained of conduct. Reports of sexual harassment can be made verbally or in writing. To submit a complaint in writing, individuals can use the complaint form (attached as an Appendix to this handbook supplement), but are not required to do so.

After a report is received or VanderHouwen otherwise becomes aware of a possible violation of this policy, a fair, timely, thorough and objective investigation will be undertaken if needed and will reach reasonable conclusions based on the information collected. VanderHouwen will maintain confidentiality surrounding the investigation to the extent possible, consistent with a thorough and objective investigation and to the extent permitted or required under applicable law. Both the person(s) raising the complaint and the person(s) about whom the complaint was made will be permitted to provide information that may be relevant to the investigation. VanderHouwen also will gather information and speak with witnesses, as applicable. Once the investigation is completed and a determination is made, the complaining party will be advised that the investigation has been completed and may be informed of the resolution. The individual about whom the complaint was made will be informed of the outcome and, if VanderHouwen determines that this policy has been violated, will be subject to disciplinary action. VanderHouwen expects all employees to fully cooperate with any investigation conducted by VanderHouwen into a complaint of sexual harassment.

Supervisory Responsibilities

All supervisors or managers who receive a complaint or information about suspected sexual harassment, observe behavior that may violate this policy or for any other reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Human Resources.

In addition to being subject to discipline for engaging in sexually harassing conduct themselves, supervisors and managers will be subject to discipline, up to and including termination of employment, for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in prohibited retaliation.

Discipline

If VanderHouwen determines that this policy has been violated, including in the event that a manager knowingly allows the policy to be violated and does not report the violation, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

Good Faith Reporting

The initiation of a good faith complaint of sexual harassment or retaliation will not be grounds for disciplinary or other retaliatory action, even if the allegations cannot be substantiated or the employee was mistaken about aspects of the complaint. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination of employment.

Other Information

Sexual harassment is illegal under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and some local laws, including the New York City Human Rights Law. Employees may file a complaint with the federal Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights, the New York City Commission on Human Rights, another enforcement agency (if applicable) or in certain courts of law. Agencies accept and investigate charges of sexual harassment. The EEOC has district, area and regional offices and may be contacted by visiting www.eeoc.gov, emailing info@eeoc.gov or by telephone at 1-800-669-4000 (TTY 1-800-669-6820). The New York State Division of Human Rights may be contacted by visiting www.dhr.ny.gov, by telephone at 718-741-8400, or by mail to One Fordham Plaza, Fourth Floor, Bronx, New York 10458. The New York City Commission on Human Rights can be contacted by visiting www.nyc.gov or by telephone at (212) 306-7450. Employees subjected to unlawful harassment may be entitled to certain remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action be taken, or certain behavior stop). Individuals can also contact the town, city or county in which they live or work to find out whether other local agencies may be able to receive complaints. Additional information, including the physical location of agency offices and the rules and requirements for filing complaints, can also be found at the respective agency websites.

A Stop Sexual Harassment Act Fact Sheet NOTICE is included at the end of this New York Handbook Supplement.

Policy against Discrimination on the Basis of Gender, Gender Identity or Transgender Status (NYC Employees Only)

VanderHouwen prohibits discrimination against and/or harassment of applicants, employees, and interns on the basis of their actual or perceived gender or actual or perceived status as an individual who is transgender, gender non-conforming or intersex. For purposes of this policy, gender includes gender identity, self-image, appearance, behavior or expression. Harassment includes, but is not limited to, violence, threats of violence and similar conduct.

VanderHouwen evaluates all requests for reasonable accommodations, including requests for medical leaves or schedule changes, changes to the terms and conditions of employment, program participation or use of a public accommodation in a non-discriminatory manner. This includes, but is not limited to, treating leave requests for medical or health care needs related to an individual's gender identity in the same manner as requests related to other medical conditions.

Employees who engage with the public as part of their job duties are required to do so in a respectful, non-discriminatory manner by respecting gender diversity and ensuring that members of the public are not subject to discrimination (including discrimination with respect to single-gender programs and facilities).

Preferred Names, Titles and Pronouns

VanderHouwen allows employees to self-identify their names and genders and will use an individual's preferred name, gendered title (e.g., Mr./Ms.) and pronoun (e.g., he/him/his; she/her/hers; they/them/theirs; or ze/hir). Requests to be addressed by a certain name and/or pronoun do not require supporting documentation.

If an employee is unsure what name, title or pronoun another individual prefers, that employee can ask the person how the person would like to be addressed.

Facilities Designated as Single-Gender

All employees have the right to use single-gender facilities, such as restrooms, consistent with their gender. To the extent possible, VanderHouwen will provide single-occupancy restrooms and/or private space within multi-user facilities for individuals with privacy concerns but will not require use of a single-occupancy bathroom because an individual is transgender or gender non-conforming.

