



**NEW JERSEY 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

TABLE OF CONTENTS

GENERAL INFORMATION	1
About This New Jersey Supplement.....	1
COMMITMENT TO DIVERSITY.....	1
Equal Employment Opportunity	1
Political Opinions	2
Pregnancy and Lactation Accommodation	2
GENERAL EMPLOYMENT PRACTICES.....	3
Whistleblower Protections (Conscientious Employee Protection Act)	3
PAY PRACTICES.....	4
Meal Breaks for Minors.....	4
TIME OFF AND LEAVES OF ABSENCE	4
New Jersey Family Leave	4
Paid Sick and Safe Leave	9
Family Leave Insurance	14
Temporary Disability Benefits.....	16
Reinstatement Following Bone Marrow and Organ Donation.....	18
Jury Duty Leave.....	18
Domestic or Sexual Violence Victim Leave	18
Military Leave	20
Emergency Responder Leave	21
SAFETY AND SECURITY.....	21
Smoke-Free Workplace.....	21
Cell Phone Use/Texting While Driving.....	21

GENERAL INFORMATION

About This New Jersey Supplement

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

The New Jersey Supplement applies only to New Jersey employees. It is intended as a resource containing specific provisions derived under New Jersey 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 New Jersey Supplement are different from or more generous than those in the National Handbook, the policies in the New Jersey Supplement will apply.

The New Jersey 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 and signed by the President/Owner of the Company or their authorized representative.**

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

COMMITMENT TO DIVERSITY

Equal Employment Opportunity

As set forth in the National Handbook, the Company is committed to equal employment opportunity and to compliance with federal antidiscrimination laws. We also comply with New Jersey law, which prohibits discrimination and harassment against any employees or applicants for employment based on race (including traits historically associated with race, such as hair texture, hair type and protective hairstyles), creed, color, national origin, ancestry, age, sex, pregnancy or breastfeeding (including childbirth, breastfeeding or expressing milk for breastfeeding or medical conditions related to pregnancy, childbirth or breastfeeding), marital status, civil union or domestic partnership status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, disability (including AIDS and HIV-related illnesses), liability for service in the U.S. Armed Forces and use or non-use of tobacco products outside the workplace. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

Additionally, the Company prohibits retaliation against any employee who requests from, discusses with or discloses to a current or former employee, a lawyer from whom the employee seeks legal advice or a government agency information regarding the job title, occupational category, rate of compensation (including benefits), gender, race, ethnicity, military status, or national origin of the employee or any other employee. Employees are not required to disclose their wage information.

Political Opinions

The Company will not take adverse action employment action or threaten to take such action in an attempt to induce or compel an employee to vote or refrain from voting for a particular candidate in an election.

Pregnancy and Lactation Accommodation

Employees may, based on the advice of their physician, request a reasonable workplace accommodation in connection with their own pregnancy, childbirth or related medical conditions, including recovery from childbirth. Employees who are breastfeeding an infant child can also request a workplace accommodation. The request must be based on their physician's advice. An accommodation will be provided unless it is unreasonable and would impose an undue hardship on the Company's ordinary operations.

Reasonable accommodations for pregnancy may include job modifications such as additional bathroom breaks, water breaks, periodic rest breaks, assistance with manual labor, job restructuring, modified work schedules and temporary transfers to less strenuous or less hazardous work. Reasonable accommodations for employees who are breastfeeding their infant children include reasonable daily break time and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area, for the employee to express breast milk for their infant child. The Company will consider accommodation requests on a case-by-case basis and may require accommodation requests to be supported by appropriate medical documentation.

The Company will not treat a pregnant or breastfeeding employee less favorably than it would treat non-pregnant/non-breastfeeding individuals who are similar in their ability or inability to work.

Employees who have questions about this policy or who wish to request an accommodation under this policy should contact their DAHL representative.

The Company will not tolerate any retaliation against any employee who makes a good-faith request for or uses an accommodation in accordance with this policy.

GENERAL EMPLOYMENT PRACTICES

Whistleblower Protections (Conscientious Employee Protection Act)

Employees have the right to complain of workplace practices or policies they believe to be in violation of the law, against public policy and/or fraudulent or unethical.

