

MINNESOTA SUPPLEMENT

I. NURSING MOTHERS, LACTATING EMPLOYEES, AND PREGNANCY ACCOMMODATIONS

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

To the extent leave is granted as an accommodation, the employer must maintain coverage under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents as if the employee was not on leave, provided, however, that the employee must continue to pay any employee share of the cost of the benefits.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit dli.mn.gov/newparents.

II. RIGHT TO REVIEW PERSONNEL RECORDS

Under Minnesota law, employees have the right to review their personnel record once every six (6) months and, if they leave employment with us, they may review it once every year as long as we maintain the personnel record.

Employees who would like to review their personnel record must make a good faith request in writing, and we will provide an opportunity for review of the record or make a copy (at no

cost). Employees may also request copies (at no cost) at the time the record is reviewed. We will provide an opportunity for review of personnel records within seven (7) working days of the written request, or if the personnel record is physically located outside of Minnesota, within fourteen (14) working days of the written request.

What is contained in the personnel record is carefully defined under Minnesota law. The law does not require that we allow employees to review and copy information that is not contained in their personnel record. Employees who dispute information contained in their personnel record may submit a request to have it removed from the record. If we do not agree that the information should be removed, a written response to the information of up to five (5) pages may be submitted.

We will not take any action against an employee for appropriately asserting the employee's rights to review the personnel record. If an employee's rights as provided by this law are improperly denied, the law provides certain remedies.

This notice only describes some of employees' rights under the law. For more information, the Minnesota statutes further detailing these rights can be found at Minnesota Statutes § 181.960 through Minnesota Statutes § 181.965. These laws can be found on the internet at <http://www.leg.state.mn.us/leg/statutes.asp> or in public libraries throughout the state.

III. MINNESOTA SICK AND SAFE TIME

Eligibility. The Company provides sick and safe time (SST) to employees who perform work within Minnesota for at least eighty (80) hours in a year. For employees who work in Minnesota who are eligible for sick and safe time under the general Paid Sick Leave policy, 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.

Accrual. Employees begin to accrue SST at the start of employment. Employees accrue one (1) hour for every thirty (30) hours worked, up to a maximum annual accrual of forty-eight (48) hours each year. Additionally, an employee's total SST accrual balance may not exceed eighty (80) hours at any time ("overall accrual cap"). Exempt employees will be presumed to work forty (40) hours in each workweek for accrual purposes unless their normal workweek is less than forty (40) hours, in which case accrual will be based on that normal workweek. For purposes of this policy, the year is the 12-month period beginning January 1st and ending on December 31st.

Usage. Accrued paid sick leave may be used beginning immediately. Paid sick leave may be used in 1-minute increments for non-exempt employees and in the same increment of time for which employees are paid, but no less than 15-minute increments nor more than four-hour increments for exempt employees.

An employee may use SST for the following reasons:

- 1) An employee's own mental or physical illness, injury, or health condition to accommodate

the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition an employee's need for preventive medical care, or an employee's need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;

2) Care of a family member with a mental or physical illness, injury, or health condition, care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or care for a family member who needs preventive medical care;

3) Absences due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is for medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking; to obtain services from a victim services organization; to obtain psychological or other counseling; to relocate or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or to seek legal advice or take legal action, including preparing for or participating in any civil or criminal proceedings related to or resulting from domestic abuse, sexual assault, or stalking;

4) The closure of the employee's place of business due to weather or other public emergency;

5) To accommodate the employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency;

6) The employee's inability to work or telework because the employee is: (i) prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or (ii) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

7) When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

For purposes of this policy, family member means a child (including child-in-law), spouse or registered domestic partner, sibling (including a sibling-in-law), parent, grandchild, grandparent, a child of a sibling, a sibling of the parents of the employee or the employee's spouse or registered domestic partner, any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; or one individual annually designated by the employee. The family members listed above are not limited to biological family members but also include step, foster, adoptive, half relations and those who stand in loco parentis and legal guardians.

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

Employees will be provided, in writing or electronically, with SST balance and usage information at the end of each pay period.

Notice and Documentation. When the need to use SST is foreseeable, employees must provide seven (7) days advance notice to their manager. When the need to use SST is not foreseeable, employees must provide notice to their manager as soon as practicable.