Dress Code

VanderHouwen's dress code and grooming standards are gender neutral, meaning they do not differentiate or impose restrictions or requirements based on gender or sex.

Reporting and Anti-Retaliation

Employees with questions or concerns regarding their safety, gender discrimination and/or a request for a reasonable accommodation, or who feel they have been subjected to discrimination or improperly denied an accommodation, should contact Human Resources. VanderHouwen prohibits and does not tolerate retaliation against employees who report issues or concerns of gender discrimination pursuant to this policy in good faith.

Meal Periods

Employees working at least a six-hour workday, which extends over the noon meal break (11 a.m. to 2 p.m.), are entitled to a 30-minute meal break to be taken between 11 a.m. and 2 p.m. Employees who start

their workday before 11 a.m. and continue after 7 p.m. are entitled to a 30-minute noon meal break and an additional 20-minute break between 5 p.m. and 7 p.m.

Employees who work more than six hours in their workday starting between the hours of 1 p.m. and 6 a.m. are entitled to a meal break of at least 45 minutes in the middle of their workday.

An uninterrupted meal break lasting 30 minutes or more will be unpaid for non-exempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early. All non-exempt employees must record their meal breaks.

Civic Duties

Jury Duty – If you work at a New York location with 10 or more employees, except as otherwise required by county or city ordinances, employees required to appear for jury duty on a regularly scheduled workday will be paid their regular compensation up to \$40.00 per day for the first three (3) days of jury duty service and exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty.

Voting – VanderHouwen encourages all employees to fulfill their civic responsibilities and to vote in public elections. VanderHouwen provides employees who are registered voters with up to three hours of paid time off to vote. Additional time off will be without pay, except that exempt employees may receive pay, as required by applicable law. Time off to vote will be provided only at the beginning or end of the employee's shift, unless VanderHouwen and the employee mutually agree to different timing. Employees intending to take leave to vote must inform their supervisor at least two working days prior to Election Day. The employee's supervisor will designate when the leave should be taken (e.g., at the beginning or end of the shift). Proof of having voted may be required.

Political Opinions

VanderHouwen will not tolerate intimidation, threats or impeding the voting activities of employees to influence them to vote or refrain from voting for a particular candidate or proposition. Additionally, VanderHouwen will not threaten or attempt to influence the political opinions of its employees by placing any political material within an employee's pay envelope.

Witness Leave

VanderHouwen provides reasonable and necessary unpaid leave for employees to appear as witnesses in court proceedings when required. Employees are expected to provide VanderHouwen with as much notice as possible of the need to take witness leave and employees may be asked to provide appropriate documentation to support any leave taken under this policy. Employees must notify Human Resources of VanderHouwen as soon as practical following court attendance that they intend to return to work.

Crime Victim Leave

Eligible employees may take time off from work to comply with a subpoena to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Time off under this policy is unpaid except that exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

Leave Eligibility

Employees are eligible for time off under this policy if they are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin;
- The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir or parent of a minor) if the victim is deceased as a result of the offense;
- A good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in their presence; (2) prevent a crime or an attempted crime from occurring; or (3) aid a law enforcement officer in effecting an arrest); or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

Notice and Certification

Employees must notify their supervisor or Human Resources of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide their supervisor or Human Resources with verification of their service upon request.

No Retaliation

VanderHouwen will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

Domestic Violence Victim Leave

VanderHouwen will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

- Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence;
- Obtain services from a domestic violence shelter, program, or rape crises center;
- Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence;
- Participate in safety planning or other actions to increase safety from future incidents of domestic violence; or
- Obtain legal services, assist in the prosecution of an offense or appear in court in relation to an incident of domestic violence.

Employees must give VanderHouwen reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence. Acceptable forms of certification include:

- A police report indicating the employee or the employee's child is a victim of domestic violence;
- A court order protecting or separating the employee or their child from the perpetrator of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

When taking leave under this policy, an employee may use any available paid leave, including PTO. Otherwise, leave will be unpaid. During the leave, VanderHouwen will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

Except as otherwise required by law, VanderHouwen will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

VanderHouwen will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.

Accommodations for Victims of Domestic Violence, Sex Offenses or Stalking (NYC Employees Only)

If you work at a New York City location with four or more employees, VanderHouwen will provide reasonable accommodations to employees working in New York City who are victims of domestic violence, sex offenses or stalking, unless providing the accommodation would cause an undue hardship on VanderHouwen's business operations.

VanderHouwen may request that an employee provide proof that they are a victim of domestic violence, sex offenses or stalking such as documentation from a victim's services agency, lawyer, clergy, medical provider, court or the police.

Human Resources will communicate with the employee and engage in good faith in a cooperative dialogue (written and/or oral) concerning the employee's accommodation needs. At the conclusion of this dialogue, VanderHouwen will provide an employee who requested an accommodation and participated in the dialogue with a final written determination identifying any accommodation granted or denied.

