

## CALIFORNIA SUPPLEMENT

### **I. DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY (ADDENDUM TO ANTI-DISCRIMINATION, NON-HARASSMENT & RETALIATION PREVENTION POLICY)**

In addition to those protected characteristics covered by the general policy, protected characteristics also include reproductive health decision making and gender identity or gender expression. Further, the Company prohibits discrimination, harassment, and retaliation on the basis of any combination of protected characteristics.

**Training.** All employees of the Company are required to undergo harassment prevention training as required by applicable law. For more information on this training requirement, employees can visit <https://calcivilrights.ca.gov/shpt/>

### **II. LACTATION ACCOMMODATION**

The Company supports the legal right and necessity of employees who choose to express milk in the workplace. This policy is to establish guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees at the Company for as long as they desire to express breastmilk.

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk, in accordance with applicable local, state, and federal law. If possible, the break time must run concurrently with rest and meal periods already provided to the employee. Break time that cannot run concurrently with rest and meal periods already provided to the employee is unpaid, to the extent permitted by applicable law.

The Company will provide breastfeeding employees with space in close proximity to the employee's work area that is shielded from view and free from intrusion from co-workers and the public, to express breastmilk. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Restrooms are prohibited from being utilized for lactation purposes.

An employee who believes they need a lactation accommodation should submit a request for possible accommodation in writing to Human Resources. Upon receiving an accommodation request, the Company will respond to the employee within 5 business days. The Company and the employee shall engage in an interactive process to determine the appropriate accommodations.

California law expressly prohibits discrimination or retaliation against lactating employees for exercising their rights granted by the ordinance. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations.

Employees have the right to file a complaint with the Labor Commissioner for any violation of the rights underlying this policy.

Employees can contact Human Resources with questions regarding this policy.

### III. BREAKS & MEAL PERIODS

**Rest Breaks.** Non-exempt employees who work at least three and one half (3½) hours per workday are authorized and permitted to take one (1) 10-minute rest break for every four hours or major fraction thereof worked. For purposes of this policy, "major fraction" means any time greater than two (2) hours. For example, if a non-exempt employee works more than six (6) hours, but no more than ten (10) hours in a workday, the employee is authorized and permitted to take two (2) 10-minute rest breaks: one during the first half of the shift and a second rest break during the second half of the shift. If a non-exempt employee works more than ten (10) hours but no more than fourteen (14) hours in a day, the employee is authorized and permitted to take three (3) 10-minute rest breaks, and so on.

Rest breaks should be taken as close to the middle of each work period of four hours or major fraction thereof as is practical. Non-exempt employees do not need to obtain approval from or notify their supervisor when taking a rest break. Non-exempt employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-exempt employees are paid for all rest break periods and do not need to clock out when taking a rest break. Non-exempt employees may leave the premises when taking their rest break.

Rest breaks may not be combined with each other or with the meal period. In addition, rest breaks may not be taken at the beginning or end of the work day to arrive late or leave early. Each rest break must be a separate break, meeting the requirements described above. If any work is performed during a rest break, or if the rest break is interrupted for any work-related reason, the employee is entitled to another uninterrupted paid rest break. Employees are to immediately notify Human Resources if they believe that they are prevented by the nature of their work from taking a timely and/or complete rest break.

The Company provides cool down rest and recovery periods as needed to prevent heat illness as required by law for employees who perform work: (1) outdoors when temperatures are 80 degrees or higher; or (2) indoors when temperature are 82 degrees or higher.

**Meal Periods.** Employees who work more than five (5) hours in a workday are provided an unpaid, off-duty and uninterrupted meal period of at least thirty (30) minutes. Employees

are responsible for scheduling their own meal period, but should confirm them with their supervisor(s). Meal periods must begin no later than before the end of the fifth hour of work. For example, employees who start working at 8 a.m. must begin their meal period no later than 12:59 p.m.

Employees who work more than ten (10) hours in a day are entitled to a second unpaid, off-duty and uninterrupted 30-minute meal period. Employees entitled to a second meal period should schedule their second meal period so it begins no later than before the end of their tenth hour of work, meaning the meal period should begin after working no more than 9 hours, 59 minutes.

When scheduling meal periods, employees should try to anticipate their work flow and deadlines. During a meal period, employees are relieved of all duties and should not work during this time. When taking a meal period, employees should completely stop working for at least thirty (30) minutes. Employees are prohibited from working "off the clock" during their meal period. Employees may leave the premises when taking their meal break.

