

# **DAHL**

**IT'S THE PEOPLE.**

**OREGON 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 Littler Mendelson attorneys or other experienced labor counsel. Littler's 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.

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# GENERAL INFORMATION

## About This Oregon Supplement

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

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

The Oregon 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.

## 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 Oregon law which prohibits discrimination and harassment against any employees, applicants for employment or interns based on race (including physical characteristics that are historically associated with race, such as natural hair, hair texture, hair type and protective hairstyles), color, religion, sex (including pregnancy, childbirth or related medical conditions), national origin or ancestry, citizenship, physical or mental disability, genetic information, age (18 and over), veteran status, uniform servicemember status, unemployment status, sexual orientation, gender identity, marital status family status, or having been a victim of sexual abuse, including domestic abuse, sexual assault or stalking. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

### Sexual and Other Unlawful Harassment

The Company is committed to providing a work environment free of harassment. The Company complies with Oregon law and maintains a strict policy prohibiting sexual harassment and harassment against employees, applicants for employment or interns based on employees, applicants for employment or interns based on race (including physical characteristics that are historically associated with race, such as natural hair, hair texture, hair type and protective hairstyles ), color, religion, sex (including pregnancy, childbirth or related medical conditions), national origin or ancestry, citizenship, physical or mental disability, genetic information, age (18 and over), veteran status, uniform servicemember status, unemployment status, sexual orientation, gender identity, marital status family status, or having been a victim of sexual abuse, including domestic abuse, sexual assault or stalking. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law. Sexual harassment prohibited under this policy includes sexual assault, which is unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

All employees are expected to comply with the Company's Sexual and Other Unlawful Harassment policy, which is included 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 they have been harassed or discriminated against should provide a written or verbal report to their Dahl representative as soon as possible. All employees are encouraged to document any incidents involving discrimination, harassment or sexual assault as soon as possible.

The Company will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including dismissal.

### ***Time Limitations***

Nothing in this policy precludes any person from filing a formal grievance in accordance with the Oregon Bureau of Labor and Industries' Civil Rights Division or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence no later than five years after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

### ***Nondisclosure and Nondisparagement Agreements***

The Company will not require or coerce an employee or prospective employee to enter into any agreement as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, nondisparagement provision or any other provision that has the purpose or effect of preventing the individual from disclosing or discussing unlawful employment discrimination or harassment (including sexual assault). An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement that contains a nondisclosure, nondisparagement, or no-rehire provision (as defined below) and will have at least seven days to revoke any such agreement.

Under this policy, a nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault. A nondisparagement agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the Company. A no-rehire provision is an agreement that prohibits an employee from seeking reemployment with the Company and allows the Company to not rehire that individual in the future.

## **Pregnancy Accommodation**

The Company will provide employees and applicants with a reasonable accommodation for limitations related to pregnancy, childbirth or a related medical condition, including lactation, unless doing so would impose an undue hardship on the Company's business. Reasonable accommodations may include, but are not limited to: acquisition or modification of equipment or devices; more frequent or longer break periods or periodic rest; assistance with manual labor; or modification of work schedules or job assignments.

The Company will not require a pregnant employee or applicant to accept a reasonable accommodation if the employee does not have a known pregnancy-related limitation or require reasonable accommodation to perform essential job duties, nor will the Company require a pregnant employee to take a leave of absence instead of providing a reasonable accommodation.

The Company prohibits discrimination against employees and applicants on the basis of pregnancy, childbirth or related condition. The Company will not take an adverse employment action or in any manner discriminate or retaliate against an applicant or employee because they request, inquire about or use reasonable accommodations in accordance with this policy. Employees with questions or concerns regarding this policy or who would like to request an accommodation should contact their Dahl representative.

# **GENERAL EMPLOYMENT PRACTICES**

## **Personal and Family Relationships**

Employee's relatives and friends may be eligible for employment and, if employed, may be eligible for transfers, promotions, etc., to positions for which they are qualified. However, relatives are not entitled to preferential consideration and will not be hired or promoted into a position that creates a conflict of interest.

