

FEDERAL EMERGENCY TIME OFF POLICY

EFFECTIVE APRIL 1, 2020—DECEMBER 31, 2020

THIS POLICY DOES NOT CREATE A CONTRACT OF EMPLOYMENT FOR ANY SPECIFIC DURATION OR OTHERWISE ALTER YOUR AT-WILL EMPLOYMENT STATUS.

EMERGENCY FAMILY MEDICAL LEAVE ACT POLICY
[for employer with <50 employees who is not a covered employer under FMLA]

This Policy is intended to implement the Emergency Family and Medical Leave Expansion Act (EFMLA). Absent an expansion by Congress, this policy shall become effective on April 1, 2020 and shall automatically expire on December 31, 2020, unless Congress expands the period EFMLA is in effect (the Relevant Period). The Company is not considered an FMLA employer under traditional FMLA rules. No employee is eligible, therefore, to take FMLA for any reason other than as outlined below. Should the Company become an FMLA employer under traditional FMLA rules, the Company will publish an updated policy explaining normal eligibility rules and other qualifying reasons for leave. Should the United States Department of Labor (DOL) exempt the Company from compliance with EFMLA (by specific determination or general guidance), this policy will be void.

Leave Entitlement

During the Relevant Period, Employees eligible for EFMLA (as defined below) may take up to 12 weeks of leave when unable to work (or telework, if telework is offered) because they need leave to care for a minor child because of a public health emergency (defined below) related to COVID-19 or the novel coronavirus: (1) the child's school is closed; (2) the child's daycare is closed; or (3) the child's normal, paid care provider is unavailable. "Public health emergency" means an emergency with respect to COVID-19 declared by a federal, state, or local authority.

Should the Relevant Period be expanded, or should the Company become a covered employer for normal FMLA, the Company is adopting a rolling calendar year, and any leave taken for EFMLA will reduced the employee's 12 week entitlement of FMLA during the rolling calendar year.

Of note, if the DOL determines that spouses who work for the same company must share EFMLA, then if the Company employs both spouses, they will be required to share the 12 week total available to them under EFMLA. Pursuant to normal FMLA rules, spouses would be permitted to use the remaining 12 weeks for qualifying reasons where the sharing rules do not apply.

Eligible Employee Under EFMLA

To be eligible for EFMLA Leave under this Policy, an employee must have been on the Company's payroll for at least 30 calendar days, and the employee cannot be deemed a healthcare provider or emergency responder under the EFMLA. Eligibility, and whether the employee is a healthcare provider or emergency responder, will be determined as of the date the EFMLA leave commences, and the Company will provide the employee with notice of the same within 5 business days of the request. If an employee worked for the Company as a temporary employee, and the Company subsequently hires employee on a full-time basis, any days worked as a temporary employee count toward the 30-day eligibility period.

Paid Leave Under EFMLA

The first two weeks of EFMLA leave are unpaid, except that an employee may elect to use any applicable paid leave (including EPSL) in accordance with the Company's policies. Any EFMLA

leave after the first two weeks of leave will be paid at 2/3rds the employee's regular rate of pay for the hours the employee would have worked but for the leave. In no event shall the amount of paid leave, however, exceed \$200 in any single day, \$1000 per week, or \$10,000 in the aggregate. The employee and Company may agree to allow an employee to draw down any other form of applicable paid leave available to true-up their pay during this period.

If any employee's schedule varies from week to week, the employee's workweek will be determined by the average number of hours the employee worked per week over the prior 6 months (including hours for which the employee took leave), or for an employee who has not worked 6 months, the number of hours per day the employee expected to normally be scheduled.

If the Company agrees, you will be allowed to supplement the amount you receive under the EFMLA up to your normal earnings with any preexisting leave, such as PTO provided under a Company policy. For example, if you are receiving 2/3 of your normal earnings under the EFMLA and your employer permits, you may use your preexisting employer-provided paid leave to get the additional 1/3 of your normal earnings so that you receive your full normal earnings for each hour.