The Company will not terminate, demote, take any other adverse employment action or otherwise retaliate against an employee because the employee:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer or another employer with whom there is a business relationship, which the employee reasonably believes is in violation of a law or a rule or regulation issued under the law; is fraudulent or criminal; or, in the case of an employee who is a licensed or certified health care professional, constitutes improper quality of patient care;
2. Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law or a rule or regulation issued under the law by the employer or another employer with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to or testifies before any public body conducting an investigation, hearing or inquiry into quality of patient care;
3. Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation involving deception or or misrepresentation to any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
4. Provides information regarding any perceived criminal or fraudulent activity, or policy or practice of deception or misrepresentation, which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
5. Objects to or refuses to participate in any activity, policy or practice that the employee reasonably believes:
 - a. Is in violation of a law or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - b. Is fraudulent or criminal; or
 - c. Is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

When a disclosure is made to a public body, the protection against retaliation does not apply *unless* the employee has brought the activity, policy or practice to the attention of their supervisor in writing and has given the Company a reasonable opportunity to correct the activity, policy or practice. There is an exception, however, to this internal disclosure requirement if the situation is an emergency in nature and the employee reasonably believes that the activity, policy or practice is known to one or more company supervisors or reasonably fears physical harm as a result of the disclosure.

The Company has designated the following official to receive complaints and answer employee questions regarding this policy:

Name: Leah Bjorgum
Address: 7625 Parklawn Ave
Edina, MN 55435
Telephone Number: (651)772-9225

PAY PRACTICES

Meal Breaks for Minors

Employees under the age of 18 who work six or more consecutive hours will be provided a 30-minute uninterrupted meal break. During the meal break, employees will be relieved of all duties. An uninterrupted 30-minute meal break will be unpaid for nonexempt employees. Breaks of less than 30 minutes will be counted as paid work time.

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

All nonexempt employees must record their meal breaks.

TIME OFF AND LEAVES OF ABSENCE

New Jersey Family Leave

We recognize that employees may need to be absent from work for an extended period of time for family-related reasons. Accordingly, the Company will grant time off to employees in accordance with the requirements of the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA). When both the FMLA and NJFLA apply, the leave provided by each will count against the employee's entitlement under both laws and must be taken concurrently. An employee who is eligible for leave under only one of these laws will receive benefits in accordance with that law only.

The following policy addresses employee rights under the NJFLA. Employees should refer to the National Handbook for additional details regarding the FMLA. Questions concerning this policy should be directed to their DAHL representative.

Leave Entitlement and Eligibility

Employees who work in New Jersey, or who perform some work in New Jersey and have their work directed and controlled from New Jersey, may be eligible for leave under the NJFLA. To be eligible for leave, employees must have been employed by the Company for at least 12 months and have worked at least 1,000 base hours (including regular time, overtime, workers' compensation leave and military leave) during the 12-month period immediately preceding the leave. The Company may deny leave for certain highly compensated employees.

Eligible employees are entitled to 12 weeks of unpaid leave in a 24-month period. A 24-month period is determined by a rolling 24-month period measured backward from the date an employee uses NJFLA leave. When two employees from the same family (e.g., spouses or siblings) request leave at the same time, the Company will allow each employee up to 12 weeks of unpaid leave, so long as the employee is otherwise eligible for leave.

Permissible Uses of NJFLA Leave

Eligible employees may take family leave to provide care for the following reasons:

- **Bonding Leave:** The birth of a child (including a child born pursuant to a valid written agreement between the employee and a gestational carrier), and to care for a newborn or a child newly placed with the employee for foster care or adoption;
- **Family Care Leave:** Serious health condition of a family member; or
- **Public Health Emergency Leave:** During a state of emergency declared by the Governor (or when indicated as necessary by the Commissioner of Health or other public health authority during an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease):
 - To provide in-home care or treatment of the employee's child because the child's school or place of care has been closed by order of a public official due to the epidemic or other public health emergency;
 - To care for a covered family member because a public health authority has issued a determination, including a mandatory quarantine order, requiring or imposing responsive or prophylactic measures as a result of illness caused by the communicable disease (or known or suspected exposure to the communicable disease) because the

- presence in the community of the covered family member in need of care by the employee would jeopardize the health of others; or
- To care for a covered family member who, under the recommendation of a health care provider or public health authority, voluntarily self-quarantines as a result of suspected exposure to the communicable disease because the presence in the community of that family member would jeopardize the health of others.

For purposes of this policy, a “Parent” includes the employee’s biological, adoptive, resource family parent, foster parent, stepparent, parent-in-law or legal guardian and includes individuals who become the parent of a child pursuant to a valid written agreement with a gestational carrier. A “child” includes, but is not limited to the employee’s biological, adopted, foster child, resource family child, stepchild or legal ward and includes a child who becomes the child of a parent pursuant to a valid written agreement between the parent and a gestational carrier. A “serious health condition” means an illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility or continuing medical treatment or continuing supervision by a health care provider. A “family member” means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, partner in a civil union couple or any other individual related by blood or marriage to the employee or with whom the employee shows a close association that is the equivalent of a family relationship.