The term "relatives," includes but is not limited to, the following relationships: spouse, domestic partner, child, parent, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

## **Access to Personnel Files and Time and Pay Records**

Employees may inspect their personnel file (except any records and other material exempt from disclosure under state law) and/or their time and pay records by contacting their Dahl representative to arrange a mutually-convenient time. A supervisor or a Human Resources representative may be present while employees review their file.

Upon written request, a certified copy of an employee's personnel records and/or time and pay records will be provided to the employee within 45 days. In situations in which the records are not readily available, the Company may ask an employee to agree to extend this time. Employees may be asked to reimburse the company an amount reasonably calculated to recover the actual cost of providing the certified copy.

# **PAY PRACTICES**

## **Meal and Rest Breaks**

Employees working at least six-hours will receive an unpaid meal break of 30 minutes approximately midway through the day. If the work period is at least six but less than seven hours, the meal period must be taken between the second and fifth hours worked. If the work period is more than seven hours, the meal period must be taken between the third and sixth hours worked.

An uninterrupted meal break lasting 30 minutes or more will be unpaid for nonexempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early. All nonexempt employees must record their meal breaks.

Employees who work at least two hours and one minute will also receive a paid 10-minute rest break and an additional rest break for every four hours worked thereafter.

Rest breaks will be in addition to any meal breaks and cannot be taken at the beginning or end of a shift or combined with a meal break.

## **Lactation Accommodation**

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child who is 18 months of age or younger. The Company will provide a reasonable rest period to express milk each time the employee has a need to do so.

If possible, nursing mothers should take time to express breast milk during their regular meal and/or rest breaks. If the break time cannot run concurrently with meal and/or rest breaks already provided to the employee, the break time will be unpaid for nonexempt employees. Where these additional unpaid breaks are required, employees should work with their supervisor regarding scheduling.

The Company may, in its discretion, allow employees to make up the amount of time used during unpaid rest breaks either before or after work.

The Company will make reasonable efforts to provide employees with the use of a private location, other than a toilet stall, for the employee to express milk. Employees should discuss with their Dahl representative the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

When possible, employees should provide reasonable notice to the Company that they intend to take breaks for expressing breast milk upon returning to work.

The Company will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

## **Discussion of Wages**

No employee is prohibited from inquiring about, discussing or disclosing their own wages or those of another employee. The Company will not terminate, demote, suspend, or otherwise discriminate or retaliate against any employee on the basis of such a disclosure or because the employee files a complaint or charge or otherwise institutes an investigation, proceeding or hearing based on the disclosure of wage information.

This policy does not apply to disclosure of other employees' wage information by employees 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. Company representatives may disclose employees' wages in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing or action under state law.

# TIME OFF AND LEAVES OF ABSENCE

## Paid Sick and Safe Time (Accrual Method)

### *Eligibility*

All employees (including full-time, part-time and temporary employees) are eligible to accrue paid sick and safe time.

### *Annual Accrual of Paid Sick and Safe Time*

Eligible employees begin to accrue paid sick and safe time on January 1, 2016, or upon their first day of employment, whichever is later.

Paid sick and safe time accrues at a rate of one hour for every 30 hours worked or, up to a maximum accrual cap of 40 hours per year running from employee's anniversary date of employment. Employees will not accrue paid sick and safe time during periods of paid or unpaid leave.

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.

Eligible employees hired on or before January 1, 2016 may use paid sick and safe time as it accrues beginning on January 1, 2016. Employees hired after January 1, 2016 may use accrued paid sick and safe time beginning on their 91st calendar day of employment.

An employee's *use* of paid sick and safe time is limited to 40 hours per year of employment. For qualifying absences, employees must use paid sick and safe time on the first day, and on each subsequent date, until all time is used. Paid sick and safe time can be used in one-hour increments.

