



**MASSACHUSETTS SUPPLEMENT
2023**

ComplianceHR

Note: This Employee Handbook is not intended to apply to any particular employer or to provide legal advice or opinion. Such advice may only be given when related to specific handbooks and specific fact situations. In no circumstances should any employee handbook be adopted and issued to employees before the final draft has been approved by experienced labor counsel. These employee handbook templates generally include policies prompted by federal and state laws in the employee policy context, as well as leave of absence and scheduling policies intended to comply with local laws in major municipalities (i.e., those with 100,000 residents or more). The handbook templates do not include the following: social media policies; drug-testing policies; policies related to municipal laws other than those specified above; or policies specific to government contractors or certain industries. Generally, the templates do not address industry-specific requirements, except where indicated.

Copyright 2022 © ComplianceHR

GENERAL INFORMATION	1
About This Massachusetts Supplement	1
Equal Employment Opportunity	1
Sexual and Other Unlawful Harassment.....	2
Political Opinions	3
Pregnancy and Lactation Accommodation	3
GENERAL EMPLOYMENT PRACTICES.....	4
Access to Personnel Files and Wage Records.....	4
PAY PRACTICES.....	4
Meal Breaks.....	4
Sunday Work—Retail Employees [1-7 Employees].....	5
Sunday Work—Retail Employees [8+ Employees].....	5
Holiday Work—Retail Employees [1-7 Employees].....	5
Holiday Work—Retail Employees [8+ employees]	5
TIME OFF AND LEAVES OF ABSENCE	6
Vacation / Paid Time Off (PTO)	6
Paid Sick Time.....	6
Massachusetts Paid Family and Medical Leave	9
Mandatory Time Off / Day of Rest	14
Sunday Work.....	14
Parental Leave	14
Small Necessities Leave	16
Abuse Victim Leave	16
Crime Witness Leave	18
Jury Duty Leave.....	19

Time Off to Vote	19
Military Leave	19
Veterans' Day and Memorial Day Leave for Veterans	20
Volunteer Emergency Responder Leave	20
SAFETY AND SECURITY	20
Smoke-Free Workplace	20
Cell Phone Use / Texting While Driving	21

GENERAL INFORMATION

About This Massachusetts Supplement

Dahl Consulting (“The Company”) is committed to workplace policies and practices that comply with federal, state and local laws. For this reason, Massachusetts employees will receive the Company’s national handbook (“National Handbook”) and the Massachusetts Supplement to the National Handbook (“Massachusetts Supplement”) (together, the “Employee Handbook”).

The Massachusetts Supplement applies only to Massachusetts employees. It is intended as a resource containing specific provisions derived under Massachusetts law that apply to the employee’s employment. It should be read together with the National Handbook and, to the extent that the policies in the Massachusetts Supplement are different from, or more generous than those in the National Handbook, the policies in the Massachusetts Supplement will apply.

The Massachusetts Supplement is not intended to create a contract of continued employment or alter the at-will employment relationship. **Only the President/Owner of the Company or that person’s authorized representative has the authority to enter into an agreement that alters the at-will employment relationship and any such agreement must be in writing signed by the President/Owner of the Company or an authorized representative.**

If employees have any questions about these policies, they should contact their DAHL representative.

Equal Employment Opportunity

As set forth in the National Handbook, the Company is committed to equal employment opportunity and compliance with federal antidiscrimination laws. We also comply with Massachusetts law, which prohibits discrimination and harassment against any employees or applicants for employment based on race, color, religious creed, sex (including pregnancy, childbirth and related medical conditions), gender identity, sexual orientation, national origin or ancestry, physical or mental disability, age (40 and over), military or veteran status, certain criminal records, genetic information or testing, HIV testing, a personal admission to a facility for the care and treatment of a mentally ill person and taking of parental leave. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

The Company also will not discriminate or retaliate against an employee because the employee provided evidence in connection with a claim for unemployment benefits or testified at any unemployment hearing.