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

VanderHouwen will not refuse to hire, terminate or discriminate against any employee because the employee is, or is perceived to be, a victim of domestic violence, sex offenses or stalking and will not retaliate against any employee who requests an accommodation in accordance with this policy.

Blood Donor Leave

Employees who work for an employer with 20 or more employees and work an average of 20 or more hours per week will be granted an unpaid leave of absence if they seek to donate blood. Eligible employees will be granted up to three hours of leave per calendar year to donate blood off-site or will be provided with an opportunity to donate blood on-site during work hours (such as through a blood drive) at a convenient time and place. Time spent donating blood on-site will be paid. Time spent donating blood off-site will be unpaid for non-exempt employees.

Except in emergencies, employees who seek leave under this policy must give reasonable notice to their supervisor of at least three working days prior to taking leave for blood donation off-premises and two working days for on-site and other alternative blood donation drives. Employees must also provide documentation to their supervisor immediately after such leave is taken.

VanderHouwen will not retaliate or tolerate retaliation against an employee for requesting or taking blood donor leave.

Military Leave

In addition to the military leave rights set forth in the National Handbook, regular full-time and part-time employees will be granted time off from work for military training or active duty in accordance with New York law. Employees returning from active duty or military training will be reinstated to the same position, or to a position of like seniority, status and pay, unless VanderHouwen's circumstances have changed such that it is impossible or unreasonable to do so. To be eligible for reinstatement, employees must:

- Receive a certificate of completion duly executed by an officer of the applicable force or militia;
- Be qualified to perform their former job duties; and
- Apply for reemployment within 90 days of discharge from duty, except that employees returning from training or school must reapply within 10 days and employees returning from initial full-time training duty or initial active duty training with or in the United States Armed Forces must apply for reemployment within 60 days of the end of such training.

Any employee who is reinstated to their previous position after training or active duty will not be terminated without cause in the year following reinstatement.

Military Spouse Leave

Employees who work an average of 20 or more hours per week, who are the spouse of a member of the United States armed forces, national guard, or reserves who has been deployed during a period of military conflict (to a combat zone of operations or a combat theater) may be allowed up to 10 days of unpaid leave to use when their spouse is on leave. Employees who seek leave under this policy may be required to provide documentation to support their request.

For purposes of this policy, "period of military conflict" means a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty.

VanderHouwen will not retaliate or tolerate retaliation or harassment against employees for requesting or taking military spouse leave.

Bone Marrow Donor Leave

Employees who work for an employer with 20 or more employees and who work an average of 20 or more hours per week will be granted a leave of absence if they seek to undergo a medical procedure to donate bone marrow. The total length of the leave for each employee will be determined by a physician, but may not be longer than 24 work hours without company approval. An employee who seeks leave under this policy must provide verification from a physician of the purpose and length of the leave. Leave under this policy will be unpaid except that exempt employees will receive pay when required by applicable federal or state law.

VanderHouwen will not retaliate or tolerate retaliation against an employee for requesting or taking bone marrow donor leave.

Bereavement Leave

VanderHouwen's bereavement leave policy set forth in the National Handbook is expanded to provide New York employees with leave for the death of their same sex committed partner or the child, parent or other relative of the committed partner. "Same-sex committed partners" are defined as those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

Lactation Break/Accommodation (NY State Employees Only, no employees in NYC)

VanderHouwen will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child. Generally, a reasonable amount of break time for purposes of this policy will be at least 20 minutes in every three hour period, if requested by the employee. Longer break times will be provided when the room designated for expression of breast milk is not in close proximity to the employee's work station. VanderHouwen will provide this break time for up to three years following the birth of a child.

Nursing mothers can elect to take time to express breast milk during their regularly scheduled meal and rest breaks. If the break time cannot run concurrently with the meal and/or rest breaks already provided to the employee, the break time will be unpaid for non-exempt employees. Where these additional breaks are required, employees should work with their supervisor regarding scheduling. A non-exempt employee can elect to work before or after her normal shift to make up the amount of time used during unpaid break time for expression of breast milk, so long as the additional time requested falls within VanderHouwen's normal work hours.

Employees are required to provide reasonable notice to VanderHouwen that they intend to take breaks for expressing breast milk upon returning to work. VanderHouwen will make reasonable efforts to provide employees with the use of a private location, other than a toilet stall, in close proximity to their work area for the employee to express breast milk. Employees should discuss with their supervisor or Human Resources the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

VanderHouwen will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

Lactation Break/Accommodation (NYC Employees Only)

VanderHouwen will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child. VanderHouwen will provide this break time for up to three years following the birth of a child.

Employees can elect to take time to express breast milk during their regularly scheduled meal and rest breaks. If the break time cannot run concurrently with the meal and rest breaks already provided to the employee, the break time will be unpaid for non-exempt employees.