Employees are not required to find an employee to cover their work when they take paid sick and safe time and are not required to work an alternate shift to make up for the use of such time.

### *Reasons Sick and Safe Time May be Used*

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

- For the diagnosis, care or treatment of the employee or the employee's family member's mental or physical illness, injury or health condition, including preventive medical care;
- For reasons covered under the Oregon Family Leave Act, including:

- To care for a spouse, same-gender domestic partner, child, parent, parent-in-law, grandparent, or grandchild of an employee (or of an employee's same-sex domestic partner) or a person with whom the employee is or was in a relationship of *in loco parentis* with a serious health condition;
- For an employee's own serious health condition;
- To care for a sick child of the employee or of a same-gender domestic partner who does not have a serious health condition but requires home care;
- To be with or care for a child of the employee or of a same-gender domestic partner after birth, placement for adoption or foster care (or certain comparable situations). This parental leave may include any time necessary for the legal process required for adoption or foster care if the child is under age 18 or is incapable of self-care because of a physical or mental disability. (This type of leave must be completed within one year of the birth or placement for adoption);
- For an employee's own disability due to pregnancy, childbirth or related medical condition or for absence for prenatal care. Pregnancy disability leave is available only if the employee is unable to perform any job duties that the Company is able to offer, except that leave for prenatal care is covered without regard to disability; and
- To make arrangements necessitated by the death of a family member, to attend the family member's funeral or memorial service, and/or to grieve the death of a family member.
- For reasons related to domestic violence, harassment, sexual assault or stalking against the employee or the employee's minor child or dependent, including:
  - To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
  - To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the employee or the employee's minor child or dependent;
  - To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
  - To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent; or

- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or the employee's minor child or dependent.
- If either the employee's place of business or the employee's child's school or day care is closed by order of a public official due to a public health emergency or if the employee is excluded from work for health reasons;
- If a family member's presence in the community jeopardizes the health of others as determined by a lawful public health authority or by a health care provider;

For purposes of this policy, "family members" include a:

- Spouse or same-gender domestic partner;
- Biological, adopted or foster child;
- Biological, adoptive, step, custodial, non-custodial or foster parent;
- Grandparent or grandchild;
- Parent-in-law or parent of a same-gender domestic partner; and
- Person with whom the employee was or is in a relationship *in loco parentis*, meaning a relationship in which a person assumes the role of parent for someone who is not their legal or biological child.

### ***Requesting Paid Sick and Safe Time/Documentation***

When the need for paid sick and safe time is foreseeable (i.e., expected or planned leave), employees must provide reasonable advance notice, including, when possible, the expected duration of the leave, and must make reasonable attempts to schedule the use of paid sick and safe time in a manner that does not unduly disrupt the company's business operations. When the need for paid sick and safe time is unforeseeable, employees must provide notice before the start of the employee's shift or, when circumstances prevent such notice, as soon as practicable. To provide notice of the need to use paid sick and safe time, employees should contact their Dahl representative by email.

Employees must inform the company of any change in the expected duration of the sick and safe time as soon as practicable.

If sick and safe time is for more than three scheduled workdays, not including scheduled days off, employees must provide supporting documentation establishing the need for and duration of sick and safe time. Examples of documentation include, but are not limited to:

- Documentation signed by a licensed health care provider; or

- Documentation for victims of domestic violence, such as a copy of a police report or protective order.

If the need for sick and safe time is foreseeable and is projected to last more than three scheduled workdays, the verification must be provided before the sick and safe time begins or as soon as otherwise practicable. If an employee begins leave without providing required prior notice, medical verification (e.g., for an employee's or family member's illness, injury or health care or preventative care) must be provided within 15 calendar days after the Company requests verification, and certification for absences relating to domestic violence, harassment, sexual assault or stalking must be provided within a reasonable time after the Company requests certification.

The Company will pay any costs associated with any out-of-pocket expenses incurred by employees (that is not paid by insurance) in obtaining required verification from a licensed health care provider.