Intermittent EFMLA Leave

Intermittent or reduced schedule leave may be permitted for EFMLA only by agreement of the Company. The Company reserves the right to deny intermittent leave. If expressly agreed to by the Company, employees taking intermittent leave must follow the Company's standard call-in procedures and keep careful track of worked hours and leave hours, particularly if telecommuting. Computation of the weeks used will be adjusted by the time actually taken. For example, if an employee works a reduced schedule at ½ time they would otherwise normally work because of EFMLA, then the employee will use half a week every week. If this continues, it will take the employee four weeks of work to exhaust the first two weeks of leave (which will all be considered unpaid under this policy unless an employee is concurrently exhausting another paid leave benefit.

Notice of Need for EFMLA Leave, Certification, and Other Rules Regarding Time on Leave

An employee is required to provide notice of the need for EFMLA as soon as practicable of the need for EFMLA. While an employee is not required to specifically state that the leave is FMLA or EFMLA, the employee must provide enough facts to the Company so the Company will know the need for leave is qualifying. If an employee fails to give the required notice with no reasonable excuse, EFMLA coverage may be delayed for a period of time. This can result in discipline for absences taken prior to EFMLA coverage commencing. Additionally, an Employee must adhere to any applicable call-out rules.

The Company reserves the right to seek certification or proof of the need for leave. This requirement may be satisfied with a notice of closure or unavailability from your child's school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider. If proof is sought, an

employee will have 15 days from receipt of the request to provide the appropriate verification. The Company will provide a designation notification to the employee within 5 business days of receipt of the information necessary to make a determination.

EFMLA leave must be used for its intended purpose. When taking EFMLA, an employee cannot work for the Company. Additionally, the Company's prohibition of working for others while on leave applies to time on EFMLA. While on leave, an employee is required to stay in touch and keep the Company updated as to their status and intent to return to work. If the qualifying reason for taking leave ends, then the employee must contact the Company and make arrangements to return to work.

Restoration to Position And Benefits

Healthcare benefits will be maintained while an employee is on EFMLA, subject to the payment of premiums explained in this paragraph. For all other benefits, they will be maintained similarly to others on similar forms of leave (paid/unpaid). Employees on paid EFMLA (during the period EFMLA is paid and where the employee is concurrently exhausting another paid leave benefit) will continue to have their premium payments deducted from their paycheck as if they were on non-EFMLA paid leave.

Employees are permitted to return to whatever position they would have held had they not taken EFMLA leave. Generally, this means employees returning from EFMLA leave within 12 weeks will be returned to the job position they held (or a substantially similar one) before going on leave. If the employee would have lost their position even if they had not taken the leave, then there exists no reinstatement right. Examples of instances where restoration may not occur (particularly if the company employs less than 25 employees) include but are not necessarily limited to the following:

- The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the Company that affect employment and are caused by a public health emergency. If this should occur, the Company may engage in reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced, with equivalent benefits, pay, and other terms and conditions of employment. If the employee loses their ability to be reinstated because no position becomes available, the Company will continue to look for available positions for a period of one year from the date the employee's EFMLA ends, or from the date the public health emergency designation ends (whichever is sooner).

Failure To Return From Leave

Unless required otherwise by law an employee granted a leave of absence under these provisions who fails to return to work upon expiration of the leave will no longer have protected absences. Further absences would count against the attendance policy.

Interaction with State Leave Laws

Certain states require employers to provide greater or different job-protected leave. When applicable, the Company complies with all such leave laws. When leave provided under one of these laws is covered under the federal FMLA and EFMLA, it also shall count toward the employee's federal FMLA entitlement and as EFMLA Leave under this Policy and FMLA leave under the Company's FMLA Policy. These leave laws vary by state, and the employee should contact Human Resources if you have questions about them.