Leave for the birth of a child or for the placement of an adopted or foster child must begin within one year after the child’s birth or placement for adoption or foster care.

When a leave is covered by both the FMLA and the NJFLA, the leave will simultaneously count as part of the employee’s entitlement under both laws. However, a leave granted due to the employee’s own serious health condition under the FMLA is not covered by the NJFLA. As a result, a leave of 12 weeks to care for the employee’s own serious health condition under the FMLA may be followed by an additional 12-weeks of NJFLA leave for the purposes of Bonding Leave, Family Care Leave or Public Health Emergency Leave. This may result in a combined leave period under both laws of up to 24 weeks.

Requesting Leave

Employees must provide at least 30 days’ advance notice to the Company before beginning a single, continuous period of NJFLA leave for the purpose of Bonding Leave, unless emergent circumstances warrant shorter notice. Employees taking continuous leave for the purpose of Family Care Leave or Public Health Emergency Leave must provide notice of the leave in a reasonable and practicable manner. In emergency circumstances, employees must provide as much notice as possible. Notice must be in writing, except that employees may provide verbal notice in emergency situations when written notice is impracticable, as long as they subsequently provide written notice.

When taking leave for the purpose of Bonding Leave or Family Care Leave on an intermittent or reduced schedule basis, employees must provide the Company with at least 15 days' notice prior to the first day of leave, unless not otherwise practicable. When taking leave for the purpose of Public Health Emergency Leave on an intermittent or reduced schedule basis, the employee must provide notice as soon as practicable. Employees must make a reasonable effort to schedule NJFLA leave in a manner that does not unduly disrupt Company operations.

Certification for Leave

A request for NJFLA leave for Bonding Leave or Family Care Leave must be supported by certification issued by a duly licensed or other acceptable health care provider. If a completed certification is not returned in a timely manner, the leave may be denied. If the Company has reason to doubt the validity of the certification, we may require a second (and in some cases a third) medical opinion at the Company's expense.

A request for NJFLA Public Health Emergency Leave must be supported by the following:

- For leave taken to provide in-home care or treatment of a child due to the closure of the child's school or place of care, the date on which the closure of the school or place of care began and the reason for the closure;
- For leave taken for because a public health authority has issued a determination, including a mandatory quarantine order, requiring or imposing responsive or prophylactic measures as a result of illness caused by the communicable disease (or known or suspected exposure to the communicable disease) because the presence in the community of the covered family member in need of care by the employee would jeopardize the health of others, the date of issuance of the determination and the probable duration of the determination; and
- For leave taken to care for a covered family member who, under the recommendation of a health care provider or public health authority, voluntarily self-quarantines as a result of suspected exposure to the communicable disease because the presence in the community of that family member would jeopardize the health of others, the date of the recommendation, the probably duration of the condition and the medical or other facts within the health care provider or public health authority's knowledge regarding the condition.

Intermittent or Reduced Schedule Leave

Employees can elect to take NJFLA leave on a reduced leave schedule basis. However, a reduced schedule or intermittent leave may not last longer than 12 months for any one period of leave.

Employees wanting to take leave intermittently or on a reduced schedule basis must make a reasonable effort to schedule leave so as not to unduly disrupt the Company's operations.

If possible, prior to the commencement of intermittent leave, an employee should provide a regular schedule of the day or days of the week on which intermittent leave will be taken.

Family Care Leave may be taken on a reduced schedule or an intermittent basis only when medically necessary.

The Company may require employees on reduced schedule or intermittent leave to temporarily transfer to an available alternative position for which the employee is qualified and that better accommodates a recurring period of leave than does the employee's regular position. The alternative position will have pay and benefits equivalent to the employee's regular position.

Upon returning from a reduced schedule or intermittent leave, the employee will be placed in the same or an equivalent job as the one they left when the leave began.

Compensation and Benefits During Leave

Leaves of absence under this policy are generally without pay. However, some employees may be eligible for temporary disability benefits or paid leave benefits and should consult the Company's temporary disability benefits and paid family leave insurance policies. In addition, employees who have accrued paid leave (e.g., sick, vacation or personal time) may use that time during their approved NJFLA leave. Use of paid time off will not serve to extend the length of any leave.

Employees will be permitted to continue employment benefits during the leave at the same level and under the same conditions that coverage would have been provided had the employee continued in employment and not taken leave.