Sexual and Other Unlawful Harassment

The Company is committed to providing a work environment free of harassment. The Company complies with Massachusetts law and maintains a strict policy prohibiting sexual harassment and harassment against employees or applicants for employment based on race, color, religious creed, sex (including pregnancy, childbirth and related medical conditions), gender identity, sexual orientation, national origin or ancestry, physical or mental disability, age (40 and over), military status, certain criminal records, genetic information or testing, HIV testing, a personal admission to a facility for the care and treatment of a mentally ill person and taking of parental leave. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

All employees are expected to comply with the Company's Sexual and Other Unlawful Harassment policy, as set forth in the National Handbook. While the Sexual and Other Unlawful Harassment policy sets forth the Company's goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit the Company's authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

Any employee who believes that he or she has been harassed or discriminated against should provide a written or verbal report to his or her DAHL representative as soon as possible. The responsibility to investigate complaints of harassment has been assigned to their DAHL representative. Employees who believe they have been harassed or discriminated against may also file a formal complaint with either or both of the government agencies listed below:

- The Massachusetts Commission Against Discrimination (MCAD) is the state agency responsible for handling complaints of harassment, including sexual harassment. The MCAD can be reached at the following locations:
 - Boston Office: One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, telephone number (617) 994-6000
 - Springfield Office: 436 Dwight Street, Second Floor, Suite 220, Springfield, MA 01103, telephone number (413) 739-2145
 - Worcester Office: 484 Main Street, Room 320, Worcester, MA 01608, telephone number (508) 453-9630

The Equal Employment Opportunity Commission (EEOC) is the federal agency that investigates harassment claims, including claims of sexual harassment. The EEOC can be reached at:

- John F. Kennedy Federal Building, Government Center, 475 Government Center, Boston, MA 02203, telephone number (800) 669-4000.

Complaints filed with the MCAD and the EEOC must be filed within 300 days of the incident giving rise to the claim.

Discussion of Wages

The Company does not prohibit employees from discussing or disclosing information about their own wages or inquiring about or discussing the wages of other employees. The Company will not retaliate against employees for disclosing their wages or inquiring about or discussing the wages of other employees.

This policy does not apply to the disclosure of other employees' wage information by human resources managers or supervisors who have access to such information solely as part of their essential job functions and who, while acting on behalf of the Company, make unauthorized disclosure of that information.

Political Opinions

The Company will not terminate or threaten to terminate an employee or take other adverse action for the purpose of influencing the employee to give or withhold a vote or a political contribution and will not take any employment action because of a vote or political contribution or lack thereof. The Company also will not attempt to influence employee votes by promising higher wages or other incentives in the terms and conditions of employment.

Pregnancy and Lactation Accommodation

Employees and applicants with needs related to pregnancy, childbirth or related conditions (including lactation), may request a reasonable accommodation to enable them to perform their job. A reasonable accommodation may include, but is not limited to, the following: more frequent or longer breaks; acquisition or modification of equipment or seating; assistance with manual labor; job restructuring; light duty; private non-bathroom space for expressing breast milk; modified work schedules; temporary transfers to a less strenuous or hazardous position; or time off to attend to a pregnancy complication or recover from childbirth. The Company will provide a reasonable accommodation for needs related to pregnancy, childbirth or a related medical condition so long as the requested accommodation does not impose an undue hardship on the Company's program, enterprise or business.

The Company will not deny employment opportunities or take adverse employment action against otherwise qualified applicants or employees who request or use such reasonable accommodations. Employees who take leave as an accommodation under this policy will be reinstated to their original job or to an equivalent position with equivalent pay, seniority, benefits and other terms and conditions of employment upon their notification to the Company of their intent to return to work or when the employee's need for a reasonable accommodation ends.

The Company may require that employees provide documentation about the need for a reasonable accommodation, or the need to extend an accommodation, from an appropriate health care or rehabilitation professional. The Company will not require such documentation when the requested accommodation is more frequent restroom, food and water breaks; seating; private non-bathroom space for expressing breast milk or limits on lifting over 20 pounds.

Employees who have questions about this policy or who wish to request leave or other reasonable accommodations under this policy should contact their Human Resources representative [or insert name/contact details for appropriate company representative or department]. When an employee makes a request for a reasonable accommodation, the Company and employee will engage in a timely, good faith and interactive process to determine an effective reasonable accommodation.

GENERAL EMPLOYMENT PRACTICES

Access to Personnel Files and Wage Records

Employees may review or obtain a copy of their personnel file, generally not more than two times per calendar year, by submitting a written request to their DAHL representative. The review will take place in the presence of a company representative during normal business hours.

Employees who disagree with any of the information contained in their personnel file should notify their DAHL representative. If an employee and the Company cannot agree to remove or correct the specified information, the employee can submit a written statement explaining his or her position regarding the disputed information. The statement will be maintained as part of the employee's personnel file and included in any disclosure to a third party.

Upon request, employees will also be allowed to inspect certain paper or electronic wage records maintained by the Company. Employees will be allowed to inspect such wage records at a reasonable time and place. Upon request, employees will be provided with a copy of the wage records within five business days.