Those employees who use a time clock must clock out for their meal periods. Employees are required to clock back in and promptly return to work at the end of any meal period. Employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period. Unless otherwise directed by their supervisor in writing, employees are not required to get approval from or notify their supervisor when taking a meal period. Employees are to immediately notify Human Resources and/or their supervisor if they believe that they are prevented by the nature of their work from taking a timely and/or complete meal period.

**Meal Period Waiver.** If no more than six (6) hours of work will complete the day's work, employees may voluntarily waive their meal period in writing. See Human Resources to obtain this waiver form. If an employee works no more than twelve (12) hours, the employee can voluntarily waive the second meal period, but only if the first meal period was received and not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. See Human Resources to obtain a second meal period waiver form. Employees who work more than twelve (12) hours may not waive, and should take, their second unpaid, off-duty and uninterrupted 30-minute meal period.

**No Working During Rest Breaks and Meal Periods.** Employees are completely relieved of all work duties and responsibilities during their rest breaks and meal periods. All rest breaks and meal periods must be taken outside employees' work areas, such as in a break room. Employees may leave the premises during rest breaks and meal periods. Employees should not visit or socialize with employees who are working while taking their rest break or meal period. Employees are not expected to remain "on call" or available to respond to messages, monitor radios, telephones, email or other devices during meal periods and rest breaks -- even those who are in a sensitive position like security or information technology. Employees are required to notify Human Resources immediately if they believe they are being pressured or coerced by any manager, supervisor, or other employee to forego any portion of a provided

rest break or meal period.

**Summary Chart.** Below is a chart that generally summarizes the number of rest breaks and meal periods provided to employees who work up to 14 hours under this policy. If an employee works more than 14 hours, the employee will be provided rest breaks and meal periods consistent with this policy and applicable law:

Hours of Work	Rest Breaks and/or Meal Periods
0 to 3 hours 29 minutes	No paid rest break and no meal period
3 hours, 30 minutes up to 4 hours 59 minutes	One 10-minute paid rest break
More than 4 hours 59 minutes and up to 6.0	One 10-minute paid rest break and one 30-minute unpaid meal period (unless first meal period is mutually waived pursuant to this policy)
More than 6.0 hours and, up to 9 hours and 59 minutes	Two 10-minute paid rest breaks and one 30-minute unpaid meal period
More than 9 hours and 59 minutes, up to 12.0 hours	Three 10-minute paid rest breaks and two 30-minute unpaid meal periods (unless second meal period is mutually waived pursuant to this policy)
More than 12.0 hours, up to 14.0 hours	Three 10-minute paid rest breaks and two 30-minute unpaid meal periods

## IV. OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees will be required to work overtime assignments. All overtime work must receive prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Any non-exempt employee who works overtime will be compensated in accordance with state and federal overtime requirements. For all hours worked in excess of eight (8) hours in one day or forty (40) hours in one week, or for the first eight (8) hours on the seventh consecutive day worked in the same workweek, employees will be paid at one and one-half (1½) times their regular rate of pay. Employees will be paid double-time for hours worked in excess of twelve (12) in any workday or in excess of eight (8) on the seventh consecutive day worked in the same workweek. There may be exceptions to these standards where allowed by law.

Overtime pay is based on actual hours worked. Vacations, holidays, sick days or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from management may result in disciplinary action, up to and including possible termination of employment.

## **V. PAID TIME OFF (ADDENDUM TO VACATION POLICY)**

The Company provides eligible employees with vacation. Despite any general Manual policy to the contrary, all accrued, unused vacation may be carried over from year to year, but an employee may only accrue up to a maximum of 1.5 times the then-applicable maximum annual accrual. Once an employee reaches this overall accrual cap, no additional time will be accrued until an employee uses some of the already accrued time at which point accrual will continue subject to the annual accrual maximum and overall accrual cap. Accrued, unused vacation will be paid upon separation of employment.

## **VI. CALIFORNIA PAID SICK LEAVE**

**Eligibility.** Pursuant to the Healthy Workplaces, Healthy Families Act, the Company provides paid sick leave to employees who work for the Company in California for thirty (30) or more days within a year. For employees who work in California who are eligible for sick leave under the general Paid Sick Leave policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Paid Sick Leave policy and/or any other applicable sick time/leave law or ordinance.