Outside Employment

Employees may not take a new full-time position while on leave. Employees can take a new part-time job as long as it does not exceed half of the employee's regularly scheduled hours worked for the Company. Employees may also continue full-time or part-time employment they had prior to the leave.

Return From Leave

Employees generally will be restored to their original position or to a position with equivalent pay, benefits and other terms and conditions of employment. However, employees have no greater right to continued employment than if they had not taken the leave. Employees wishing to return to work prior to a leave's prearranged end date may do so if the early return would not cause the Company undue hardship.

Reinstatement may be denied if:

1. During the leave, the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave; or
2. The employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of the intent to do so, was the only way for the Company to prevent substantial and grievous economic injury to its operations. Certain highly compensated employees (those earning pay in the top 5% or whose salary is one of the 7 highest, whichever is greater) may be denied leave or reinstatement if necessary to prevent substantial and grievous economic injury to the Company's business. If an employee falls within this category they will be advised by the Company of any decision to deny leave. This exception does not apply to employees seeking Public Health Emergency Leave.

Retaliation

The Company will not interfere, restrain or deny the exercise of any rights provided under this policy. If an employee believes that their NJFLA rights have been violated in any way, they should immediately report the matter to a DAHL representative.

Paid Sick and Safe Leave

The Company provides eligible employees with paid sick and safe leave in accordance with the requirements of New Jersey's earned sick and safe leave law ("ESSLL").

Eligibility

Employees (including those working on a full-time, part-time or temporary basis) are generally eligible to accrue paid sick and safe leave.

Reasons Sick and Safe Leave May be Used

Employees may use paid sick and safe leave for the following reasons:

- The employee's or the employee's family member's mental or physical illness, injury or health condition;
- For the diagnosis, care or treatment of the employee's or the employee's family member's mental or physical illness, injury or health condition;
- For preventive medical care for the employee or the employee's family member;
- The employee or their family member is a victim of domestic or sexual violence (including stalking, sexual assault or any sexually violent offense) and needs to obtain:

- Medical attention;
 - Services from a designated domestic violence agency or other victim services organization;
 - Psychological or other counseling;
 - Relocation; or
 - Legal services, including obtaining a restraining order or preparing for or participating in a civil or criminal legal proceeding related to the domestic or sexual violence.
- To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher or other professional staff member responsible for the child's education;
 - To attend a meeting regarding a child's care in connection with the child's health or disability;
 - The employee is unable to work because:
 - The employee's workplace or the employee's child's school or place of care is closed by order of a public official or because of a state of emergency declared by the Governor due to an epidemic or other public health emergency;
 - The Governor has declared a state of emergency or a health care provider, the Commissioner of Health or another public health authority has issued a determination that the presence in the community of the employee or the employee's family member in need of care by the employee would jeopardize the health of others; or
 - During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and has a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others.

For purposes of this policy, "family member" includes a:

- Child (including a biological, adopted, foster or stepchild, a legal ward, and the child of a domestic partner or civil union partner);

- Parent (including a biological, adoptive, foster or stepparent; legal guardian; parent of a spouse, domestic partner or civil union partner; a person who stood in loco parentis when the employee was a minor; or a parent's spouse, domestic partner or civil union partner);
- Spouse (including a civil union partner or domestic partner);
- Sibling (including a biological, adopted or foster sibling and a sibling of a spouse, domestic partner or civil union partner);
- Grandparent (including a grandparent's spouse, domestic partner or civil union partner);
- Grandchild; and
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship, including any person with whom the employee has a significant personal bond that is, or is like, a family relationship, regardless of biological or legal relationship.

The Company will not count employees' use of sick and safe leave in compliance with this policy as an absence when evaluating absenteeism. Therefore, any such use of sick and safe leave will not count as an "occurrence" under any Company policy. An employee who uses paid sick and safe leave for an unauthorized purpose may be subject to discipline, up to and including termination.

Accrual and Use of Sick and Safe Leave

Eligible employees begin to accrue paid sick and safe leave under the ESSLL on October 29, 2018, or the employee's first day of work, whichever is later. Sick and safe leave accrues at a rate of one hour of paid sick and safe leave for every 30 hours worked. For exempt employees who are not required to record their hours worked, the Company will presume for the purpose of calculating paid sick and safe time accrual that the employee works 40 hours per week.

Eligible employees may accrue up to a maximum of 40 hours of paid sick and safe leave in a given consecutive 12-month period of time.

