

NEW JERSEY SUPPLEMENT

I. NEW JERSEY EARNED SICK LEAVE

Eligibility. The Company provides paid earned sick leave (ESL) to employees who work in New Jersey. For employees who work in New Jersey 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 ESL pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of ESL for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours each benefit year. Exempt employees are assumed to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case ESL accrues based upon that normal workweek. For purposes of this policy, the benefit year is the consecutive 12-month period beginning January 1st and ending on December 31st.

Usage. An employee may not use more than forty (40) hours of ESL in any benefit year. Employees may begin using accrued ESL on the 120th calendar day of employment. Paid sick leave may be used in 1-minute increments for non-exempt employees and 8-hour increments for exempt employees.

Employees may use ESL for the following reasons:

- (1) Diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) Diagnosis, care, or treatment of, or recovery from, a family member's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the family member;
- (3) Circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:
 - a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
 - b. Services from a designated domestic violence agency or other victim services organization;
 - c. Psychological or other counseling;
 - d. Relocation; or

e. Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence.

- (4) Time during which the employee is not able to work because of:
- a. a closure of the employee's workplace, or the school or place of care of a child of the employee by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency;
 - b. the declaration of a state of emergency by the Governor, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others;
 - c. during a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others; or
- (5) Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this policy, a family member includes a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

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

Notice and Documentation. If an employee's need to use ESL is foreseeable, employees must provide seven (7) calendar days advance notice, prior to the date the leave is to begin, of the intention to use the leave and its expected duration. If the reason for the leave is not foreseeable, employees must give notice of the intention to use ESL as soon as practicable. The Company may prohibit employees from using foreseeable ESL on certain dates, or require reasonable documentation if ESL that is not foreseeable is used during such dates.

The Company will require reasonable documentation if the employee uses ESL for three (3) or more consecutive work days. If ESL is taken for reasons (1) or (2) above, documentation signed by a health care professional who is treating the employee or the family member of

the employee indicating the need for the leave and, if possible, number of days of leave, will be considered reasonable documentation. If ESL is taken for reason (3) above, any of the following shall be considered reasonable documentation of the domestic or sexual violence: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence. If ESL is taken for reason (4) above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation. If ESL is taken for reason (5) above, tangible proof of the school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the education of the employee's child; or tangible proof of the meeting regarding care provided to the child of the employee in connection with the child's health conditions or disability shall be considered reasonable documentation.

An employee's use of ESL will not be conditioned upon searching for or finding a replacement worker.

Payment. ESL will be paid at the same rate of pay with the same benefits as the employee normally earns, but no less than the state minimum wage. Use of ESL will not be counted as hours worked for purposes of calculating overtime.

Carryover & Payout. An employee may carry over up to forty (40) hours of accrued, unused ESL under this policy to the following benefit year. Accrued but unused ESL under this policy will not be paid at separation.

Enforcement & Retaliation. Employees have the right to request and use ESL and may file a complaint for alleged violations of their rights with the New Jersey Department of Labor and Workforce Development. The Company prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy or under applicable law.

Employees with questions regarding this policy can contact Human Resources.

II. FAMILY LEAVE INSURANCE BENEFITS

Employees taking time off work (i) to care for a family member with a serious health condition, (ii) to bond with a child during the first 12 months after birth or placement of the child for adoption or as a foster child, (iii) to engage in activities for which unpaid leave may be taken pursuant to the New Jersey Security and Financial Empowerment Act (NJ SAFE Act), on the employee's own behalf, if the employee is a victim of an incident of domestic violence a sexually violent offense, or to assist a family member of the individual who has been a victim

of an incident of domestic violence a sexually violent offense (except for any time for which the employee receives disability benefits for a disability caused by the violence or offense), or (iv) in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease, provide in-home care or treatment of the family member of the employee required due to: (a) the issuance by a healthcare provider or the commissioner or other public health authority of a determination that the presence in the community of the family member may jeopardize the health of others; and (b) the recommendation, direction, or order of the provider or authority that the family member be isolated or quarantined as a result of suspected exposure to a communicable disease, may be eligible to receive family leave benefits through the state, which is administered by the Division of Temporary Disability Insurance, the New Jersey Department of Labor and Workforce Development.

For purposes of this policy, family member includes the employee's child (including a child conceived through a gestational carrier agreement), parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

These benefits are financed solely through employee contributions to the state. The state is responsible for determining if an associate is eligible for such benefits.

Employees who need to take time off work for a reason set forth above should speak to Human Resources, who will provide information about the state's family leave benefits program and how to apply for benefits. Employees also may contact the Division of Temporary Disability Insurance for further information. Employees should maintain regular contact with Human Resources during this time away 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 who receive paid family leave benefits are not guaranteed job reinstatement unless they qualify for such reinstatement under federal and/or state leave laws or other applicable laws. Any time off for family leave purposes will run concurrently with other leaves of absence, such as Family and Medical Leave Act and the New Jersey Family Leave Act and/or the NJ SAFE Act, if applicable. Please see the "Family and Medical Leave" and/or the NJ SAFE Act policies for eligibility requirements.

III. LEAVE FOR DOMESTIC/SEXUAL VIOLENCE

The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act"), provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed twenty (20) days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have

worked at least 1,000 hours during the immediately preceding 12-month period.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence or a victim of a sexually violent offense. Leave may also be taken by an employee whose family member is a victim of domestic violence or a sexually violent offense. Leave may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- 1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
- 2) Obtaining services from a victim services organization for the employee or the employee's family member;
- 3) Obtaining psychological or other counseling for the employee or the employee's family member;
- 4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee's family member;
- 5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- 6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member, was a victim.

