

## NEW YORK SUPPLEMENT

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

The Company does not tolerate and prohibits sexual harassment of or against our employees, applicants, and interns by another employee, supervisor, vendor, customer, or any third party. The policy also protects contractors, subcontractors, vendors, consultants, or anyone else providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Company.

In addition to those protected characteristics covered by the general policy, protected characteristics also include gender identity or gender expression (including transgender status).

**Sexual Harassment Defined.** Sexual harassment includes harassment on the basis of sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), and/or sexual orientation. Sexual harassment includes unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature or which is directed at an individual because of that individuals' sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), and/or sexual orientation when:

- Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Bystander Intervention.** Any employee witnessing harassment as a bystander is encouraged to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;

3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Written complaints can be submitted internally using the form provided with this policy. Use of this written complaint form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

**Legal Protections and External Remedies.** An employee or covered individual who prefers not to report harassment to their manager or employer may choose to pursue external legal remedies. Complaints may be made to both the employer and a government agency. Aside from the internal complaint process at the Company, employees may choose to pursue external legal remedies with the following governmental entities based on the noted federal, state and local protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints of sexual harassment may be filed in either forum any time within three years from the time of the incident(s) that give rise to the claim. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Company does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to

stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, punitive damages, and civil fines.

The New York State Division of Human Rights has established a toll-free confidential hotline to provide counsel and assistance to individuals who believe they are experiencing workplace sexual harassment. Employees can call the toll-free sexual harassment hotline at 1-800-HARASS-3 Monday through Friday, 9:00 AM to 5:00 PM.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website also has a complaint form that can be downloaded, filled out, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work to find out if such a law exists.

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department if you wish to pursue criminal charges.

## **II. REPRODUCTIVE HEALTH DECISION MAKING DISCRIMINATION POLICY**

The Company may not:

- discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service; or
- require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

The Company also may not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

An employee may bring a civil action in any court of competent jurisdiction against the Company for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against the Company if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100% of the award for damages unless the Company proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

Any act of retaliation for an employee exercising any rights granted under this policy shall subject the Company to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action shall mean discharging, suspending, demoting, or otherwise penalizing an employee for: making or threatening to make, a complaint to the Company, co-worker, or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by the Company.

Employees with issues or concerns regarding this policy or who feel they have been subjected

to any alleged violation of this policy should contact Human Resources.

### **III. LACTATION ACCOMMODATION**

Employees have the right to express breast milk in the workplace pursuant to federal and New York law.

Employees who are nursing are provided with paid break time for thirty minutes and permitted to use existing paid break time or meal time for time in excess of thirty minutes to express breast milk for the employee's nursing child each time such employee has a reasonable need to express breast milk for up to three (3) years after the birth of a child.

Upon request of an employee who chooses to express breast milk in the workplace, the Company will designate a room or other location which will be made available for use by such employee to express breast milk. Such room or other location will be a place that is: (i) in close proximity to the work area; (ii) well lit; (iii) shielded from view; and (iv) free from intrusion from other persons in the workplace or the public. Such room or other location will provide, at minimum, a chair, a working surface, nearby access to clean running water and, if the workplace is supplied with electricity, an electrical outlet. The room or location provided by the Company for this purpose will not be a restroom or toilet stall.

If the sole purpose or function of such room or other location is not dedicated for use by employees to express breast milk, such room or other location will be made available to such an employee when needed and will not be used for any other purpose or function while in use by such employee. The Company will provide notice to all employees as soon as practicable when such room or other location has been designated for use by employees to express breast milk.

Where compliance with the lactation room requirements set forth above is impracticable because it would impose an undue hardship on the Company by causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the Company's business, the Company will make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express breast milk in privacy.

If the workplace has access to refrigeration, the Company will extend such access to refrigeration for the purposes of storing the expressed milk.

An employee may submit a request for a room or other location for use by employees to express breast milk by contacting Human Resources. The Company will respond to such requests within five (5) business days.

Employees will not be discharged, threatened, penalized, or in any other manner discriminated against or retaliated against for exercising their rights under this policy and applicable law.

Please refer to the New York State Department of Labor's Policy on the Rights of Employees to Express Breast Milk in the Workplace which was separately issued for additional details.