PAY PRACTICES

Meal Breaks

Employees who work six or more continuous hours will be provided at least a 30-minute meal break. Employees must not perform any work during the meal break and are free to leave the workplace premises. Employees are expected to return to work promptly at the end of every meal break.

An uninterrupted 30-minute meal break will be unpaid for nonexempt employees.

Employees who are unable to take all of the meal breaks to which they are entitled in accordance with this policy, or who have been prevented or discouraged from taking a break to which they are entitled under this policy, should immediately notify a DAHL representative.

Sunday Work—Retail Employees [1-7 Employees]

Retail employees will be scheduled to work on Sundays only if they voluntarily agree to do so.

Sunday Work—Retail Employees [8+ Employees]

Retail employees will be scheduled to work on Sundays only if they voluntarily agree to do so. Nonexempt retail employees will be paid at a rate of at least 1.1 times their regular hourly rate of pay for work performed on Sundays.

Holiday Work—Retail Employees [1-7 Employees]

Retail employees will be scheduled to work on the following holidays only if they voluntarily agree to do so:

- New Year's Day
- Veterans Day
- Columbus Day
- Memorial Day
- Juneteenth Independence Day (June 19)
- Independence Day
- Labor Day

Nonexempt retail employees who work on New Year's Day, Veterans Day or Columbus Day will be compensated at 1.1 times their regular rate of pay.

Holiday Work—Retail Employees [8+ employees]

Retail employees will be scheduled to work on the following holidays only if they voluntarily agree to do so:

- New Year's Day
- Veterans Day
- Columbus Day
- Memorial Day
- Juneteenth Independence Day (June 19)
- Independence Day
- Labor Day

Nonexempt retail employees who work on New Year's Day, Veterans' Day or Columbus Day will be compensated at 1.1 times their regular rate of pay. Nonexempt employees

who work at stores that are not engaged in the retail sale of alcohol will also be paid 1.1 times their regular rate of pay for work on Memorial Day, Independence Day and Labor Day.

TIME OFF AND LEAVES OF ABSENCE

Vacation / Paid Time Off (PTO)

The Company will pay employees for any accrued but unused paid time off (PTO) at termination of employment.

Paid Sick Time

The Company provides eligible employees with paid sick time in accordance with the requirements of the Massachusetts Earned Sick Time Law (ESTL).

Eligibility

All employees (whether full-time, part-time, temporary or seasonal employees) whose primary place of work is in Massachusetts, are eligible to accrue paid sick time.

Accrual of Sick Time

Eligible employees will begin to accrue paid sick time on July 1, 2015 or the employee's first day of actual work, whichever is later. Sick time accrues at a rate of one hour of paid sick time for every 30 hours worked, up to a maximum accrual of 40 hours in a single calendar year.

For accrual purposes, salaried exempt employees will be assumed to work 40 hours in a week unless the employee's regular workweek is less than 40 hours, in which case sick time accrues based upon that regular workweek. Nonexempt employees accrue paid sick leave on all hours worked, including overtime hours. Employees do not accrue sick time for hours during which they are not working, such as vacation, paid time off or while using paid sick time.

The Company's calendar year is based on the employee anniversary.

Eligible employees may not use accrued paid sick time until 90 days after the employee's first day of actual work.

Reasons Sick Time May be Used

Sick time may be used only for the following reasons:

- To care for the employee's child, spouse or parent who is suffering from a physical or mental illness, injury or medical condition that requires home care, professional medical diagnosis or care or preventative medical care;

- To care for the employee's own physical or mental illness, injury or medical condition that requires home care, professional medical diagnosis or care or preventative medical care;
- To attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse or parent;
- To address the psychological, physical or legal effects of domestic violence against the employee or employee's child; or
- To travel to and from an appointment, pharmacy or other location necessary for the purposes of the sick time.

For purposes of this policy, a "parent" includes a biological, adoptive, foster or step-parent of an employee or an employee's spouse, or another person who assumed the responsibilities of parenthood when the employee or employee's spouse was a child. Also for purposes of this policy, a "child" includes a biological, adopted or foster child, a stepchild, a legal ward or a child for whom the employee has assumed the responsibilities of parenthood.

The smallest amount of sick time an employee can use is one hour. Employees who need to take more than one hour of paid sick time at one time can use sick time in increments of one hour.

Requesting Sick Time and Documentation

Except in cases of emergency, employees must provide advance notice of the need to use paid sick time. If the need for paid sick time is foreseeable, employees must make a good faith effort to provide notice seven days in advance of the need for leave, unless they learn of the need to use sick time within a shorter period. If the need for sick time is unforeseeable, employees should make reasonable efforts to provide notice.