Eligible employees may not use paid sick and leave accrued under this policy and the ESSLL until the 120th calendar day after their employment with the Company began.

Paid sick and safe leave may be used in increments of 1 hour. Eligible employees may use up to 40 hours of paid sick time in a [insert the company's preferred regular and consecutive 12-month period of time].

Employees are not required to search for or find an employee to cover their work in order to take paid sick and safe leave.

Requesting Sick and Safe Leave and Documentation

When the need for paid sick and safe leave is foreseeable, employees must provide notice of the need for leave and its expected duration at least seven days prior to the start of the leave. Employees must make reasonable efforts to schedule the use of paid sick and safe leave in a manner that does not unduly disrupt Company operations.

If the need for paid sick and safe leave is unforeseeable, employees should provide notice of the need for leave and its expected duration as soon as practical. To provide notice of the need to use paid sick and safe leave, employees should contact their DAHL representative by email.

If paid sick and safe leave is used for three or more consecutive workdays, the Company may require that the employee provide reasonable documentation that the paid sick and safe leave was used for a qualifying reason. For a medical-related absence, an employee can satisfy this requirement by providing documentation signed by a health care professional that indicates the need for leave and, if possible, the amount of leave required. For leave related to domestic or sexual violence, the employee can provide any of the following documents:

- Medical documentation;
- A law enforcement agency record or report;
- A court order;
- Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;
- Certification from a certified domestic violence specialist or a representative of a designated domestic violence agency or other victim services organization; or
- Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or covered relation in dealing with the domestic or sexual violence.

For leave related to an epidemic or other public health emergency, the employee can provide a copy of the order of the public official or the determination by the health authority.

Confidentiality

Health information and information pertaining to domestic or sexual violence related to an employee or the employee's family member will be treated as confidential and not disclosed except to the affected employee or with that employee's permission, unless otherwise required by applicable law.

Paid Sick and Safe Leave Carryover

Accrued, unused paid sick and safe leave can be carried over from year to year, up to a maximum carryover amount of 40 hours.

Rate of Pay and Overtime

Paid sick and safe leave is compensated at the same rate of pay and with the same benefits an employee normally earns, or at the state minimum wage (whichever is greater).

Integration with Other Benefits

It is an employee's responsibility to apply for any applicable benefits for which the employee may be eligible as a result of illness or disability, including temporary disability insurance, family leave insurance, workers' compensation insurance, and any other disability insurance benefits. If an employee elects to integrate paid sick and safe leave with other paid benefits, the Company will integrate all paid benefits such that an employee will not be paid more than their regular compensation at any time.

Separation from Employment

Compensation for accrued and unused paid sick and safe leave is not provided upon separation from employment for any reason. If an employee is rehired by the Company within six months of separation from employment, previously accrued but unused sick and safe leave will immediately be reinstated. The previous period of employment will be counted for purposes of determining the employee's eligibility to use paid sick and safe leave.

Retaliation Prohibited

The Company will not discriminate or retaliate against employees, or tolerate discrimination or retaliation against employees, because they request or use paid sick and safe leave in accordance with this policy and/or the ESSLL, file a complaint alleging a violation of the ESSLL or inform any other person of their rights under the ESSLL.

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 or sexual violence or family leave under certain federal and state laws. In certain situations, sick and safe leave under this policy may run at the same time as leave available under another federal or state 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 and state medical, domestic or sexual violence or family leave rights.

Family Leave Insurance

Eligible employees may be eligible for up to 12 weeks of state-provided family leave insurance (FLI) benefits through the Division of Temporary Disability Insurance (the Division) when they take time off for one of the following purposes:

- To bond with a child during the first 12 months after a child's birth if the employee or employee's domestic partner or civil union partner is a biological parent of the child or the parent of the child pursuant to a valid gestational carrier agreement, or after the placement of the child for adoption or as a foster child with the employee;
- To care for a family member with a serious health condition;
- When the employee or employee's family member is a victim of an incident of domestic violence or a sexually violent offense, to engage in activities for which an employee can take unpaid leave under the New Jersey Security and Financial Empowerment Act (NJ SAFE Act), as described in the Company's Domestic or Sexual Violence Victim Leave policy; or
- During a state of emergency declared by the Governor (or when indicated as necessary by the Commissioner of Health or other public health authority during an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease) the employee is required to provide in-home care or treatment of the employee's covered family member because:
 - A healthcare provider or the commissioner or other public health authority has issued a determination that the family member's presence in the community may jeopardize the health of others; and
 - The provider or authority recommends, directs or orders that the employee's family member be isolated or quarantined as a result of suspected exposure to a communicable disease.