The Company may require documentation prior to the third consecutive workday if it suspects an employee is abusing leave.

Failure to provide required medical documentation may result in the delay or denial of payment for sick and safe time.

### ***Rate of Pay and Overtime***

Sick and safe time is paid based on the employee's regular rate of pay. Sick and safe time is not considered time worked for the purpose of calculating overtime for the week in which the time was taken.

### ***Leave Carryover***

Employees who have accrued time remaining at the end of the employment anniversary year may carry over up to 40 hours of accrued and unused time to the next year. However, employees may not use more than 40 hours of sick and safe time in a employment anniversary year. At no time will an employee have more than 80 hours of accrued sick and safe time.

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

### ***Effect on Other Rights and Policies***

The Company may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence 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 or family leave rights.

## ***Separation from Employment***

Compensation for accrued and unused paid sick and safe time is not provided upon separation from employment for any reason. If an employee is rehired by the Company within 180 days of separation from employment, previously accrued but unused sick and safe time will be immediately reinstated. If separation occurs before an employee's 91st day of employment and the employee is rehired within 180 days, the accrued sick and safe time balance will be restored and may be used once the employee has worked a combined total of 90 calendar days.

## ***Retaliation***

Employees have the right to request and use sick and safe time. The Company will not retaliate or discriminate, or tolerate retaliation or discrimination, against any employee who seeks or obtains sick and safe time under this policy, inquires about or invokes the provisions of the OSTL, or participates in an investigation, proceeding or hearing related to the OSTL.

## ***Confidentiality and Nondisclosure***

The Company will treat as confidential sick and safe time-related health information pertaining to the employee or employee's family member. Records and information concerning requests for or use of sick and safe time for reasons related to being the victim of domestic violence, harassment, sexual assault or stalking, will be treated as confidential and will not be released without the employee's express permission, unless otherwise required by law.

## **Family and Medical Leave of Absence**

We recognize that employees may need to be absent from work for an extended period of time for family, medical or bereavement-related reasons. Accordingly, the Company will grant time off to employees in accordance with the requirements of the federal Family and Medical Leave Act (Fed-FMLA) and the Oregon Family Leave Act (OFLA). The OFLA applies to employees who work in Oregon. Where both the Fed-FMLA and the OFLA 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 family and medical leave rights under the OFLA. Employees should refer to the National Handbook for additional details regarding the Fed-FMLA. Questions concerning this policy should be directed to their Dahl representative.

### ***OFLA Eligibility***

To be eligible for family leave under the OFLA, employees must:

- Have worked for the Company for at least 180 days immediately before the date the leave begins; and
- Have averaged at least 25 hours a week during the 180 days immediately before the date on which OFLA leave begins. The requirement of 25 hours or more a week does not apply to OFLA leave for parental leave purposes. For parental leave, eligible employees are those who have worked for the company for at least 180 days.

### ***Reasons for OFLA Leave***

OFLA leave may be granted for these reasons or purposes:

- To care for a spouse, same-sex domestic partner, child, parent, parent-in-law, grandparent, or grandchild of an employee (or of an employee's same-sex domestic partner) with a serious health condition;
- For an employee's own serious health condition;
- To care for a sick child of the employee or of a same-sex domestic partner who does not have a serious health condition but requires home care, if no other family member is available to care for the child;
- To be with or care for a child of the employee or of a same-sex domestic partner after birth, placement for adoption or foster care (or certain comparable situations). This parental leave may include any time necessary for the legal process required for adoption or foster care if the child is under age 18 (or is incapable of self-care because of a physical or mental disability. (This type of leave must be completed within one year of the birth or placement for adoption);
- To care for a child of the employee or of a same-sex domestic partner whose school or child care provider has been closed in conjunction with a statewide public health emergency declared by a public health official;
- For an employee's own disability due to pregnancy, childbirth or related medical condition or for absence for prenatal care. Pregnancy disability leave is available only if the employee is unable to perform any job duties that the Company is able to offer, except that leave for prenatal care is covered without regard to disability;
- To make arrangements necessitated by the death of a family member, to attend the family member's funeral or memorial service, and/or to grieve the death of a family member (Bereavement Leave).