**Accrual.** Employees begin accruing paid sick leave at the start of employment. Paid sick leave will accrue at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum accrual of ten (10) days or eighty (80) hours. Employees who are exempt from overtime pursuant to the executive, administrative, and professional exemptions under California law are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case paid sick leave accrues based upon that normal workweek. For purposes of this policy, the year is the consecutive 12-month period beginning on January 1st and ending on December 31st.

**Usage.** Employees may use up to five (5) days or forty (40) hours of paid sick leave in any year. Employees can use accrued paid sick leave beginning on the 90th calendar day of employment. Paid sick leave may be used in 1-minute increments for non-exempt employees and in minimum increments of 2-hours for exempt employees.

Paid sick leave may be used for the following reasons:

- 1) For diagnosis, care, or treatment of an existing health condition of, or preventive care

for, an employee or an employee's family member; or

2) For an employee who is a victim or whose family member is a victim of a qualifying act of violence:

- a) To appear in court to comply with a subpoena, or other court order as a witness in a judicial proceeding.
- b) To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
- c) To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.
- d) To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
- e) To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
- f) To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- g) To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
- h) To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- i) To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
- j) To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
- k) To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

For purposes of this policy, "family member" means a child (including biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, all regardless of age or dependency status); spouse; registered domestic partner; parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); grandparent; grandchild; sibling; or designated person (a person identified by the employee at the time the employee requests paid sick leave). Employees are limited to selecting one designated person per 12-month period for paid sick leave.

For purposes of this policy, "qualifying act of violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

- domestic violence;
- sexual assault;
- stalking; or

- an act, conduct, or pattern of conduct that includes any of the following:
  - In which an individual causes bodily injury or death to another individual;
  - In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; or
  - In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

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

Employees will be notified of their available paid sick leave on each itemized wage statement.

**Notice.** Notice to an employee's manager may be given orally or in writing. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee must provide notice of the need for the leave as soon as practicable.

**Payment.** Eligible employees will receive payment for paid sick leave, at the same wage as the employee normally earns during regular work hours, unless otherwise required by applicable law, by next regular payroll period after the leave was taken. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

**Carryover & Payout.** Accrued paid sick leave carries over from year to year, but is subject to the maximum accrual (accrual cap) of ten (10) days or eighty (80) hours. Once the accrual cap is reached, paid sick leave will stop accruing until some paid sick leave is used. Accrued but unused paid sick leave under this policy will not be paid at separation.

**Enforcement & Retaliation.** Retaliation or discrimination against an employee who requests paid sick leave or uses paid sick leave, or both, is prohibited, and employees may file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

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

## **VII. PAID FAMILY LEAVE BENEFITS**

An employee who is off work: (i) to care for a child, parent, spouse, registered domestic partner, parent-in-law, grandparent, grandchild, or sibling, with a serious health condition; (ii) to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption; or (iii) to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, may be eligible to receive benefits through the California "Paid Family Leave" ("PFL") program, which is administered by the



Employment Development Department ("EDD").

These benefits are financed solely through employee contributions to the PFL program. That program is solely responsible for determining if an employee is eligible for such benefits.

Employees who need to take time off work for any of the reasons set forth above may contact Human Resources for information about the EDD's PFL program and how to apply for benefits. Employees also may contact their local EDD office for further information. Employees should maintain regular contact with Human Resources while absent from work so we may monitor employees' return-to-work status. In addition, employees should contact Human Resources when ready to return to work so we may determine what positions, if any, are open.

Employees taking time off work for any of the reasons set forth above are not guaranteed job reinstatement unless they qualify for such reinstatement under federal or California family and medical leave laws. Any time off for Paid Family Leave purposes will run concurrently with other leaves of absence, such as Family and Medical Leave/California Family Rights Act Leave, if applicable. Please see the "Family and Medical Leave/California Family Rights Act" policies for eligibility requirements.

## **VIII. SCHOOL-RELATED ACTIVITIES LEAVE**

Parents (including in loco parentis), guardians, step-parents, foster parents, or grandparents with custody of a child either (1) attending or of age to attend a licensed child care provider or (2) in kindergarten through Grade 12, are provided unpaid time off of up to forty (40) hours in one (1) calendar year) for the purpose of either of the following child-related activities:

- 1) To find, enroll, or reenroll the child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of the child.
- 2) To address a child care provider or school emergency, meaning that the child cannot remain in school or with a child care provider due to one of the following:
  - a. The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
  - b. Behavioral or discipline problems;
  - c. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
  - d. A natural disaster, including, but not limited to, fire, earthquake, or flood.