Where additional breaks are required, employees should work with their supervisor regarding scheduling. A non-exempt employee can elect to work before or after her normal shift to make up the amount of time used during unpaid break time for expression of breast milk, so long as the additional time requested falls within VanderHouwen's normal work hours.

Employees are required to provide reasonable notice to VanderHouwen that they intend to take breaks for expressing breast milk upon returning to work.

Lactation Room

Employees have the right to request a lactation room for purposes of expressing breast milk. The lactation room will be a sanitary place, other than a restroom, that is shielded from view, free from intrusion and in reasonable proximity to the employee's work area. The lactation room will include an electrical outlet, a chair, and a surface on which to place a breast pump and other personal items and nearby access to

running water. A refrigerator suitable for breast milk storage will also be available in reasonable proximity to the employee's work area.

To request use of a lactation room, employees should complete a Lactation Room Request Form and submit the form to Human Resources. VanderHouwen will respond to the employee's request within a reasonable amount of time, not to exceed five business days. Employees should contact Human Resources with any follow-up inquiries.

A room identified for use as a lactation room may also be used for other purposes. However, during times when an employee is using the room as a lactation room, that will be its sole function. When two or more employees need to use the room for lactation purposes or in connection with other accommodations, they should work with their supervisor to schedule room usage cooperatively and in a way that accommodates all affected employees. Employees who have questions or concerns related to lactation room scheduling conflicts can also contact Human Resources.

If providing the requested lactation room will place an undue hardship on VanderHouwen's operations, VanderHouwen will engage in good faith in a cooperative dialogue with the employee concerning the employee's accommodation needs.

VanderHouwen will not demote, terminate or otherwise take adverse action or retaliate against an employee who requests or makes use of the accommodations and break time described in this policy.

Adoption Leave

Employees who are adoptive parents will be permitted to take leave under the same terms as leave provided to biological parents for the adoption of a child upon the start of the parent-child relationship. Leave will only be granted to employees who adopt children of preschool age or younger, or who adopt children under the age of 18 who are considered "hard to place" or handicapped under New York law.

For further information or to request leave under this policy, contact Human Resources.

Reproductive Health Decisions

VanderHouwen will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of drugs, devices, or medical services. VanderHouwen also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact Human Resources.

Pregnancy Accommodation (NY State Employees only, no employees in NYC)

If you work at a New York location with four or more employees, employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, but does not prevent the employee from performing

her job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include, but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules.

VanderHouwen will provide a reasonable accommodation that would enable the employee or applicant to perform her job functions in a reasonable manner, unless the accommodation would impose an undue hardship on VanderHouwen's business operations.

Employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for VanderHouwen's consideration of a reasonable accommodation. Such medical information will be kept confidential.

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources. Employees who need reasonable break time to express breast milk for their child should consult VanderHouwen's Lactation Accommodation policy and can discuss those arrangements with their supervisor or Human Resources.

Pregnancy Accommodation (NYC Employees Only)

If you work at a New York City location with four or more employees, employees and applicants for employment in New York City may request a reasonable accommodation for pregnancy, childbirth and related medical conditions (including lactation). For purposes of this policy, a "related medical condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, but does not prevent the employee from performing her job functions in a reasonable manner, with or without a reasonable accommodation.

VanderHouwen will provide a requested reasonable accommodation that would enable the employee or applicant to perform the essential functions of her job unless the accommodation would impose an undue hardship on VanderHouwen's business operations.

A reasonable accommodation may include, but is not limited to:

- Minor changes in work schedules;
- Adjustments to uniform requirements or dress codes;
- Additional water or snack breaks;
- Permission to eat at a work station;
- Extra bathroom breaks or additional breaks to rest;
- Physical modifications to a work station;
- Adjustment of start or end time;
- A reduced or modified work schedule;
- Desk duty or light duty;
- Transfer to an alternative position;
- Leave for a period of disability arising from childbirth; or
- Reasonable time and a clean, private space to express breast milk.

Employees may be required to provide medical or other information that is necessary for VanderHouwen's consideration of a reasonable accommodation. Such medical information will be kept confidential.

Human Resources will communicate with the employee and engage in good faith in a cooperative dialogue (written and/or oral) concerning the employee's accommodation needs. At the conclusion of this dialogue, VanderHouwen will provide an employee who requested an accommodation and participated in the dialogue with a final written determination identifying any accommodation granted or denied.

VanderHouwen will not retaliate against or tolerate retaliation against employees who request an accommodation in accordance with this policy.

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources. Employees who need reasonable break time to express breast milk for their child should consult VanderHouwen's Lactation Accommodation policy and can discuss those arrangements with their supervisor or Human Resources.

Temporary Disability Benefits

New York employees who are disabled by a nonwork-related injury or illness, including a pregnancy-related disability, may be eligible to receive disability benefits. To be eligible for disability benefits, employees must have been employed for four or more consecutive weeks.