A "serious health condition" means:

- An illness, injury, impairment or physical or mental condition that involves an overnight stay in a hospital or similar facility;
  - An illness, disease or condition that the treating health care provider believes poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or is a mental or physical condition requiring constant care;
  - Any period of absence due to pregnancy-related disability or for prenatal care; or
  - Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

### ***Length of Leave***

Eligible employees are entitled to up to 12 workweeks (and up to an *additional* 12 weeks for any pregnancy-related disability) in any leave year. Absences due to a compensable, disabling on-the-job injury do not count against the 12 workweeks under OFLA except when the employee refuses a suitable offer of light-duty or modified work. Where applicable, OFLA leave will run concurrently with leave provided under the Oregon Military Family Leave Act.

Parents who use all 12 of their workweeks for parental leave to care for a newborn, newly adopted or newly placed foster child are also entitled to take up to 12 workweeks to care for a child with an illness or an injury that is not a serious health condition if no other family member is available to care for the child — that is, to take sick-child leave. A female employee may take up to 12 weeks of OFLA pregnancy disability leave, up to 12 weeks of parental leave, *and* up to another 12 weeks of OFLA sick child leave, for a total of up to 36 weeks of OFLA leave. Additional OFLA leave is not available in the case of birth, adoption or foster care placement of more than one child at the same time.

The applicable leave year utilized by the Company is rolling 12-month period measured backward from the date an employee uses OFLA leave. Under this method the leave year is measured backward from the day the employee uses any OFLA leave,

If more than one qualifying family member works for the Company, two family members can only take leave at the same time if one needs to care for the other with a serious health condition, needs to care for a child with a serious health condition while another also has such a condition, both family members have a serious health condition at the same time or both family members are taking bereavement leave at the same time.

Employees will be allowed up to two weeks of unpaid bereavement leave per death of a covered family member, not to exceed 12 weeks total per year. For purposes of bereavement leave, a “family member” includes a family member includes the

employee's spouse (including same-sex spouse), same-sex domestic partner, parent, child, parent-in-law, grandparent and the parent or child of the employee's same-sex domestic partner. Bereavement leave must be completed within 60 days of the date the eligible employee receives notice of the family member's death.

### ***Pay***

OFLA leave is unpaid and employees may use all accrued vacation and sick pay (if eligible to use it) before going on unpaid status.

### ***Requesting OFLA Leave***

Except in very unusual or emergency situations, employees *must* request leave as soon as is practicable after learning of the need for time away from work.

If employees do not give timely notice, the Company may deny or delay the start of an employee's leave, and/or an employee may be subject to disciplinary action.

If an employee knows of the need for the leave 30 or more days in advance, the employee must complete the leave of absence forms at least 30 days before leave is to begin.

In unusual or emergency situations (for example, if an employee is injured in an accident, suddenly becomes ill, gives premature birth, experiences a death in their family, etc.), the employee must make an oral request to their manager for leave within 24 hours (or as soon thereafter as is practicable). All oral requests for leave must then be confirmed in writing as soon as is practicable and in no event later than three calendar days after returning to work.

In the case of Bereavement Leave, prior notice is not required, but oral notice must be provided by the employee or someone on the employee's behalf to the Company within 24 hours of beginning leave. Written confirmation of such notice must then be provided to their Dahl representative within three days of returning to work.

In the case of leave to care for a child whose school or child care provider has been closed in conjunction with a public health emergency, the Company may require verification of the need for leave.

As long as employees are using some form of paid leave (for example, earned vacation or sick leave) to cover missed time, employees need only comply with the notice provisions of those policies.