The amount of time off for reason #1 cannot exceed eight (8) hours in any calendar month of the year. Prior to taking leave for reason #1 above, an employee must provide reasonable notice of the planned absence to their manager. The employee must give notice to their manager when taking leave for reason #2 above.

If more than one parent of a child is employed by the Company at the same worksite, leave for the reasons above apply, at any one time, only to the parent who first gives notice to the Company, such that another parent may take a planned absence simultaneously as to



that same child for the reasons above, but only if the employee obtains approval from their manager for the requested time off.

We may require documentation of employees' participation in these activities. Parents, guardians, or grandparents with custody of schoolchildren who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school's request. Employees may substitute accrued paid time off during unpaid leave taken under this policy, but this substitution does not extend the length of the leave.

## **IX. LEAVE FOR QUALIFYING ACTS OF VIOLENCE**

An employee who is a victim or whose family member is a victim of a qualifying act of violence, may take up to twelve (12) weeks of unpaid leave in any 12-month period for the following reasons:

- To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
- To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
- To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
- To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
- To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
- To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the employee may only take a leave of ten (10) days under this policy. If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave to relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to,

securing temporary or permanent housing or enrolling children in a new school or childcare, the employee may only take leave for five (5) days.

For purposes of this policy, "family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, or designated person. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. The employee may only designate one person per 12-month period.

For purposes of this policy, "qualifying act of violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

- domestic violence;
- sexual assault;
- stalking; or
- an act, conduct, or pattern of conduct that includes any of the following:
  - In which an individual causes bodily injury or death to another individual;
  - In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; or
  - In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

The Company may require proof of an employee's participation in these activities. Whenever possible, employees must provide Human Resources reasonable notice before taking any time off under this policy.

Leave under this policy is unpaid, but employees may substitute any accrued paid time off benefits for the unpaid leave provided under this policy. Leave under this policy does not extend the time allowable under the "Family and Medical Leave Act" and "California Family Rights Act" Policies.

No employee will be subject to discrimination or retaliation because of the employee's status as a victim or whose family member is a victim of a qualifying act of violence. An employee who is a victim, or whose family member is a victim, of a qualifying act of violence may request workplace accommodations such as a transfer, schedule modification, safety measures, or referral to victim assistance. The Company will engage in a good faith interactive process to determine reasonable accommodations, considering any immediate danger, as long as it does not cause undue hardship on business operations.

## **X. BEREAVEMENT LEAVE**

Employees who have been employed for at least 30 days may take bereavement leave of up to five (5) days upon the death of a family member. For the purposes of this policy a family member includes a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law.

Bereavement leave need not be consecutive but must be completed within three months of the family member's death.

Bereavement leave will be unpaid, except to the extent the employee is eligible for paid bereavement leave under the general Bereavement Leave policy. If not eligible for paid bereavement leave under the general Bereavement Leave policy or eligible for less than five (5) days, the employee may elect to use accrued vacation or sick leave to receive pay for this leave. Receipt of paid bereavement leave under any general Bereavement Leave policy will run concurrently with an employee's bereavement leave entitlement under this policy. Additionally, the substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with an employee's bereavement leave entitlement.

Employees must inform their manager prior to commencing bereavement leave. Employees, if requested by the Company, within 30 days of the first days leave must provide documentation of the death of the family member. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

The Company will maintain the confidentiality of any employee requesting leave under this policy including documentation provided to the Company related to a request for leave.

## **XI. REPRODUCTIVE LOSS LEAVE**

Employees who have been employed for at least 30 days will be provided with up to five (5) days of reproductive loss leave following a reproductive loss event. Employees who experience more than one reproductive loss event within a 12-month period are limited to twenty (20) days of reproductive loss leave in a 12-month period. For purposes of this policy, a reproductive loss event means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction via artificial insemination or an embryo transfer.

Leave may only be taken on regularly scheduled workdays. Leave does not need to be taken on consecutive days. Leave must be completed within three (3) months of the reproductive loss event, except that if an employee is on some other leave from work prior to or immediately following a reproductive loss event, the reproductive loss leave is available for use during the three (3) months following the end date of the other leave.