Employees will generally not be able to collect disability benefits for any of the following:

- A period of disability during which the employee is not under the care of a licensed, registered and/or certified physician, podiatrist, chiropractor, psychologist or nurse midwife;
- Any disability caused by an injury or illness that is willfully and intentionally brought on by the employee or someone else or that results from the employee's illegal act;
- Any day of disability during which the employee performs work for pay or profit;
- Any day of disability for which the employee is entitled to receive pay in an amount equal to or greater than the amount they would receive under the New York Disability Benefits Law (NYDBL), except any voluntary contribution or aid that VanderHouwen may make to an employee;
- Any period in which the employee is ineligible to receive unemployment insurance, except for ineligibility due to the employee's disability;
- Any disability due to any act of war; or
- Any disability beginning before the employee becomes eligible for disability benefits.

No disability benefits are paid during the first seven consecutive days of any period of disability. Benefits begin on the eighth consecutive day of a disability and may continue being paid for up to a maximum of 26 weeks in a 52-week period. Eligible employees will receive a weekly benefit amount equal to 50 percent of their average weekly wage, up to a maximum weekly amount.

Employees will generally not be eligible to receive disability benefits if they are receiving workers' compensation, permanent disability, unemployment insurance or other temporary disability or cash sickness benefits. Employees cannot collect both disability benefits and New York Paid Family Leave (PFL) benefits concurrently. An employee who is eligible for both PFL benefits and disability benefits in the same 52-week period may not receive more than 26 total weeks of combined benefits during that period.

When filing a claim for disability benefits, employees will be required to provide written notice and proof of disability to VanderHouwen within 30 days of the beginning of the disability period. Such proof can include a statement of disability from the employee's health care professional. Employees may be required to later submit additional proof, but will not be required to do so more than once per week.

New York State Paid Family Leave Benefits

In accordance with New York's Paid Family Leave Benefits Law (PFLBL), eligible employees are entitled to a leave of absence to care for a family member with a serious health condition, to bond with a new child or to assist with obligations that arise when a spouse, domestic partner, child or parent is called into active military service. Employees are also eligible to receive partial wage replacement benefits during the leave through a state-mandated paid family leave benefits program.

Employee Eligibility

New York employees who work 20 hours or more per week for 26 consecutive workweeks are eligible for paid family leave (PFL) under the PFLBL. Employees who work fewer than 20 hours per week are eligible for PFL after completing 175 days of employment in a 52-week consecutive period.

Length of Paid Family Leave

Eligible employees may take up to 10 weeks of PFL in 2019. The leave entitlement will increase to a maximum of 12 weeks of PFL beginning in 2021, in accordance with the following schedule:

- 2020 - up to 10 weeks of PFL in a consecutive 52-week period;
- 2021 - up to 12 weeks of PFL in a consecutive 52-week period.

Employees are limited to the maximum amount of PFL in a consecutive 52-week period even if they begin employment with a different covered employer during that 52-week period.

Qualifying Reasons for Leave

PFL may be taken for the following reasons:

- To provide physical or psychological care (including, for example, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services) for a family member with a serious health condition;
- To bond with the employee's child during the first 12 months after the child's birth, adoption or foster care placement; or
- For a "qualifying exigency," as defined under the federal Family and Medical Leave Act (FMLA), arising from the active duty military service (or notification of an impending call to active duty) of an employee's spouse, domestic partner, child or parent.

PFL may not be taken for the employee's own disability or health condition.

For purposes of this policy, a "family member" includes a child, parent, grandparent, grandchild, spouse or domestic partner. A "child" includes a biological, adopted or foster child; a stepchild; the child of a domestic partner; a legal ward; or someone to whom the eligible employee stands in loco parentis, meaning in the place of a parent. A "parent" includes a biological, foster or adoptive parent; a stepparent; a parent-in-law, a parent of a domestic partner, a legal guardian; or an individual who stood in loco parentis to the employee when the employee was a child.

Employees taking PFL to care for a family member with a serious health condition must be present at the same location as the family member or engaged in reasonable travel related to providing care during the majority of the leave period.

VanderHouwen is not required to provide PFL to two employees at the same time to care for the same family member. If time off is provided to both employees, the PFL taken by each employee will be counted towards that employee's PFL entitlement.

Intermittent Leave

Employees can take PFL on an intermittent basis. Employees seeking intermittent leave must notify VanderHouwen of the schedule for intermittent leave.

Employees taking PFL in weekly increments will be eligible for the maximum number of weeks of leave in any consecutive 52-week period. Employees can take PFL in daily increments. The number of days of PFL

available will be based on the average number of days the employee works per week. For example, an employee who works an average of three days per week will receive:

- The equivalent of three days per week for 10 weeks up to a maximum of 30 days of PFL in 2019 and 2020; and
- The equivalent of three days per week for 12 weeks up to a maximum of 36 days in 2021.