For multi-day absences, employees must provide notice of the expected duration of the sick time. If the expected duration is unknown, employees (or their spouse, adult family member or other responsible party) must provide notice of the need to use sick time on a daily basis, unless doing so is unreasonable under the circumstances.

Employees taking leave under this policy are not required to search for or find a replacement employee to cover the periods of time for which they are absent from work.

To provide notice of the need to use sick time, employees should contact their Human Resources representative [or insert name/contact details for appropriate company representative or department or insert the company's call-in procedure].

Employees are required to personally verify in writing or via e-mail that they have used sick time for an allowable purpose. Employees may be required to provide supporting documentation from a health care provider, or some other form of appropriate certification, that the use of paid sick time was for an authorized purpose when paid sick time use:

- Exceeds 24 consecutive scheduled work hours;
- Exceeds three consecutive days on which the employee was scheduled to work;
- Occurs within two weeks before an employee's final scheduled day of work before termination (except for temporary workers);
- Occurs after four unforeseeable and undocumented absences within a three-month period; or
- Is by a minor employee and occurs after three unforeseeable and undocumented absences within a three-month period.

Such certification must be provided within seven days after the leave, unless the employee can show good cause why more time is needed. Employees may submit their documentation in person or by any reasonable method, including e-mail. If an employee unreasonably fails to comply with the documentation requirement, the Company will deduct the amount paid for sick time from future pay, as an overpayment. Under some circumstances, employees may also be required to provide a fitness-for-duty certification, work release or other medical certification before returning to work.

Leave Carryover

Employees who have accrued sick time remaining at the end of the year may carry over up to 40 hours of the accrued and unused time to the next calendar year. However, employees may not use more than 40 hours of sick time in a calendar year. In addition, once an employee has a bank of 40 hours of sick time, no further sick leave will accrue until previously accrued sick leave is used.

The Company does not offer pay in lieu of actual sick time.

Effect on Other Rights and Policies

The Company may provide other forms of leave for employees to care for medical conditions or for reasons related to domestic violence or family leave under certain federal, state and municipal laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state or municipal law, provided eligibility requirements for that law are met. The Company is committed to complying with all applicable laws. Employees should contact their DAHL representative for information about other federal, state and municipal medical, domestic violence or family leave rights.

Separation from Employment

Compensation for accrued and unused paid sick time is not provided upon separation from employment for any reason.

Employees who are rehired within four months of the end of employment will immediately have access to all previously accrued, unused paid sick time as of their first day of actual work. Employees who are rehired between four and 12 months following the end of employment and who had at least 10 hours of accrued, unused sick time at

the end of employment will immediately have access to such paid sick time as of their first day of work.

Retaliation Prohibited

The Company will not retaliate, or tolerate retaliation, against employees because they exercise or attempt to exercise any rights under this policy, oppose practices they believe violate the ESTL or support another employee's exercise of rights under the ESTL.

Massachusetts Paid Family and Medical Leave

In accordance with the Massachusetts Paid Family and Medical Leave Law, M.G.L. c. 175M ("PFML"), beginning January 1, 2021, eligible employees are entitled to a leave of absence to care for a family member with a serious health condition, care for their own serious health condition, bond with a new child, or assist with obligations that arise when a family member is called into active military service. Employees are also eligible to receive partial wage replacement benefits during the leave through the state-mandated Department of Family and Medical Leave ("Department") Employment Security Trust Fund.

Eligible Employees

This policy applies to eligible Massachusetts-based employees including full-time, part-time, permanent or seasonal workers, as well as some former employees. To be eligible for PFML leave, employees must meet financial eligibility requirements established by the Department, and former employees cannot have been separated from the Company for more than 26 weeks. Participation in the program is not optional for these employees.

Contributions

PFML benefits are funded by both a Company contribution and an employee contribution to the Employment Security Trust Fund. Employee contributions are made through payroll deductions, and the amount of the contribution depends on the employee's average weekly wage. The maximum deduction amount will be adjusted periodically by the Department. The amount of any deduction taken will be reflected on an employee's paystub.

Reasons for and Length of Leave

Beginning January 1, 2021, eligible employees may be entitled to:

- Up to a maximum of 12 weeks of paid family leave in a benefit year: (1) for the birth, adoption or foster care placement of a child; or (2) due to a qualifying exigency arising because a family member is on active duty or

has been notified of an impending call to active duty in the United States armed forces.

- Up to a maximum of 20 weeks of paid medical leave in a benefit year to attend to their own serious health condition that incapacitates them from work.
- Up to a maximum of 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition related to the family member's military service.

Beginning July 1, 2021, eligible employees may be entitled to:

- Up to a maximum of 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.