For purposes of this policy, family member includes the employee's child, parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the Company with written notice of the need for the leave, unless an emergency or other unforeseen circumstances precludes prior notice. In all instances, notice should be provided as far in advance as reasonable and practicable under the circumstances. The Company may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. The Company will retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or New Jersey law, rule or regulation.

The unpaid leave may be taken intermittently in intervals of no less than one (1) day. Employees may elect to use available paid time off during unpaid leave taken under this policy, but the use of such paid time off does not extend the length of the leave. Employees also may apply for temporary disability benefits, family leave insurance benefits or other monetary

benefits that may be available during unpaid leave taken under this policy, but the receipt of such benefits does not extend the length of the leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the NJ Family Leave Act, or the federal FMLA, the leave will count simultaneously against the employee's entitlement under each respective law.

The NJ SAFE Act also prohibits an employer from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

To obtain relief for a violation of the NJ SAFE Act, an aggrieved person must file a private cause of action in the Superior Court within one (1) year of the date of the alleged violation.

IV. NEW JERSEY FAMILY LEAVE (ADDENDUM TO FMLA POLICY)

Like the Family and Medical Leave Act ("FMLA") Policy described elsewhere in this Manual, the New Jersey Family Leave Act ("NJFLA") may require employers to provide family 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. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any NJFLA 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 NJFLA leave, they should contact Human Resources.

Eligibility. NJFLA leave is available to "NJFLA eligible employees." To be an NJFLA eligible employee, an employee must:

- 1) Have been employed by the Company for at least twelve (12) months;
- 2) Have worked at least 1,000 "base hours" during the 12-month period preceding the leave; and
- 3) Be employed by an employer with thirty (30) or more employees.

"Base Hours" are the hours of work for which the employee receives compensation including overtime hours and hours for which the employee receives workers' compensation benefits.

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. The NJFLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family reasons during a 24-month period. The 24-month period is determined on a "rolling" 24-month period dating back from the time the employee uses any NJFLA leave. NJFLA leave may be taken because of: (i) the birth of a child including via a surrogate or gestational carrier; (ii) the placement of a child with the employee for adoption or foster care; (iii) to care

for the employee's family member who has a serious health condition; or (iv) in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which: (a) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency; (b) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or (c) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

For purposes of NJFLA, a "family member" means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, or one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

As noted above, because the NJFLA is only a "family leave" law, employees should note that leave granted due to an employee's own serious health condition is not covered by the NJFLA. This can result in important distinctions in the calculation of available leave. For example, because the period of leave caused by an employee's disability due to pregnancy or childbirth is more properly classified as leave due to an employee's own serious health condition, the Company normally would count such time toward the employee's FMLA allotment only. Once the period of disability due to pregnancy or childbirth has ended (i.e., employee is cleared to return to work), an employee would be eligible to use their leave under the NJFLA to care for the employee's newborn child and run that time concurrently with any remaining FMLA leave. In instances where an employee remains disabled due to childbirth and an employee has no FMLA leave remaining, the Company will allow employees to begin using NJFLA leave.

Intermittent Leave and Reduced Leave Schedules. FMLA and/or NJFLA leave usually will be taken for a period of consecutive days, weeks or months. Under the NJFLA, employees may take intermittent leave for bonding with the employee's child after birth or placement of the child for adoption or as a foster child. NJFLA also may be taken intermittently in the case of leave taken due to an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease, if: (1) the covered individual provides the Company with prior notice of the leave as soon as practicable; and (2) the covered individual makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the Company and, if possible, provide the Company, prior to the commencement of the intermittent leave, with a regular schedule of the day or

days of the week on which the intermittent leave will be taken.

Employee Responsibilities. Under the NJFLA, employees must provide fifteen (15) days' advance notice of the need to take NJFLA leave when an employee requests intermittent leave to care for a family member with a serious health condition or to bond with a child after birth or placement of the child for adoption or as a foster child, unless an emergency or other unforeseen circumstance precludes prior notice. For other leave requests, the advance notice requirement remains 30 days, consistent with FMLA.

Substitute Paid Leave for Unpaid FMLA and NJFLA Leave. Employees generally must use any accrued paid time off while taking unpaid FMLA and/or NJFLA leave, except employees will not be required to use any paid time off during any leave also covered under the New Jersey SAFE Act. The substitution of paid time for unpaid FMLA and/or NJFLA leave time does not extend the length of FMLA and/or NJFLA leaves and the paid time will run concurrently with an employee's FMLA and/or NJFLA entitlement.

Protection of Group Health Insurance and Other Benefits. If an employee is only taking NJFLA leave, the continuation requirements for group health plans under the FMLA are not applicable to group health plans covered under ERISA. Therefore, an employee who is on NJFLA only leave likely will trigger COBRA requirements due to a reduction in hours worked.

Restoration of Employment and Benefits. As with FMLA leave, at the end of NJFLA 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. However, unlike key employees under the FMLA who may be denied reinstatement, key employees under NJFLA may be denied NJFLA leave if: (1) the employee is a salaried employee among the highest paid 5% of employees or one of the seven (7) highest paid employees; and (2) denial of the leave is necessary to prevent substantial and grievous economic injury to the Company's operations. The Company will notify employees if they qualify as key employees under the NJFLA and that leave is being denied. Nonetheless, the Company may not deny reinstatement when, in the event of a state of emergency declared by the Governor or when indicated to be needed by the Commissioner of Health or other public health authority, the family leave is for an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease. If the denial of the NJFLA leave occurs while the employee's leave already has begun, the employee must return to work within two (2) weeks.