If an employee receives benefits for a disability caused by domestic violence or a sexually violent offense, that time off will be considered a period of disability for the employee and not a period of family leave.

For purposes of FLI, a "family member" is defined to include an employee's child, spouse, domestic partner, civil union partner, sibling, grandparent, grandchild, parent, parent-in-law or any other individual related to the employee by blood or who has a close association with the employee that is the equivalent of a family relationship. A "child" includes a biological, adopted, foster or stepchild; legal ward; or a child of an employee's domestic partner or civil union partner or a child who becomes the employee's child pursuant to a valid written agreement with a gestational carrier. A "parent" includes a biological parent, foster parent, adoptive parent or stepparent of the employee or a person who was a legal guardian of the employee when the employee was a child or who became the parent of the child pursuant to a valid written agreement with a gestational carrier.

Eligibility

Employees who have worked at least 20 base weeks in the year preceding the leave or earned in total at least 1,000 times the applicable minimum wage during the prior year are eligible to apply for and receive FLI benefits. The Division determines whether an employee is eligible for benefits.

Amount and Duration of Benefits

The weekly FLI benefit is generally 85% of the employee's average weekly wage and is subject to a state-imposed cap. The maximum benefit is generally 12 weeks (or 56 intermittent days) during the 12-month period or one-third of the employee's base year earnings, whichever is less.

When applicable and allowed under applicable law, FLI benefits will run concurrently with leave time available under the New Jersey Family Leave Act or federal Family and Medical Leave Act. Employees are permitted to use any accrued but unused paid time, including paid sick and safe leave, during a period of family temporary disability leave. FLI benefits will not be paid for any period during which the employee receives paid sick leave, vacation time or other leave from the Company at full pay.

Benefits on an Intermittent Basis

Employees may file claims for intermittent periods of time when medically necessary to care for a seriously ill family member. Benefits can be taken on an intermittent basis for this purpose, if:

- The total leave time the employee takes does not go over 12 months;
- The employee provides a copy of the appropriate medical certification;
- The employee provides at least 15 days' notice, unless an emergency or unplanned event prevents the employee from doing so; and
- The employee makes a reasonable effort to schedule leave in a manner that does not unduly burden the Company and, if possible, provides a regular schedule of the days or days of the week on which the intermittent leave will be taken.

Notice and Certification

Employees intending to take a single, continuous leave to bond with a newborn or newly adopted child or a child newly placed with the employee for foster care must provide the Company with a minimum of 30 days' notice prior to beginning the family leave.

Unless an emergency or other unforeseen circumstance prevents prior notice, employees intending to take continuous leave to care for a family member must provide the Company with advance notice in a reasonable and practicable manner. Employees intending to take leave for reasons related to the employee or employee's family member being a victim of an incident of domestic violence or a sexually violent offense

or for the reasons set forth above that are the result of a state of emergency, must provide written notice as far in advance as is reasonable and practical under the circumstances, unless an emergency or other unforeseen circumstance precludes prior notice.

Employees intending to take intermittent leave to care for a family member or for the birth, adoption or placement of a child in foster care must provide the Company with a minimum of 15 days' notice prior to the first day on which benefits will be paid for intermittent leave, absent emergency or unforeseen circumstances. Before intermittent leave related to the birth, adoption or placement of a child for foster care begins, the employee must, if possible, provide the Company with a regular schedule of the days or days of the week on which intermittent leave will be taken.

Unless the leave is unforeseeable, employees who fail to provide this notice may have the amount of benefits they receive reduced. For continuous leave taken for the birth, adoption or placement of a child for foster care, failure to provide advance notice will result in the reduction of benefits by two weeks' worth of benefits unless the time for leave is unforeseeable or changes for unforeseeable reasons.

Employees requesting FLI benefits for leave to care for a family member will be required to provide certification from a health care provider to the Division. Employees requesting FLI benefits for leave related to the employee or employee's family member being a victim of an incident of domestic violence or a sexually violent offense or for leave resulting from a state of emergency, as listed above, must, if requested by the Division, provide certification in support of their claim.

The Company will not discharge, threaten or otherwise discriminate or retaliate against an employee or refuse to restore the employee following a period of leave because the employee requested or took FLI benefits. However, nothing in this policy affords employees any greater right to reinstatement than is available under the New Jersey Family Leave Act, as described in the Company's New Jersey Family Leave policy.