A covered employee will be allowed a maximum of 26 weeks of paid medical and paid family leave, in the aggregate, in a benefit year.

Definitions

- **“Benefit year”** means the period of 52 consecutive weeks beginning on the Sunday immediately preceding the first day of paid family or medical leave.
- **“Child”** means a biological, adopted or foster child, a stepchild or legal ward, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor child.
- **“Family Member”** means the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered individual; a person who stood in loco parentis to the covered individual when the covered individual was a minor child; or a grandchild, grandparent or sibling of the covered individual.
- **“Parent”** means a biological, adoptive, step- or foster mother or father.
- **“Qualifying Exigency”** means a need arising out of the employee's family member's active duty service or notice of an impending call or order to active duty in the Armed Forces (e.g., providing for the care or other needs of the military member's child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave, or making arrangements following the death of a military member).
- **“Serious Health Condition”** means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility or continuing treatment by a health care provider.

Wage Replacement Benefits

Beginning January 1, 2021, eligible employees may receive wage replacement benefits from the Department. The amount of wage replacement benefits is calculated based on the employee's average weekly wage in relation to the state average weekly wage and is capped at a maximum weekly benefit amount that is adjusted annually. PFML benefits are administered by the Department. There is generally a seven (7) day waiting period after an application for a PFML benefit is approved before benefit payments begin. Employees may use available vacation, sick leave (if applicable), or other paid time off during the waiting period.

Health Benefits

During an approved PFML leave, the Company will continue making contributions for an employee's group health benefits on the same terms as if the employee had continued to work. This means that, if an employee wants benefits coverage to continue during PFML leave, the employee must continue to make any premium payments they were required to make for themselves or their dependents prior to the leave.

Intermittent Leave

Under some circumstances, employees can take PFML leave on an intermittent basis (i.e., taking leave in blocks of time) or on a reduced schedule basis (i.e., reducing the employee's normal weekly or daily work schedule). An employee may take PFML leave intermittently or on a reduced schedule basis to care for their own or a family member's serious health condition or to care for a family member who is a covered service member, if a health care provider determines it is medically necessary. If an employee requests intermittent or reduced schedule PFML leave for their own serious health condition, the Company may request additional information and will work with the employee to identify a schedule for leave that meets the employee's needs without unduly interrupting the Company's business operations (subject to the approval of the employee's healthcare provider).

In the case of PFML leave for the birth, adoption or foster care placement of a child, the Company will consider requests to take leave intermittently or on a reduced schedule on a case-by-case basis depending upon the needs of the Company.

Employees may take PFML leave on an intermittent or reduced schedule basis when leave is due to a qualifying exigency.

PFML leave can be taken in increments of 8 hour increment. Taking leave intermittently or on a reduced leave schedule will result in a proportionate reduction in the employee's available allotment of leave. Employees cannot apply for payment of benefits for intermittent PFML leave until they have accumulated 8 hours of leave time or until 30 calendar days following the first use of intermittent leave, whichever comes first.

Employees seeking intermittent PFML leave must notify the Department and the Company of the schedule for intermittent leave. Employees who are approved for and use intermittent leave and fail to work during in accordance with an agreed-upon

schedule may be subject to discipline. If an employee's use of intermittent PFML leave is inconsistent with the Department's approval, the Company may also request additional information in support of the need for leave.

Applying for PFML benefits

Employees must file claims for PFML benefits directly with the Department using the Department's forms. The Department's contact information is:

The Massachusetts Department of Family and Medical Leave

MassPFML@Mass.gov

www.mass.gov/DFML

For questions about benefits and eligibility:

(833) 344-7365

For questions about contributions and exemptions:

(617) 466-3950

Employees will be required to submit to the Department additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for leave upon the birth or placement of a child or a medical certification from a healthcare provider for leave to care for the employee's or a family member's serious health condition.

Requesting PFML Leave

Employees must provide at least 30 days advanced written notice to the Company and specify the anticipated starting date of the leave, the anticipated length of the leave and the expected date of return. Written notice includes, but is not limited to, handwritten or typed notices, and all forms of written electronic communications such as text messages and email.

If the employee is unable to provide 30 days' notice due to circumstances beyond their control, the employee must provide notice as soon as practicable. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of PFML. A request for an extension must be filed 14 calendar days prior to the expiration of the original approved leave, unless good cause for the delay is shown.

Employees who are planning medical treatment should consult with the Company in advance of an application to the Department and make a reasonable effort to schedule the treatment that will not unduly disrupt the Company's business operations (subject to approval from the employee's health care provider).