Reproductive loss leave is unpaid, except to the extent the employee is eligible for paid leave for these purposes under other Company policies. An employee may elect to use accrued vacation, or sick leave to receive pay during any unpaid leave taken under this policy. Leave provided pursuant to this policy will run concurrently with any other applicable leave of absence for covered reasons, to the maximum extent permitted by applicable law. The substitution of paid time for unpaid leave time does not extend the length of leave and the

paid time will run concurrently with an employee's reproductive loss leave entitlement.

Employees must inform their supervisor prior to commencing reproductive loss leave.

The Company will maintain the confidentiality of any employee requesting leave under this policy including information provided to the Company related to a request for leave.

## **XII. ORGAN DONATION LEAVE**

An employee who has been employed for at least 90 days may request a paid leave of absence for up to thirty (30) business days in any one-year period to undergo a medical procedure to donate an organ to another person. An employee can request an additional 30 days of unpaid leave in any one-year period for this same purpose. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. The one-year period is measured from the start of the leave.

For an initial request for organ donation leave, an employee must use up to two weeks of accrued vacation during the leave, but the use of vacation accrual does not extend the term of the leave. If accrued vacation is not available, the paid time off will be for up to thirty (30) days. Organ donation leave will not be designated as FMLA or CFRA leave time. Employees will continue to receive health benefits for the duration of their organ donation leave as if they were working. Upon returning from such leave, employees will have a right to return to the same or equivalent positions they held before such leave. Absences due to organ donation leave do not count as a break in service for the purpose of the employee's right to salary adjustments, sick leave, vacation and paid time off or seniority.

## **XIII. BONE MARROW DONATION LEAVE**

An employee who has been employed for at least 90 days may request a leave of absence for up to five (5) business days in any one-year period to undergo a medical procedure to donate bone marrow. The one-year period is measured from the start of the leave. Employees must provide a certification from their physician regarding the purpose and length of each leave requested. An employee must use any accrued vacation for this leave, but the use of vacation accrual does not extend the term of this leave. If accrued vacation is not available, the time off for such procedure shall be paid, but the paid time off shall not exceed five days. Bone marrow donation leave will not be designated as FMLA or CFRA leave time. Employees will receive health benefits for the duration of their Bone Marrow Donation Leave as if they were working. Upon returning from such leave, employees will have a right to return to the same or equivalent positions they held before such leave. Absences due to bone marrow donation leave do not count as a break in service for the purpose of the employee's right to salary adjustments, sick leave, vacation and paid time off or seniority.

## **XIV. PREGNANCY DISABILITY LEAVE**

Employees who are disabled by pregnancy, childbirth or related medical conditions are

eligible to take a pregnancy disability leave ("PDL"). If affected by pregnancy or a related medical condition, employees also are eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to other reasonable accommodations unless it would impose an undue hardship on the Company to do so. If it is medically advisable to take intermittent leave or work a reduced leave schedule, the Company may require a temporary transfer to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

**Reasons for Leave.** PDL is for any period(s) of actual disability caused by the employee's pregnancy, childbirth, or related medical condition. Time off needed for prenatal or postnatal care; severe morning sickness; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

**Duration of Leave.** An employee is entitled to up to four (4) months of PDL, per pregnancy, while disabled by pregnancy, childbirth or a related medical condition. PDL does not need to be taken in one continuous period of time, but can be taken on an intermittent basis pursuant to the law. For purposes of this policy, "four months" means time off for the number of days the employee would normally work within the four calendar months (one-third of a year, or 17.3 weeks or 122 days) following the commencement date of taking a pregnancy disability leave. If an employee's schedule varies from month to month, a monthly average of the hours worked over the four months prior to the beginning of the leave shall be used for calculating the employee's normal work month.

**Employee Notice Requirements.** To receive a reasonable accommodation, obtain a transfer, or take a PDL, employees must provide sufficient notice so the Company can make appropriate plans – thirty (30) days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, or as soon as practicable if the need is an emergency or unforeseeable.