Temporary Disability Benefits

New Jersey employees who are temporarily disabled by a non-work-related injury or illness may receive benefits through the New Jersey Temporary Disability Benefits Plan (State Plan). Employees are eligible for temporary disability (TD) benefits only when they suffer an accident or illness that is not covered by New Jersey's workers' compensation law, including a disability that is the result of organ or bone marrow donation by a covered employee

During a state of emergency declared by the Governor or when indicated to be needed by the Commissioner of Health or other public health authority, TD benefits are also available for an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease or efforts to prevent the spread of a communicable disease, which requires in-home care or treatment of an employee due to:

- The determination by a health care provider, the commissioner or other public health authority that the employee's presence in the community may jeopardize the health of others; and
- The recommendation, direction or order of the provider or authority that the employee be isolated or quarantined because of suspected exposure to a communicable disease.

To be eligible for TD benefits, employees must: (1) have worked at least 20 “base weeks” in covered New Jersey employment within the base year preceding the week in which the disability began or the week in which the employee submits a claim for benefits; or (2) earned at least 1,000 times the minimum wage in effect on October 1 of the calendar year preceding the calendar year in which the disability began. A “base week” is any calendar week in which the employee earned at least 20 times the state minimum wage. To qualify for TD benefits, the employee’s illness or injury must have started while the employee was eligible for benefits.

Benefits begin on the eighth consecutive day of a disability and may continue up to a maximum of 26 weeks or one-third of an employee’s total wages in a year. Eligible employees will receive an amount equal to 85% of their weekly wage, up to a maximum of 70 percent of the statewide average weekly wage. No benefits are paid for the first week of disability, unless the disability: is related to an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease or efforts to prevent the spread of a communicable disease, as described above; is the result of a covered employee donating an organ or bone marrow; or continues for a period lasting longer than three weeks.

Employees who collect TD benefits from the state may be ineligible to simultaneously receive benefits under other state or federal unemployment, disability or workers’ compensation laws.

Employees may be eligible to return to work on a reduced basis while recovering from a disability. For employees who are otherwise eligible for TD benefits but only able to work on a reduced basis, benefits will be paid such that the sum of the employee’s wages and benefits paid will equal the weekly amount the individual would have been paid if totally unable to perform the duties of the job due to disability. Employees cannot receive TD benefits for work on a reduced basis unless they were totally unable to perform the duties of employment due to disability and receiving full benefits for at least seven consecutive days prior to claiming partial benefits for a reduced work schedule. The maximum duration of partial benefits for work on a reduced schedule is eight weeks, unless the Division, after a review of medical information from a qualified healthcare provider, approves an extension in writing up to a maximum of 12 weeks of benefits.

When filing a claim for TD benefits under the State Plan, employees will be required to provide written notice to the New Jersey Department of Labor and Workforce Development’s Temporary Disability Insurance Division within 30 days after the

beginning of a period of disability. Employees will also be required to provide certification of the disability from a health care provider.

Reinstatement Following Bone Marrow and Organ Donation

Employees who experience a period of disability that is the result of donating any organ or bone marrow, and that is a compensable disability under New Jersey's Temporary Disability Benefits Law, will be restored at the end of the period of disability to their original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. However, an employee has no greater right to reinstatement than if they had not been absent for the purpose of organ or bone marrow donation.

For example, if an employee who was absent from work for a disability resulting from organ or bone marrow donation would have been laid off had they not been absent, or if the employee's job is eliminated during the period of disability and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

Jury Duty Leave

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

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 spent engaged in attending court for prospective jury service or for serving as a juror is not compensable except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty.

Domestic or Sexual Violence Victim Leave

Eligible employees who are victims of domestic violence or a sexually violent offense or who have a qualifying family member who is a victim of domestic or sexual violence may take up to 20 days of unpaid leave in the 12-month period following an incident of domestic or sexual violence to:

- Seek medical attention for or recover from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
- Obtain services from a victim services organization for the employee or the employee's family member;
- Obtain psychological or other counseling for the employee or the employee's family member;

Participate in safety planning, temporarily or permanently relocate or take other actions to increase the safety of the employee or the employee's family member from future domestic or sexual violence or to ensure economic security;

Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or

Attend, participate in or prepare for a criminal or civil court proceeding relating to domestic or sexual violence.

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

Employees are eligible for leave under this policy if they have been employed with the Company for at least 12 months and for at least 1,000 base hours during the 12-months immediately preceding the leave.

When the need for leave is foreseeable, employees must provide written notice of the need as far in advance as is reasonable and practical under the circumstances, unless an emergency or other unforeseen circumstance precludes prior notice. Advance notice is not required for emergency situations.