Employees also can contact Human Resources with any questions.

#### **IV. NEW YORK PAID SICK LEAVE AND PAID PRENATAL PERSONAL LEAVE**

**Eligibility.** The Company provides paid sick leave and paid prenatal personal leave to employees who work in New York. For employees who work in New York who are eligible for sick leave under the general Paid Sick Leave policy and/or any other applicable sick time/leave law or ordinance, the sick leave provisions of 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 pursuant to this policy at the start of employment. Employees will accrue one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum accrual of fifty-six (56) hours each calendar 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 paid sick leave accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1st and ending on December 31st.

**Usage.** Accrued paid sick leave may be used beginning immediately. An employee may not use more than fifty-six (56) hours of accrued paid sick leave in any calendar year. Paid sick leave may be used in 1-minute increments for non-exempt employees and in a minimum increment of 4-hours for exempt employees.

Employees may use accrued paid sick leave:

- 1) For a mental or physical illness, injury, or health condition of such employee or such employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;
- 2) For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member; or
- 3) For an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking:
  - a. to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - b. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
  - c. to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
  - d. to file a complaint or domestic incident report with law enforcement;

- e. to meet with a district attorney's office;
- f. to enroll children in a new school; or
- g. to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

A person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking will not be eligible for paid sick leave for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

For purposes of this policy, "family member" means an employee's child (biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian, or person who stood in loco parentis when the employee was a minor child), sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.

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.

**Notice and Documentation.** Employees must make requests to use paid sick leave orally or in writing to their manager.

The Company may require supporting documentation for the use of paid sick leave where the employee uses sick leave for three or more consecutive or previously scheduled work days or shifts, to the extent permitted by applicable law. Requests for documentation should not specify the reason for leave but should be limited to: (i) an attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work; or (ii) an attestation from an employee of their eligibility to leave. The Company will not require the disclosure of confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing paid sick leave. The Company will not require an employee to pay any costs or fees associated with obtaining medical or other verification of eligibility for use of sick leave.

**Payment.** Paid sick leave will be paid at the employee's regular rate of pay or the applicable state minimum wage, whichever is greater. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

**Carryover & Payout.** An employee may carry over accrued, unused paid sick leave under this policy to the following calendar year. Accrued but unused paid sick leave under this policy will not be paid at separation.



**Additional Paid Prenatal Personal Leave.** In addition to paid sick leave as set forth above, employees may take up to twenty (20) hours of paid prenatal personal leave during any 52-week calendar period for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. Paid prenatal personal leave may only be used by the employee directly receiving prenatal health care services. The 52-week calendar period is calculated from the date the employee first uses paid prenatal personal leave. This benefit is a separate benefit from other paid time off benefits and leaves of absence provided by the Company pursuant to Company policy or other applicable laws, including paid sick leave provided pursuant to New York law. Paid prenatal personal leave may be taken in hourly increments. Employees should request prenatal personal leave by notifying their manager. Employees are asked to provide advance notice if possible. The Company will not require supporting documentation or the disclosure of confidential information as a condition of providing paid prenatal personal leave. Paid prenatal personal leave will be paid at the employee's regular rate of pay, or the applicable minimum wage rate, whichever is greater. Use of paid prenatal personal leave is not considered hours worked for purposes of calculating overtime. Unused prenatal personal leave will not be paid at separation.

**Enforcement & Retaliation.** Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against because such employee has exercised their rights to paid sick leave or paid prenatal personal leave under this policy and applicable law including, but not limited to, requesting paid sick leave or paid prenatal personal leave and using paid sick leave or paid prenatal personal leave, consistent with this policy and applicable law.

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

## **V. NEW YORK STATE PAID FAMILY LEAVE**

### **Eligibility Requirements**

Employees who have a regular work schedule of 20 or more hours per week and have been employed at least 26 consecutive weeks prior to the date paid family leave ("PFL") begins (or who have a regular work schedule of less than 20 hours per week and have worked at least 175 days prior to the date PFL begins) are eligible for PFL. Paid time off can be counted toward an employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status. An employee has the option to file a waiver of PFL and therefore not be subject to deductions when their regular employment schedule is: (i) 20 or more hours per week but the employee will not work 26 consecutive weeks; or (ii) less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period.