**Medical Certification.** Employees may be required to obtain a certification from their health care provider regarding their need for PDL or the medical advisability of an accommodation or a transfer, to the extent permitted by applicable law. Where required, the certification in support of a request for a reasonable accommodation should include:

- 1) a description of the requested reasonable accommodation or transfer;
- 2) a statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and
- 3) the date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

Where required, a medical certification in support of a request for PDL is sufficient if it contains:

- 1) a statement that the employee needs to take pregnancy disability leave because the employee is disabled by pregnancy, childbirth or a related medical condition;
- 2) the date on which the employee became disabled because of pregnancy; and
- 3) the estimated duration of the leave.

Upon request, Human Resources will provide a medical certification form that can be taken to a health care professional. As a condition of returning from PDL, employees must obtain a release to return to work from a health care provider stating that they are able to resume their original job duties with or without a reasonable accommodation.

**Leave is Unpaid.** PDL is unpaid. However, at an employee's option, an employee may use any accrued paid time off as part of PDL before taking the remainder of leave on an unpaid basis. The use of any paid leave will not extend the duration of PDL. We encourage employees to contact the EDD regarding eligibility for state disability insurance for the unpaid portion of leave.

**Leave Concurrent with Family and Medical Leave.** For employees who are eligible for leave under the federal Family and Medical Leave Act, PDL will also be designated as time off under the Family and Medical Leave Act, but not the California Family Rights Act. Please refer to the "Family and Medical Leave" policy in this Manual for additional information.

**Continuation of Health Insurance Benefits.** Employees who participate in the Company's group health insurance plan will continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with Human Resources for payment of their share of the insurance premiums.

**Return to Work.** Employees who do not return to work on the originally scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation may be deemed to have voluntarily terminated employment with the Company. Failure to notify the Company of (1) the ability to return to work when it occurs or (2) continued absence from work because leave must extend beyond the maximum time allowed may be deemed a voluntary termination of employment with the Company, unless you are entitled to Family and Medical Leave or other leave pursuant to applicable law. Upon returning from PDL, employees will be reinstated to their same position, in most instances.

Taking PDL may impact certain of your benefits and your seniority date. For more information regarding eligibility for a leave and the impact of the leave on seniority and benefits, please contact Human Resources.

**Request for Additional Time Off.** Any request for leave after a disability has ended will be treated as a request for Family and Medical Leave under the California Family Rights Act and/or the federal Family and Medical Leave Act, if eligible for such leave. Please refer to the "Family and Medical Leave" policy in this Manual for additional information. Employees who are not eligible for leave under the CFRA and/or FMLA will have a request for additional leave treated as a request for disability accommodation.

## XV. CALIFORNIA FAMILY RIGHTS ACT (ADDENDUM TO FMLA POLICY)

Like the Family and Medical Leave Act ("FMLA") Policy described elsewhere in this Manual, the California Family Rights Act of 1993 ("CFRA") may require employers to provide family and medical leaves of absence to eligible employees. Either or both of these laws may apply to a leave. Additionally, employees who are CFRA-eligible have certain rights to take both a pregnancy disability leave ("PDL") and CFRA leave for the birth of a child. There are some differences between FMLA, CFRA, and PDL, and this Policy Addendum explains how such leaves are administered for California employees. Where more than one of the laws applies, leave taken may be counted under more than one law at the same time, to the extent permitted by the applicable law(s). For example, where pregnancy disability leave is also FMLA-qualifying, the leave will count against both FMLA and PDL entitlements. However, PDL is separate from and does not count against an employee's CFRA leave entitlement.

This policy will be interpreted to comply with the law(s) that apply to a particular leave. If employees have any questions concerning CFRA leave, they should contact Human Resources.

**Eligibility.** Under the CFRA, employees may have a right to an unpaid family care or medical leave (CFRA leave) if they:

- 1) Have worked for the Company for a total of at least twelve (12) months at any time prior to the commencement of a CFRA leave;
- 2) Worked for the Company for at least 1,250 hours in the 12-month period before the date they want to begin CFRA leave, to the extent permitted by applicable law\*; and
- 3) Work for an employer that employs five (5) or more employees.

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

An employee who is not eligible for CFRA leave at the start of a leave because the employee has not met the 12-month length of service requirement can meet this requirement while on leave because leave to which the employee is otherwise entitled counts toward length of service requirement (but not the 1,250 hours requirement).