For SST of more than two (2) consecutive scheduled work days, employees may also be required to provide reasonable documentation that SST was taken for a covered reason. For example, for SST used for reasons (1), (2), (6) or (7) above, documentation signed by a licensed health care provider indicating the need for the amount of SST taken and that SST was used for a covered reason under this policy and/or applicable law will be considered reasonable documentation, and such documentation need not specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law. Supporting documentation will not be required for the above purposes if it would result in an unreasonable expense on the employee or where the employee did not receive services from a health care professional. In this event reasonable documentation may include a written statement from the employee. For example, for SST used for reason (3) above, documentation signed by an employee or volunteer of a victim services organization, an attorney, a police officer or an antiviolence counselor will be considered reasonable documentation, and such documentation need not specify the details of the domestic abuse, sexual assault or stalking. If documentation cannot be obtained in a reasonable time or without added expense, then reasonable documentation for reason (3) above may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered under reason (3) above.

Payment. SST is paid at the same base rate as employee's rate of pay for the hours the employee was scheduled to work during the time SST is used, unless otherwise required by applicable law. Use of SST is not considered hours worked for purposes of calculating overtime.

Carryover & Payout. Accrued, unused SST may be carried over to the following year, but as indicated above, there is an overall accrual cap of eighty (80) hours. Once the overall accrual cap is reached, SST will stop accruing until some SST is used. Accrued, unused SST will not be paid upon separation.

Enforcement & Retaliation. Employees may be subject to discipline for using SST for a reason other than the covered reasons above, to the maximum extent permitted by applicable law. Retaliation against employees who request or use earned SST is prohibited. Employees have the right to file a complaint with the Minnesota Department of Labor and Industry or bring a civil action if they believe they have been denied SST, retaliated against, or that their rights to SST has been otherwise interfered with or restrained.

Employees with questions regarding this policy can contact Human Resources.

IV. SCHOOL VISITATION LEAVE

All employees are entitled to up to sixteen (16) hours of unpaid leave during any 12-month period to attend school conferences or school-related activities (including conferences related to a pre-kindergarten program or child care services) related to the employee's child (including a foster child).

This leave is available only when the conferences or school-related activities cannot be scheduled during non-work hours, and in such cases, employees make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations. When the need for leave is foreseeable, the employee must provide reasonable advance notice.

An employee may substitute accrued paid time off for leave under this policy.

V. PREGNANCY & PARENTAL LEAVE (ADDENDUM TO FMLA POLICY)

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

Eligibility. All employees are eligible for leave under the MPLA.

Basic Family and Medical Leave Entitlement. The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The MPLA provides eligible employees with up to twelve (12) weeks of unpaid leave (i) for the birth or placement for adoption of a child (but not foster care placement) or (ii) if a female employee, for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. Leave for the birth or adoption of a child may begin within twelve (12) months after the birth or adoption, except where the child must remain in the hospital longer than the mother, the leave may not begin more than twelve (12) months after the child leaves the hospital. The length of MPLA leave will not be reduced by any period of paid or unpaid leave provided by Company policy or other applicable law taken for prenatal care medical appointments.

Substitution of Paid Leave for Unpaid Leave. The substitution of paid time for unpaid MPLA leave time does not extend the length of MPLA leaves and the paid time will run concurrently with an employee's MPLA entitlement, except for use related to prenatal care medical appointments as noted above. Receipt of disability benefits, Workers' Compensation benefits or other monetary benefits, except for use related to prenatal care medical appointments as

noted above, does not extend the maximum amount of leave time to which an employee is eligible under the MPLA.

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

VI. WAGE DISCLOSURE PROTECTIONS

Under Minnesota law, an employer shall not: (i) require nondisclosure by an employee of the employee's wages as a condition of employment; (ii) require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages; or (iii) take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily. Nonetheless, this policy should not be construed to: (i) create an obligation on the Company or an employee to disclose wages; (ii) permit an employee, without the written consent of the Company, to disclose proprietary information, trade secret information, or information that is otherwise subject to legal privilege or protected by law; (iii) diminish any existing rights under the National Labor Relations Act; or (iv) permit an employee to disclose wage information of other employees to a competitor of the Company. An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights or remedies set forth in this policy. An employee may bring a civil action against the Company for a violation of this policy. If a court finds that the Company has violated this policy, the court may order reinstatement, back pay, restoration of lost service credits, if appropriate, and the expungement of any related adverse records of an employee who was the subject of the violation.