The Company will treat any medical or health information as confidential and will not disclose such information except with the permission of the employee requesting leave, unless disclosure is otherwise required by law.

The Department will not accept an application for benefits if proper notice is not made to the Company as described above.

Return to Work

An eligible employee who takes PFML leave and returns to work on or before the approved leave's end date will be entitled to return to their former job or to an equivalent job with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave. Upon reinstatement, the employee will have the same rights to accrue vacation time, sick leave, bonuses, advancement, seniority, length-of-service credit or other employment benefits, plans or programs. Taking PFML leave will not result in the loss of any employment benefit accrued prior to the date the leave began.

The Company may deny restoration to any employee if:

- Other employees of equal length of service credit in the same or equivalent positions have been laid off due to economic conditions or change in operating conditions; or,
- If the contract for employment for which the employee was hired for has concluded and the Company would not have otherwise continued to employ the employee.

Coordination with Other Leaves and Benefits

Leave taken under the PFML will run concurrently with leave taken under the Massachusetts Parental Leave Act, the federal Family and Medical Leave Act and any disability plan or employer paid family and medical leave program, when the leave is for the same qualifying reason. In no case will the combined pay an eligible employee receives through any wage-replacement program(s), including PFML benefits and any Company-provided paid family and medical leave program, exceed the employee's average weekly wage. Additionally, all wage-replacement benefits will be fully integrated to avoid duplication of benefits, to the fullest extent permitted by state or federal law.

Employees who elect to use accrued paid leave benefits such sick time for a PFML qualifying leave, will not be eligible for PFML wage replacement benefits. The time taken for such leave will still be subtracted from the employee's overall leave entitlement under the PFML.

Fraudulent Use of PFML Prohibited

Employees who fraudulently obtain PFML benefits will not receive the protections and benefits provided by the law, and may be required to repay the Trust Fund for any benefits received.

Protected Rights

The Company takes its PFML obligations very seriously and will not interfere with, restrain or deny the exercise of any right protected under the PFML. The Company will not discriminate or retaliate against any individual because that person because they use or request leave in accordance with this policy, file a complaint or institute a proceeding related to the PFML, testify or provide information in an inquiry or proceeding related to the PFML, or otherwise exercise their rights under the PFML. If an employee believes that their PFML rights have been violated in any way, they should immediately report the matter to Human Resources.

Employees may also contact their DAHL representative with questions regarding PFML leave or benefits.

Mandatory Time Off / Day of Rest

Dahl Consulting will provide employees with at least one day (24 consecutive hours) of rest every seven days. The day of rest will include an uninterrupted period between the hours of 8:00 a.m. and 5:00 p.m.

Sunday Work

Employees required to perform their usual work on a Sunday will be provided 24 consecutive hours without work during the following six days.

Parental Leave

Eligible full-time employees working in Massachusetts are entitled to take up to eight weeks of unpaid leave for the:

- Birth of a child; or
- Placement for adoption or placement pursuant to a court order of a child under 18 years of age (or under 23 years of age if the individual is mentally or physically disabled).

Employees are entitled to up to eight weeks of leave per child. If both spouses work for the Company and are eligible for leave under this policy, the spouses will be limited to a total of eight workweeks off between the two.

Employees are eligible for leave under this policy if they are full-time and have been employed by the Company for at least three consecutive months.

Notice of Leave

Employees must give at least two weeks' notice of their anticipated date of departure and intention to return to work. If the need for leave arises under circumstances that, for reasons beyond the employee's control, do not allow for two weeks' notice, employees must give notice as soon as practicable.

Terms of Leave

Parental leave will be without pay, unless an employee chooses to use accrued paid vacation, personal, medical and/or sick leave concurrently with all or part of the unpaid parental leave. Sick leave may only be used during portions of the parental leave that qualify for leave under the Company's sick leave policy, however. The Company will not require an employee to use accrued paid vacation or sick leave concurrently with any part of a parental leave. However, if an employee's parental leave qualifies as leave under the Family and Medical Leave Act, the two leaves will run concurrently. Eligible employees may apply for disability benefits related to their childbirth and/or pregnancy-related disabilities under the same terms and conditions that apply to other medical disabilities.

Parental leave will not affect the employee's rights to receive vacation time, sick leave and other benefits for which he or she was eligible at the commencement of leave.