### **Entitlement**

PFL is available to eligible employees for up to twelve (12) weeks within any 52 consecutive week period: (a) to participate in providing care, including physical or psychological care, for the employee's family member (child, spouse, domestic partner, parent, grandchild,



grandparent or sibling as each of such family members are defined under applicable law) with a serious health condition; or (b) to bond with the employee's child during the first twelve months after the child's birth, adoption or foster care placement; or (c) for qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States. The 52 consecutive week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

PFL benefits are financed solely through employee contributions via payroll deductions. The weekly monetary benefit will be 67% of the employee's average weekly wage or 67% of the state average weekly wage, whichever is less.

The Company and an employee may agree to allow the employee to supplement PFL benefits up to their full salary with paid time off, to the maximum extent permitted by applicable law.

An employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52 consecutive calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently. If an employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

Leave may not be taken for any one, or for a combination of, the following reasons: (i) for a birth mother's pregnancy or prenatal conditions; (ii) for an employee's own health condition; and/or; (iii) for an employee's own qualifying military event.

### **Definition of a Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition, including transplantation, preparation and recovery from surgery related to organ or tissue donation, that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently in daily increments. Leave taken on an intermittent basis will not result in a reduction of the total amount of leave to which an employee is entitled beyond the amount of leave actually taken.

### **Employee Responsibilities**

An employee must provide thirty (30) days' advance notice before the date leave is to begin if the qualifying event is foreseeable. When thirty (30) days' notice is not practicable for reasons such as lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee must provide notice as soon as

practicable and generally must comply with the Company's normal call-in procedures. Failure by the employee to provide (30) days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to thirty (30) days from the date notice is provided.

Employees must provide sufficient information to make the Company aware of the qualifying event and the anticipated timing and duration of the leave. Employees must specifically identify the type of family leave requested. Employees also must provide medical certifications and periodic recertification or other supporting documentation or certifications supporting the need for leave. An employee requesting paid family leave must submit a completed Request for Paid Family Leave or PFL-1 form and additional certification form(s) as follows to The Hartford: (1) Bonding Certification: PFL-2 Form plus documentation; (2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or (3) Military Qualifying Event: PFL-5 Form plus documentation. To obtain the PFL claim forms, employees must contact the Company's PFL Carrier, The Hartford at 866-411-5613.

To submit a request for PFL, employees must populate the employee's portion of Carrier's PFL-1 Form, and submit it to Human Resources. The Company will populate its section of the form, and will return it to employees within 3 business days. If the Company fails to respond, employees may submit all materials directly to The Hartford. Depending on the type of PFL leave employees are seeking, employees will be required to complete additional PFL forms as described in the notice employees will receive from The Hartford. Employees must submit the completed PFL forms to The Hartford before or within 30 days after the start of their leave. The Hartford must pay or deny leave requests within 18 calendar days of receiving an employee's completed forms.

### **Job Benefits and Protection**

During any PFL taken pursuant to this policy, the Company will maintain coverage under any existing group health insurance benefits plan as if the employee had continued to work. The employee must make arrangements with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Company's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Any employee who exercises their right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay, and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. While on PFL, employees will not continue to accrue sick or vacation time.

**Leave Concurrent with FMLA**

The Company will require an employee who is entitled to leave under both the FMLA and PFL, to take PFL concurrently with any leave taken pursuant to the FMLA. If an employee takes intermittent FMLA in partial day increments for a reason that also qualifies for PFL, and the employee is paid and works at least part of a workday, the Company will track the hours taken and when the partial day increments taken total the number of hours in the employee's regular workday, the Company will deduct one day of PFL from the employee's available PFL allotment.

**Questions and/or Complaints about PFL**

If employees have any questions regarding this policy, they should contact Human Resources. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, please consult the Company's other leave policies or contact Human Resources. The Company is committed to complying with the PFL and shall interpret and apply this policy in a manner consistent with the PFL. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If employees believe their rights have been violated and/or denied job restoration as a result of requesting and/or taking PFL, they must send Human Resources a formal request for job reinstatement using the Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of <https://www.ny.gov/PaidFamilyLeave>. Employees must file the completed form with the Company and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If the Company does not comply with an employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York Paid Family Leave website. Once an employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.