Leave may be taken intermittently in intervals of no less than one day.

Employees will be required to submit documentation verifying the need for leave, such as:

A domestic violence restraining order or other documentation of equitable relief issued by a court;

A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;

Documentation of the conviction of a person for the domestic violence or sexually violent offense;

Medical documentation of the domestic violence or sexually violent offense;

Certification from a certified domestic violence specialist or the director of a designated domestic violence agency or rape crisis center confirming that the employee or employee's family member is a victim of domestic violence or a sexually violent offense;

or

Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, clergy member, shelter worker or other professional who has assisted the employee or employee's family member in dealing with the domestic violence or sexually violent offense.

All information provided to the Company concerning a domestic violence or sexually violent incident and leave under this policy will be kept confidential, unless disclosure of this information is authorized in writing by the employee or is required by law.

Employees can choose to use any accrued paid sick and safe leave or any available family temporary disability leave benefits during their leave. Any paid time off or family temporary disability leave benefits will run concurrently with the unpaid leave. When applicable, time off under this policy will run concurrently with a leave of absence covered by the federal Family and Medical Leave Act or New Jersey Family Leave Act.

The Company prohibits harassment, discrimination or retaliation against employees because they take or request leave in accordance with this policy or refuse to authorize the release of confidential information.

Military Leave

In addition to the military leave rights set forth in the National Handbook, New Jersey employees who leave full- or part-time employment to perform military service will be reinstated to their previous position, or one of like seniority status and pay, upon return. For purposes of this policy, "military service" means duty by any person in the active military service of the United States or National Guard active duty ordered by a Governor of a state. Employees (other than temporary employees) who leave their job to perform military service generally are eligible for reinstatement if they:

Receive a duly executed certificate of completion of military service;

Are still qualified to perform the duties of the position; and

Apply for reemployment within 90 days after being relieved from service.

If the Company's circumstances have changed and make it impossible or unreasonable to reinstate an employee who left to enter active military service in the Armed Forces of the United States or the Army or Air National Guard of New Jersey or any other state in time of war or emergency, the employee may request to be restored to another available position for which the employee is able or qualified to perform the duties.

Qualified employees (not in a temporary position) who take a temporary leave of up to three months to participate in assemblies or annual training or to attend any service schooling conducted by the Armed Forces of the United States are eligible for reemployment if they apply for employment within 10 days after completing service. The leave may not exceed three months in any four-year period.

Time off under this policy is without pay. Employees will be considered as having been on furlough or a leave of absence during the leave and will be entitled to participate in insurance or other benefits offered by the Company in accordance with the established rules and practices regarding leaves of absence in effect at the time the employee is ordered to military service or training.

Employees returning from leave under this policy will not be terminated without cause within one year following the date of reemployment.

The Company will not discriminate or retaliate against an employee because the employee takes a leave of absence in accordance with this policy.

Emergency Responder Leave

Employees who serve as volunteer emergency responders will be permitted to take time off from work in order to respond to a fire or emergency call or to serve as a volunteer emergency responder during a declared state of emergency, provided they have complied with the Company's notice requirements set forth below.

For purposes of this policy, "volunteer emergency responder" means an active member in good standing of a volunteer fire company; a volunteer member of a first aid, rescue or ambulance squad; or a member of a county or municipal volunteer Office of Emergency Management (as long as the member's official duties include responding to a fire or emergency call).

Employees are required to provide notice at least one hour before they are scheduled to report to work, and upon returning to work must provide a copy of the incident report and a certification by the incident commander or other official or officer in charge.

Time off under this policy will be without pay, except that exempt employees will receive pay when required by applicable law. Additionally, employees will be allowed to use any accrued available paid time off, including vacation or sick time.

The Company may deny requests for leave under this policy for certain employees that are essential to Company operations.

SAFETY AND SECURITY

Smoke-Free Workplace

The Company prohibits smoking, including the use of electronic smoking devices, in the workplace and within a reasonable distance from outside entrances where smoke could enter the building. Employees wishing to smoke must do so outside company facilities, away from entrances, during scheduled work breaks.

Employees who observe other individuals smoking in the workplace 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 New Jersey law or this policy.

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

Cell Phone Use/Texting While Driving

As set forth in the National Handbook, the Company prohibits employees from using cellular phones for business reasons while driving, for any reason while driving for work-related purposes and while driving a company-owned vehicle. Employees should also be aware that talking, text messaging or sending an electronic message on a wireless

telephone or electronic communication device without a hands-free function while driving is a violation of New Jersey law, in addition to being a violation of Company policy.