Wage Replacement Benefits

Eligible employees can receive wage replacement benefits through a state mandated PFL benefits program. PFL benefits are administered by the New York State Insurance Fund.

In 2019, the PFL benefit amount will equal 55 percent of an employee's average weekly wage or 55 percent of the State's average weekly rate, whichever is lower. The State's average weekly wage is determined and periodically adjusted by the State of New York.

The PFL benefit amount will increase annually until 2021, in accordance with the following schedule:

- 2020 - 60 percent of the employee's average weekly wage or 60 percent of the State's average weekly rate, whichever is lower; and
- 2021 - 67 percent of the employee's average weekly wage or 67 percent of the State's average weekly rate, whichever is lower.

An employee cannot receive both New York state disability benefits and PFL benefits for the same period of time. An eligible employee may opt to receive both disability and PFL benefits during a post-partum/baby-bonding period, but may not receive both benefits at the same time. In addition, an employee who is eligible for both disability and PFL benefits cannot receive more than 26 total weeks of disability and PFL benefits combined during the same 52-week period.

Payroll Deductions

PFL benefits are funded by employee contributions made through payroll deductions. The amount of the contribution depends on the employee's average weekly wage. For 2019, deductions will not exceed 0.153% of an employee's weekly wage, up to a maximum annual contribution of \$107.97. The deduction amount will be adjusted periodically by the State of New York. The amount of any deduction taken will be reflected on an employee's paystub.

Employees who are not eligible for PFL benefits because they are not scheduled to meet the eligibility criteria regarding weeks or days worked can sign a waiver of benefits that relieves them from making the PFL benefits contribution. Ineligible employees who wish to complete such a waiver should contact Human Resources. If, after signing the waiver, an employee's schedule changes such that the employee is scheduled to meet the eligibility requirements, the waiver will be deemed revoked within eight weeks of the schedule change. Once the waiver is revoked, the employee will be required to make PFL contributions, including a retroactive amount that covers contributions since the time of hire.

Requesting Leave

Employees seeking PFL must provide at least 30 days' advance notice to VanderHouwen when the need for leave is foreseeable. If the need for leave is unforeseeable or 30 days' notice is not practicable, employees must provide notice as soon as practicable. The notice should include the timing and duration of the leave and identify the type of family leave needed. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of PFL. Employees must advise VanderHouwen as soon as practicable if the dates of a scheduled leave change or are extended.

Employees seeking PFL benefits will also be required to submit a Request for Paid Family Leave Form and required certifications. Employees must submit proof of the need for PFL within 30 days of the

commencement of leave. VanderHouwen will complete its portion of the Request for Paid Family Leave Form and return it to the employee within three business days.

If the dates for PFL, including any intermittent use of PFL, are not specified on the Request for Paid Family Leave Form, payment of benefits may be withheld until the information is provided. An employee must request payment for a previously unspecified day of PFL within 30 days of the leave.

Employees are also required to provide additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for bonding leave or a medical certification from a health care provider for leave to care for a family member with a serious health condition.

Benefits

VanderHouwen will continue making contributions to employee group health benefits during the leave on the same terms as if the employee had continued to actively work. This means that if employees want their benefits coverage to continue during PFL, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Failure to make timely payments may result in termination of health insurance coverage.

Effect on Other Rights and Paid Leave

When leave qualifies as protected family leave under both the PFLBL and the FMLA, leave entitlements under both laws will run concurrently. Employees will not receive more than the maximum family leave available under either the PFLBL or the FMLA, as applicable.

Where time off qualifies as both PFL and FMLA leave, employees are required to use available vacation, paid sick time and other available paid time off in accordance with the provisions of the FMLA and VanderHouwen's FMLA policy. When PFL does not qualify as FMLA leave, employees can choose, but are not required, to use available vacation, paid sick leave or other paid time off to receive full salary or wages during some or all of the PFL.

Return from Leave

Under most circumstances, employees who return to work as scheduled at the end of PFL will be reinstated to the same position they held at the time of the leave or to a comparable position with comparable benefits, pay and other terms and conditions of employment. Employees are not entitled under the PFLBL to accrue employment benefits or obtain seniority during any period of PFL, nor are they entitled to any right, benefit or position to which they would have been entitled absent the PFL.

Fraudulent Use of PFL Prohibited

Employees who fraudulently obtain PFL from VanderHouwen are not protected by the PFL's job restoration or maintenance of health benefits provisions and may be subject to disciplinary action, up to and including termination of employment.

Protected Rights

VanderHouwen takes its PFL obligations very seriously and will not interfere with, restrain or deny the exercise of any right protected under the PFLBL. VanderHouwen will not terminate or otherwise discriminate against any individual because that person uses or attempts to use PFL. If an employee believes that their PFLBL rights have been violated in any way, they should immediately report the matter to Human Resource.