**Basic Family and Medical Leave Entitlement.** FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. CFRA leave may be up to twelve (12) workweeks in a 12-month period, and can be used for the birth, adoption, or foster care placement of a child; the employee's own serious health condition (except leave for an employee's disability due to pregnancy, childbirth or related medical condition does not count against CFRA leave); to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner or designated person with a serious health condition (except leave to care for an employee's parent-in-law, grandparent, grandchild, sibling, or registered domestic partner or designated person does not count against FMLA leave); or a "qualifying exigency" related to the covered active duty or call to covered active duty of an employee's spouse, registered domestic partner, child or parent in the Armed Forces of the United States. Employees who are CFRA-eligible have certain rights



to take both a pregnancy disability leave ("PDL") and a CFRA leave for reason of the birth of a child.

For purposes of CFRA leave, "child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis. "Grandchild" means a child of the employee's child. "Grandparent" means a parent of the employee's parent. "Parent" means a biological, foster, or adoptive parent, parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave but an employee is limited to one designated person per 12-month period for family care and medical leave.

**Definition of Serious Health Condition.** Under the FMLA and CFRA, a serious health condition is an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition that involves either inpatient care or continuing treatment, including but not limited to, treatment for substance abuse. Unlike the FMLA, "inpatient care" under the CFRA is more broadly defined, and means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with inpatient care, or any period of incapacity. A person will be considered an "inpatient" when a health care facility formally admits the person to the facility with the expectation that the employee will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.

**Leave to Care for a Servicemember.** Leave to care for a military service member with a serious illness or injury counts against an employee's CFRA leave entitlement when the servicemember is the employee's spouse, parent, child, grandparent, grandchild or sibling as provided for under CFRA.

**Bonding Leave.** Employees may take intermittent leave for bonding with a child following birth or placement for adoption or foster care. Birth bonding leave must be taken within one (1) year after the child's birth or placement. Intermittent leave for bonding purposes generally must be taken in 2-week increments, but the Company permits two occasions where the leave may be for less than two (2) weeks. Bonding leave is in addition to any time off taken for pregnancy disability leave.

**Employee Responsibilities.** If possible, employees must provide at least thirty (30) days advance notice for foreseeable events (such as the expected birth of a child, employees' own planned medical treatments, or a family member's planned medical treatment). For unforeseeable events, the Company requires that employees provide notice, at least verbally, as soon as they learn of the need for leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until compliance with this notice policy is achieved.

We may require certification from a health care provider before allowing leave to be taken for (1) an employee's pregnancy disability or a serious health condition or (2) a child, parent, grandparent, grandchild, sibling, spouse, registered domestic partner or designated person who has a serious health condition. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

We will require second or third certifications from health care providers only in the event the Company has reason to doubt the initial certification of an employee's need for leave due to the employee's own serious health condition. Recertification of the need for leave due to an employee's or family member's serious health condition will be requested only when the original certification has expired.

**Substitution of Paid Leave for Unpaid Leave.** For purposes of this policy, leave is not "unpaid" during any leave time for which an employee is receiving compensation from the State of California under the State Disability Insurance program, while receiving PFL, worker's compensation, or benefits pursuant to the Company's disability pay program. Employees may request, but will not be required, to use accrued paid time off for any time off under this policy for which they are receiving compensation under these programs. Where applicable and permitted by law, employees will be required to use accrued paid time off during any waiting period applicable to these programs.

If leave is unpaid, the following requirements apply:

- An employee taking CFRA leave due to the employee's own serious health condition is required to use any available paid time off in lieu of unpaid leave.
- An employee taking CFRA leave due to a covered family member's serious health condition is required to substitute paid time off, other than paid sick leave, for any unpaid CFRA leave, but has the option of whether to substitute paid sick leave for unpaid leave after other paid time off is exhausted.
- An employee taking PDL will be required to use any accrued sick leave in lieu of unpaid PDL. At the employee's option, an employee taking unpaid PDL may substitute other paid time off for the unpaid leave.
- An employee is required to substitute accrued paid time off other than sick leave for unpaid bonding leave or leave due to a qualifying exigency, but is not permitted to use sick leave for this purpose.

Substituting paid for unpaid leave does not extend any leave entitlement(s).

**Job Benefits.** Taking CFRA leave or PDL may impact certain benefits and seniority date. More information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits can be obtained by contacting Human Resources.

**Returning to Work.** The CFRA contains a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law. There is no key employee exception under the CFRA. The PDL contains a guarantee of reinstatement to the same position in most instances, subject to defenses under the law.

If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Company with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If employees give the Company unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the Company's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.