Employees should consult with their Dahl representative when scheduling intermittent or reduced leave for planned medical treatment or supervision so that time off can be scheduled to minimize disruption to the normal work schedule.

If an employee is seeking to use paid (for example, earned vacation) or unpaid leave for a purpose that may qualify for FMLA and/or OFLA leave, they must notify the Company

so that the employee will receive all of the benefits to which they are entitled. Failure to provide notification of reasons for any absence, whether a partial or full day, which might qualify, could result in the absence being counted against the employee for attendance and other purposes (e.g., pay increases, promotional opportunities, etc.).

### ***Medical Certification***

For leaves due to an employee's own health condition, the employee's health care provider must review the employee's essential job functions and certify that the employee's condition prevents the employee from performing at least one of them.

If an employee's insurance or other benefit plan does not cover the cost, the Company will pay for the medical certification.

For leaves due to a family member's health condition, the Company may require written certification from the treating health care provider(s), except for an Oregon employee whose child has an illness requiring home care that does not qualify as a serious health condition (i.e., sick child leave). In the case of sick child leave, the Company will only require medical verification after an employee has taken more than three days of leave for this purpose in a one-year period. The Company will pay for the cost of the certification to the extent it is not covered by the employee's insurance or benefit plan. In appropriate situations, the Company may also require documentation of the individual's relationship to the employee.

Medical certification forms are available from their Dahl representative, and must be *fully* completed and returned prior to the start of any leave for which the employee has provided 30 days' advance notice. In other circumstances (for example, in emergencies or other unusual circumstances when it is impossible to foresee the need for leave that far in advance), employees must return the completed form as soon as is practicable but no later than within 15 calendar days of the date an employee's absence began or within 15 calendar days of our request for certification or recertification. If an employee fails to provide a timely, fully completed certification or recertification, they may be denied continuation of the leave until complete and sufficient medical verification is received.

Recertification of the medical need for continuing leave must be provided every 30 days, and more often when circumstances have changed significantly or the Company has received information casting doubt on the validity of the prior certification.

The Company may request a second (or third) medical opinion (except for an Oregon employee who has a sick child requiring home care who does not have a serious health condition) at the Company's expense. The Company may also initiate an unpaid leave of absence and/or require a medical or other professional examination at the Company's expense in circumstances in which an employee's performance, conduct or behavior, the nature of an employee's job and/or the employee's condition raises an issue as to fitness for duty or ability to safely perform regular job duties.

An employee who is absent for 3 or more calendar days in any 30-day period because of an illness, injury or other condition (other than one returning from intermittent leave) may be required to provide a return-to-work release from an employee's health care provider confirming that the employee is able to return to work. We may require such a release for absences of less than 3 calendar days as well.

All medical releases must clearly explain an employee's work abilities and any limitations or restrictions. Reinstatement may be delayed until the employee has provided a release meeting these standards. An employee who does not timely provide the required release is subject to disciplinary action up to and including termination.

All medical information will be kept in the employee's confidential medical file and will not be the basis for any personnel actions or decisions other than those related to family and medical leave, reasonable accommodation, or as otherwise allowed by law.

### ***Staying in Touch with the Company While on Leave***

While on medical leave, employees may be required to periodically report their status to their supervisor, including the date they intend to return to work. Periodically means at least weekly, unless the employee is informed otherwise or is physically unable to do so, in which case, the employee should ask a family member or friend to update the Company periodically. Violations will be treated the same as any other call-in violation.]

### ***Intermittent/Reduced Schedule Leave***

The Company may transfer an employee who takes OFLA leave on an intermittent or reduced work schedule basis or who is recovering from a serious health condition to an alternative position to accommodate the leave or recovery, but will do so only if the employee agrees to the transfer voluntarily, the transfer is temporary and the alternative job has equivalent pay and benefits.

An employee will be allowed to take parental leave in two or more nonconsecutive periods only with Company approval, except in the case of parental leave to effectuate adoption or foster placement of a child. Such leave need not be taken in one uninterrupted period.