Employees may also contact Human Resources with questions.

Emergency Responder Leave

Eligible employees will be allowed time off from work to perform duties as a volunteer firefighter or member of a volunteer ambulance service during a declared state of emergency, unless providing the leave would impose an undue hardship on VanderHouwen's business operations.

To be eligible for leave under this policy, employees must have previously provided VanderHouwen with written documentation from the volunteer fire department or ambulance service notifying VanderHouwen of the employee's status as a volunteer firefighter or volunteer ambulance service member and the employee's volunteer duties must be related to the declared emergency.

Leave under this policy will be unpaid for non-exempt employees, except that employees may elect to use any other applicable paid leave to which they are entitled.

VanderHouwen may request certification of the need for leave in the form of a notarized statement from the head of the fire department or ambulance service setting for the time period that the employee's volunteer services were required.

Social Security Number Privacy and Protection of Personal Information

Employee social security numbers (SSNs) and personal information may be collected in the ordinary course of business for the purpose of identity verification or to administer benefits and in accordance with state and federal laws. Records that include social security numbers and personal information will be maintained in accordance with federal and state laws.

VanderHouwen is committed to taking all reasonable steps to ensure the confidentiality of our employees' and applicants' personal identifying information, as required under applicable law. Thus, employees may not acquire, disclose, transfer, or use the SSN, home address, or telephone number, personal electronic mail address, internet identification name, or password, parent's surname prior to marriage, or drivers' license number of any employee except in accordance with applicable law and Company policy and procedures. The release of employee personal identifying information to external parties is prohibited except where required by law. Internal access to employee SSNs is restricted to employees with a legitimate business need for such information. Employee SSNs will not be publicly posted, displayed, or visibly printed on any identification badge or time card. For more information about this policy please contact Human Resources of VanderHouwen.

Wage Disclosure Protection

No employee is prohibited from inquiring about, discussing or disclosing their wages or the wages of another employee, if voluntarily disclosed by that employee. Employees are not required to disclose their wages to anyone.

This policy does not apply to disclosure of other employees' wage information by employees 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. Company representatives may disclose employees' wages in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing or action under state law.

Personnel Records

Recognizing the confidential nature of the information in your personnel record, VanderHouwen limits access to the personnel records to you and those with proper authorization or pursuant to legal process.

No documents contained in your personnel file will be released without your consent, except pursuant to legal process. Any records of medical evaluation results will be maintained in a separate file, in accordance with legal requirements, and may only be reviewed by authorized individuals with the approval of Human Resources of VanderHouwen.

Alcohol and Drug Policy

In addition to the provisions of the Alcohol and Drug Policy in VanderHouwen's Employee Handbook, please note that although the state has legalized the medicinal use of marijuana, VanderHouwen does not permit the medicinal use of marijuana in the workplace. Use of marijuana on Company property or while engaged in work-related activities is strictly prohibited and may result in discipline, up to and including immediate discharge.

Request for Schedule Change (NYC Employees Only)

All employees (whether full-time, part-time or temporary) who work 80 or more hours per calendar year in New York City and who have worked for VanderHouwen for at least 120 days are eligible for two temporary schedule changes per year for certain personal events.

Temporary Schedule Changes for Qualifying Personal Events

Upon request, VanderHouwen will grant two temporary schedule changes per calendar year, for up to one business day per request or, with company approval, two business days for one request. VanderHouwen may, in its discretion, grant one temporary schedule change that impacts two business days, in which case the employee will not be entitled to a second temporary schedule change in the same calendar year.

For purposes of this policy, a temporary schedule change is a limited alteration to an employee's usual schedule, including hours, times or work location. Alterations may include, but are not limited to:

- Using available paid time off;
- Working remotely;
- Swapping or shifting work hours; or
- Using short-term unpaid leave.

VanderHouwen may require employees to take unpaid leave in lieu of the employee's requested temporary schedule change, and the unpaid leave will be counted as one of the employee's allotted schedule changes. Leave granted as a temporary schedule change will generally be unpaid for non-exempt employees. However, employees are allowed, but not required, to use any available, accrued paid leave.

Employees can request temporary schedule changes for the following personal events:

- To care for a minor child for whom the employee provides direct and ongoing care;
- To care for a disabled individual (a "care recipient") who is the employee's family member or resides in the employee's household and for whom the employee provides direct and ongoing care to meet the needs of daily living;
- To attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or care recipient is a party; or
- For reasons specified in VanderHouwen's Paid Safe and Sick Time (New York City) or Safe and Sick Time (New York City) policy.

Eligible family members include an employee's current or former spouse or registered domestic partner; parent, parent-in-law or parent of a domestic partner; child or child of a domestic partner, including a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis; sibling, including a half-sibling, step-sibling and sibling related through adoption; grandchild;

grandparent; an individual related to the employee by blood and an individual whose close association with the employee is the equivalent of a family relationship.