Return to Work

At the conclusion of parental leave, employees will be reinstated to their previous position or a similar position with the same status, pay, length of service credit and seniority as of the date of their leave, unless other employees of equal seniority and status in the same or similar position were laid off due to economic conditions or other changes in operating conditions during the employee's parental leave. If an employee requests and is granted an extension of parental leave beyond eight (8) weeks, and if this extension is not covered by any other statute such as the FMLA, the employee's job will be not protected beyond the initial eight (8) week period. Under these circumstances, Dahl Consulting provides no assurance the employee will be restored to his or her previous position or a similar position when the extension expires.

Anti-Discrimination

The Company will not discriminate or retaliate against employees because they request or take leave in accordance with this policy.

Small Necessities Leave

Employees eligible for leave under the Company's Family and Medical Leave policy, as set forth in the National Handbook, may take an additional 24 hours of unpaid leave during a 12-month period in order to:

- Participate in school activities directly related to the educational advancement of their children (such as parent-teacher conferences and interviewing for new schools);
- Accompany their children to routine medical and dental appointments (such as check-ups or vaccinations); or
- Accompany elderly relatives (individuals who are at least 60 years old and related to the employee by blood or marriage) to medical or dental appointments or appointments for other professional services related to the elder's care (such as nursing home interviews).

Notice of Leave

When foreseeable, employees must request leave no less than seven days in advance. If need for the leave is not foreseeable, the employee must request the leave as soon as practicable under the circumstances. The employee's request must be supported by a written statement from the employee certifying the date and reason for the requested time off.

Terms of Leave

Leave under this policy can be taken intermittently or on a reduced-schedule basis, and leave will be counted in increments of one hour. In addition, employees must substitute accrued vacation and sick leave for time off under this policy except that sick leave will only be substituted if the time off is for a purpose normally covered by the company's sick leave policy.

If you have any questions about this policy, please contact your DAHL representative.

Abuse Victim Leave

Employees who are victims of abusive behavior, defined for purposes of this policy to include domestic violence, stalking, sexual assault and kidnapping, or that have a family member who is a victim of abusive behavior, may take up to 15 days of unpaid leave within a 12-month period to address issues related to the abuse. For purposes of this policy, abusive behavior includes conduct by a current or former spouse; a person with whom the employee or covered family member shares a child; a person cohabitating with or who has cohabitated with the employee or covered family member; a person related by blood or marriage to the employee or covered family member; or a person with whom the employee or covered family member has or had a dating relationship.

An employee who is the perpetrator of the abusive behavior is not eligible for leave under this policy.

Covered family members include the employee's spouse; a person in a dating or engagement relationship with the employee and who resides with the employee; someone having a child in common with the employee; a parent, stepparent, child, stepchild, sibling, grandparent, grandchild or someone in a guardianship relationship with the employee.

Leave taken under this policy must be used to address issues directly related to the abusive behavior and may be used to:

- Seek or obtain medical attention; receive counseling, victim services or legal assistance;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings; or
- Address other issues directly related to the abusive behavior against the employee or covered family member.

Employees may take up to 15 days of leave within a 12-month period. The 12-month period begins on the date of an employee's first use of such leave and ends 12 months after that date.

Where they overlap, leave taken under this policy will run concurrently with leave under the Family and Medical Leave Act.

Employees needing leave under this policy must provide advance notice of the need for leave to the greatest extent possible. However, if there is a threat of imminent danger to the health or safety of the employee or a covered family member, the employee must notify the Company within three workdays that protected leave was taken or is being taken. Such notice may be provided by the employee, a family member of the employee or a professional assisting the employee with addressing the abusive behavior, and can be made via telephone, in person or in writing.

If an absence is unscheduled, the Company will not take any negative action against the employee as long as the employee provides appropriate documentation within 30 days of the unauthorized absence.

The Company may require employees to provide supporting documentation demonstrating that the employee or a covered family member was the victim of abusive behavior and that the reason for taking leave was related to that behavior. Such documentation should be provided within a reasonable period of time and may include:

- A protective order or other document issued by a court;
- A document under the letterhead of a court, provider or public agency that the employee attended for the purpose of obtaining assistance regarding the abusive behavior;
- A police report or witness statement provided to the police;
- Documents showing that the perpetrator was convicted of an offense constituting abusive behavior, or admitted to facts sufficient to establish guilt of abusive behavior;
- Medical documentation;
- A sworn statement, signed under penalty of perjury, from a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional advocate who has assisted the employee and/or his or her family address the effects of abusive behavior; or
- A sworn statement, signed under penalty of perjury, from the employee, attesting that the employee or a covered family member has been the victim of abusive behavior.

All information and documentation related to an employee's use of domestic violence leave will be kept confidential, unless such disclosure is expressly required by law, requested in writing by the employee or necessary to protect the safety of the employee or other employees.