### ***Reinstatement***

Employees returning from OFLA leave will be reinstated to their former job if it exists. If the former job does not exist, reinstatement will be to a job with equivalent status, pay, benefits and other employment terms. For OFLA leave, reinstatement rights exist at the former site as well as any other location within 20 miles. If an employee is on leave due to their own health condition, they may be required to provide a return-to-work release.

### ***Benefit Coverage***

The Company will continue paying its share of the cost of an employee's health coverage while the employee is on FMLA/OFLA leave on the same terms as if the

employee were working, but the employee will be responsible for continuing to make any payments normally required of them. If the employee does not pay the cost of coverage during the leave, the Company may seek to recover the employee's share of the cost of benefit coverage, in accordance with applicable law.

While an employee is on paid leave (i.e., using sick leave or vacation time), any required employee payments will continue to be deducted from their check as usual to the extent that the employee's pay is sufficient to cover the deduction.

If an employee does not return to work at the end of leave, the employee may have rights under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) to continue health coverage by paying the full premium (plus a small administrative fee), and may also be able to obtain portability coverage under some state laws.

### ***Fraudulent Use of OFLA Prohibited***

Employees who fraudulently obtain leave under this policy may be subject to disciplinary action, up to and including termination.

### ***Retaliation***

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

### **Jury Duty Leave**

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or witness subpoenas, attend court for prospective jury service or serve as a juror or witness. Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave for jury duty or prospective jury service or to serve as a witness provided they notify their Dahl representative to their service.

Employees must provide their supervisor with notice of any jury summons or witness subpoena within five days after receipt and before their appearance is required to allow the Company time to make arrangements to cover the absence.

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. Employees who are absent from work while participating in the jury selection process or while serving as a juror or a witness will not be asked or required to use any annual, vacation or sick leave during the absence, although employees may elect to do so.

To the extent an employee participates in any company-sponsored health, disability, life or other insurance benefits, such coverage will continue during jury duty or witness service provided that the employee gives advance notice of the service.

## **Domestic Violence, Harassment, Sexual Assault or Stalking Victim Leave**

Employees who are the victim, or the parent or guardian of a minor child or dependent who is a victim of harassment, domestic violence, sexual assault or stalking will be allowed time off in order to:

- Seek legal or law enforcement assistance or remedies;
- Seek medical treatment for or to recover from injuries caused by harassment, domestic violence, sexual assault, or stalking;
- Obtain or assist a minor child or dependent in obtaining counseling related to an experience of harassment, domestic violence, sexual assault or stalking;
- Obtain services from a victim services provider; or
- Relocate or take steps to secure an existing home.

Time off under this policy is unpaid except that exempt employees will be paid when required under applicable law. In addition, employees are allowed, but not required, to use any accrued paid vacation leave, sick leave, personal business leave or other paid leave during a leave under this policy. Where applicable, time off under this policy will run concurrently with time off under the Oregon Family Leave Act (OFLA) and/or the federal Family and Medical Leave Act (FMLA).

Employees must provide their Dahl representative reasonable advance notice of their intent to take leave under this policy, unless providing advance notice is not feasible. In cases of emergency, employees, or a person acting on behalf of an employee, must give notice as soon as practicable. The Company may also require certification that the employee or minor child is a victim and that the leave is being taken for a permissible purpose. Such certification may take the form of a police report, protective order, or documentation from a health care professional, clergy, attorney or law enforcement officer.

The Company reserves the right to limit the amount of leave an eligible employee may take, if the leave creates an undue hardship on the Company's business.

Leave may be taken on an intermittent or reduced work schedule basis. The Company may transfer an employee on intermittent leave or a reduced work schedule to an alternate position that better accommodates the leave, so long as the transfer is temporary and voluntary and there is no other reasonable option available that would allow the employee to use intermittent or reduced schedule leave. Transferred employees will be returned to their former position upon providing notification of readiness to return.