EMERGENCY PAID SICK LEAVE POLICY

This Policy is intended to implement the Emergency Paid Sick Leave Act (EPSLA). The paid leave provided in this Policy is separate and apart from the leave provided in the Company's current policies. Under the EPSLA, employees who are unable to work for a qualifying reason may be eligible for paid sick leave (PSL). This Policy provides an overview of employees' rights and responsibilities under the EPSLA. This Policy shall go into effect on April 1, 2020, and remain in effect until December 31, 2020. Should the United States Department of Labor (DOL) exempt the Company from compliance with EPSLA (by specific determination or general guidance), this policy will be void.

Amount of Sick Leave

Full-time employees are entitled to EPSL as follows: 80 hours.

Part time or varying hour employees are entitled to EPSL as follows: the average number of hours the employee works over a two week period.

All unused EPSL under this Policy will expire on December 31, 2020. EPSL time taken during a given work week will not be included as hours worked for purposes of calculating overtime. Unused EPSL will not be paid out to an employee who is separated from employment and will not rollover at the end of the year. An employee may take EPSL for Permissible Uses (described below) and does not have to exhaust other forms of paid leave first.

Permissible Uses Sick Leave

An employee may use PSL under this Policy immediately upon starting employment for the following reasons only:

1. The employee is subject to a federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a healthcare provider to self-quarantine due to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. The employee is caring for "an individual" subject to an order described in subpart (1), above, or has been advised as described in subpart (2), above;

5. The employee is caring for a son or daughter if school or place of care has been closed or the childcare provider is unavailable to provide care due to COVID-19 precautions (this form may run concurrently with EFMLA, described above); or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services.

Calculation of Pay to Employees during Emergency Paid Sick Time

EPSL that is used during an absence from employment because (a) the employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19; (b) the employee has been advised by a healthcare provider to self-quarantine due to COVID-19; or (c) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis is paid by multiplying the employee's regular rate of pay times the number of hours the employee would normally be scheduled to work. In no event shall the amount of EPSL exceed \$511 in any single day or \$5,110 in the aggregate.

EPSL that is used during an absence from employment because (a) the employee is caring for "an individual" subject to an order described in subpart (1), above, or has been advised as described in subpart (2), above; (b) the employee is caring for a son or daughter if school or place of care has been closed or the childcare provider is unavailable due to COVID-19 precautions; or (c) the employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services is paid by multiplying $\frac{2}{3}$ rd times the employee's regular rate of pay times the number of hours the employee would normally be scheduled to work. In no event shall the amount of EPSL exceed \$200 in any single day or \$2,000 in the aggregate.

If any employee's schedule varies from week to week, the employee's normally scheduled hours is the average number of hours the employee worked per day over the prior 6 months (including hours for which the employee took leave), or for an employee who has not worked 6 months, the number of hours per day the employee is expected to normally be scheduled.

Requesting EPSL

All requests for EPSL should be made to the employee's supervisor or management as soon as possible. Employees should provide as much notice as reasonably possible. After the first day on which an employee receives notice, the employee is required to follow normal notice procedures in order to continue receiving EPSL. In addition, you will be required to provide the Company with appropriate documentation in support of the reason for the leave, including: the employee's name, qualifying reason for requesting leave, statement that the employee is unable to work, including telework, for that reason, and the date(s) for which leave is requested. Documentation of the reason for the leave will also be necessary, such as the source of any quarantine or isolation order, or the name of the health care provider who has advised you to self-quarantine. For example, this documentation may include a copy of the Federal, State or local quarantine or isolation order related to COVID-19 applicable to the employee or written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19.

The Company prohibits discrimination or retaliation against employees because of an employee's request for, or use of, EPSL as legally-mandated paid sick leave under federal, state, or local law. If you believe that you have been treated unfairly on account of your request and/or use of EPSL as legally-mandated paid sick leave, please immediately report this concern to Human Resources so the matter may be reviewed and appropriate corrective action may be taken.