Upon return from leave, employees will be restored to their original position or to an equivalent position. The Company will not take any adverse action against an employee for exercising his or her rights under this policy. Additionally, employees taking leave under this policy will not lose any benefits accrued prior to the start of the leave.

Crime Witness Leave

Employees who are victims of a crime may time off from work to appear as a witness in a criminal proceeding regarding that crime. Leave under this policy will be unpaid except that exempt employees will not incur any reduction in pay for a partial week absence due to witness duty.

Employees should notify the Company of their required service prior to the day of attendance.

Jury Duty Leave

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or subpoenas, attend court for prospective jury service or serve as a juror. Under no circumstances will employees be terminated, threatened, harassed, coerced, or penalized because they request or take leave in accordance with this policy.

All employees, including temporary employees, will receive their regular compensation during the first three days of jury service. Any additional time off under this policy will be without pay, except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty.

Employees scheduled to work at night will not be required to: (1) work beyond midnight the night before first day of jury service; (2) work while impaneled on a trial unless authorized by the judge; or (3) be required to work on the last day of service if released by the court after 4 pm.

Employees should provide their supervisor with notice of any jury summons or subpoena within a reasonable amount of time after receipt and before their appearance is required. Verification from the court clerk of having served may also be required.

Time Off to Vote

The Company encourages all employees to fulfill their civic responsibilities and to vote in all public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Employees who have less than two consecutive hours between the time their polling location opens and the time their scheduled shift begins may arrive late to work so that they have a total of two consecutive hours after the polls open to vote. Time off under this policy will be without pay, except that exempt employees may receive pay, as required by law.

Employees must provide reasonable advance notice of the need for time off to vote so that time off can be scheduled to minimize disruption to normal work schedules.

Military Leave

In addition to the military leave rights set forth in the National Handbook, members of the armed forces of the Commonwealth, including the state defense force, the state staff, or the armed forces of another state or territory who are employed within Massachusetts and ordered to active duty under state or federal law, are entitled to the rights, protections, privileges and immunities provided under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and described more fully in the Military Leave policy set forth in the National Handbook.

When military service, as described above, is in support of a critical homeland security or emergency management operation, as determined by the adjutant general, it will not be counted toward the cumulative five year period of absence allowed for military leave.

Veterans' Day and Memorial Day Leave for Veterans

The Company will provide employees who are veterans time off to participate in local Veterans' Day or Memorial Day exercises, parades or services. For purposes of this policy, a veteran is someone who has received an honorable discharge from military service.

Employees whose services are essential and critical to public health and safety and to the Company's safety and security are not eligible for this leave.

Leave under this policy will be unpaid.

Employees should contact their supervisor to make appropriate arrangements.

Volunteer Emergency Responder Leave

An employee who serves as a volunteer firefighter or emergency medical technician may take time off from work to respond to an emergency that occurs prior to the time the employee is scheduled to report to work. For purposes of this policy, "respond to an emergency" means responding to, working at the scene of or returning from, a fire, rescue, emergency medical service call, hazardous materials incident or a natural or man-made disaster in the good faith belief that such action is necessary to prevent the imminent loss of life or property.

Leave under this policy will be unpaid except that exempt employees will receive pay when required by applicable law.

The Company may request employees to provide a statement signed by the chief of the fire or ambulance department certifying the date and time the employee responded to and returned from the emergency.

SAFETY AND SECURITY

Smoke-Free Workplace

The Company prohibits smoking in the workplace and in company-owned vehicles occupied by more than one person. Employees wishing to smoke must do so outside the company's facilities during scheduled work breaks.

Employees wishing to smoke may do so during scheduled work breaks outside Company facilities where smoke does not migrate back into the workplace.

Employees that observe other individuals smoking in the workplace in violation of this policy have a right to object and should report the violation to their DAHL representative. Employees will not be disciplined or retaliated against for reporting smoking that violates Massachusetts law or this policy.

Employees that violate this policy may be subject to disciplinary action up to and including termination of employment.

Cell Phone Use / Texting While Driving

As is set forth in the National Handbook, the Company prohibits employees from using cellular phones for business reasons while driving or for any reason while driving for work-related purposes or driving a company-owned vehicle. Employees should also be aware that it is a violation of Massachusetts law to use a cell phone while driving, except in hands-free mode. It is also a violation of Massachusetts law to read or view text, images or video displayed on a mobile electronic device while driving (except for maps generated by a navigation app or system and displayed on a mounted electronic device.)

It is also a violation of Massachusetts law for an individual under 18 years of age to use cell phones, texting devices or other mobile electronic devices while operating a vehicle.