Requesting Temporary Scheduling Changes

Employees who wish to request temporary schedule changes under this policy must notify Human Resources as soon as they are aware of the need for a temporary schedule change. This initial notification can be made orally, but must indicate that the requested change is due to a personal event and must describe the requested temporary schedule change, unless the employee is only seeking leave without pay. VanderHouwen will respond to this initial request for a temporary schedule change as soon as possible.

If an employee's initial request was not in writing, the employee must, as soon as practicable and no later than the second business day after returning to work following the conclusion of the temporary schedule change, also submit the schedule change request in writing to Human Resources, indicating the date for which the change was requested and that it was due to the employee's personal event.

Other Schedule Change Requests

Employees are also allowed to request schedule changes in addition to the temporary schedule changes described above. VanderHouwen will, in its discretion, grant or deny such requests. Employees who wish to make additional schedule change requests should follow the procedure described above.

Effect on Other Rights and Policies

VanderHouwen may provide other types of accommodation and other forms of leave under certain federal, state and municipal laws. In certain situations, time off allowed under this policy may run at the same time as leave available under another policy or under another federal, state or municipal law, provided eligibility requirements are met. However, unpaid leave provided as one or both of the two temporary schedule changes described in this policy is in addition to and will not run concurrently with leave provided under VanderHouwen's New York City Paid Safe and Sick Time policy. Employees are also not required to exhaust their New York City paid safe and sick time before requesting a temporary schedule change in accordance with this policy.

VanderHouwen is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state and municipal leave rights or workplace accommodations.

Retaliation Prohibited

VanderHouwen prohibits retaliation against an employee for requesting a schedule change, filing a complaint, communicating with others about New York City's Temporary Schedule Change Law, participating in an investigation or proceeding regarding an alleged violation of the law, mistakenly invoking rights under the law or otherwise exercising their rights under the law, even if the employee does not specifically reference the Temporary Schedule Change Law and even if the employee is not entitled to a schedule change.

Cooperative Dialogue about Accommodation Needs (for NYC employees only)

VanderHouwen will provide reasonable accommodations to employees who seek them for reasons related to pregnancy, religion, disability or status as a victim of domestic violence, sex offenses or stalking - when those accommodations are possible and in accordance with applicable law and Company policy.

As is set forth more fully in those policies, VanderHouwen will engage in a good faith dialogue (written or oral) concerning an employee's accommodation needs and potential accommodations for those needs. VanderHouwen will engage in this cooperative dialogue within a reasonable time after an employee requests an accommodation or VanderHouwen becomes aware of the possible need for such an accommodation. At the conclusion of the dialogue, VanderHouwen will provide the participating employee with a written final determination identifying any accommodation granted or denied. VanderHouwen will not retaliate against or tolerate retaliation against employees who request accommodations in accordance with Company policy.

Employees who wish to request an accommodation should contact Human Resources.

Complaint Form for Reporting Harassment

If you believe that you have been subjected to harassment, you are encouraged to complete this form and submit it to Human Resources of VanderHouwen. Please provide the requested information so that VanderHouwen may investigate and resolve your complaint. You are not limited to the space provided and may attach additional pages. Once you have completed this form, please provide a copy of it to Human Resources.

Name _____ Title _____

Department/Location _____ Supervisor _____

Preferred Communication Method _____ E-mail _____ Phone _____ In-person

A. Complaint(s) - Please describe your complaint(s), including the name of the person(s) about whom you are complaining and when the conduct occurred. If your complaint involves specific comments, please include a description of the comments.

B. Related Material - Please list, and if possible, provide copies of, any emails, text messages, letters, notes, memos, diary entries, calendars, reports, or other items that relate to your complaint(s).

C. Persons With Information - Please list any individuals who you believe may have information about your complaint(s):

[OPTIONAL: D. Prior Report(s) - Have you reported your concerns to anyone else at VanderHouwen? If so, please provide the name and position of the person to whom you reported the concerns, and the date of the report].

I understand that if I become aware of additional relevant information, I must promptly provide such information to Human Resources. I also am aware that VanderHouwen prohibits retaliation against me for filing this complaint, and I agree that I will immediately report any incident I believe is retaliatory using VanderHouwen's procedures for reporting retaliation.

Employee's Signature: _____

Date completed by Employee: _____

HR or Manager Signature: _____

Date received from Employee: _____

THIS NOTICE IS REQUIRED FOR NYC ONLY

STOP SEXUAL HARASSMENT ACT NOTICE

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the poster requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

Sexual Harassment under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law, where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

**VanderHouwen
Acknowledgement of Revised Policy
Effective January 1, 2021**

I acknowledge that I have received the New York 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: _____