While on leave, employees may periodically report their status to their supervisor, including the date they intend to return to work.

Upon request, the Company will provide reasonable safety accommodations needed because of actual or threatened domestic violence, harassment, sexual assault or stalking, unless such accommodations impose an undue hardship on the Company's business. Such safety accommodations may include, but are not limited to: transfer, reassignment, a modified schedule, a changed work telephone number, a changed work station, an installed lock or implemented safety procedures or other adjustment to a job structure, workplace facility or work requirement.

Employees who wish to request time off or an accommodation under this policy should promptly notify a Dahl representative.

Confidentiality of the situation, including the employee's request for reasonable safety accommodation or time off under this policy and any documentation provided, will be maintained to the greatest extent possible.

The Company will not retaliate, or tolerate retaliation, against any employee who seeks or obtains leave or an accommodation under this policy.

## **Crime Victim Leave**

Eligible employees will be allowed time off to attend a criminal proceeding, a juvenile proceeding or any other proceeding at which a crime victim has the right to be present.

Eligible employees are those who:

- Have worked an average of more than 25 hours per week during the 180 days immediately prior to the leave; and
- Are a victim who has suffered financial, social, psychological or physical harm as a result of a personal felony or is the spouse, domestic partner, parent, sibling, child, stepchild or grandparent of the victim.

Time off under this policy is unpaid except that exempt employees will be paid when required under applicable law. Employees will also be allowed to use available accrued vacation or other paid leave, though the Company may determine the order in which such leave must be used.

The Company reserves the right to limit the amount of leave an eligible employee may take, if the leave creates an undue hardship on the Company's business.

Employees must provide reasonable advance notice of their intent to take leave under this policy, as well as a copy of any notices of scheduled criminal proceedings provided by a law enforcement agency.

Confidentiality of the situation, including the employee's request for the time off under this policy and any documentation provided, will be maintained to the greatest extent possible.

## **Firefighter Leave**

Employees who serve as volunteer firefighters in a rural fire protection district or as a firefighter employed by a city or a private firefighting service will be allowed a leave of absence when called to an emergency. Employees must return to work when their release from service permits them to resume their job duties.

Time off under this policy will be without pay, except that exempt employees will be paid when required under applicable law. Upon return, employees will be reinstated to the same or equivalent position with all of the same seniority and benefits following the leave.

## **Search and Rescue Operation Leave**

Employees who serve as search and rescue volunteers will be allowed time off when accepted to participate in search and rescue activities by the sheriff.

Time off under this policy will be without pay, except that exempt employees will be paid when required under applicable law.

Upon return, employees will be reinstated to the same or an equivalent position without loss of seniority and benefits that had been earned before the leave commenced.

The Company will not discriminate or retaliate against employees who request or take leave under this policy.

## **Juvenile Court Appearance Leave**

Employees will be allowed time off when compelled to attend a juvenile court proceeding involving a child of which the employee is a parent or legal guardian.

Time off under this policy will be without pay, except that exempt employees will receive pay when required by applicable law.

The Company will not discriminate or retaliate against employees who seek or obtain leave under this policy.

## **Legislative Leave**

Regular full-time and part-time employees that have been employed by the Company for at least 90 days will be allowed time off to serve in the Oregon Legislative Assembly. Leave will be granted for any regular or special sessions or for time needed to perform official duties as a member or prospective member of the Legislative Assembly. Time off under this policy will be without pay.

Employees must provide notice of the need for leave under this policy at least 30 days before a regular session begins and as soon as possible when it is apparent that a special or emergency session will be called.

Employees must return to work within 15 days after the adjournment of the Legislative Assembly following a regular session or within five days after any other assignment is completed. Upon return from leave, employees will be reinstated to the same or similar position without loss of seniority or benefits earned before the leave commenced.

The Company reserves the right to deny reinstatement if a conflict of interest develops or if the circumstances of the Company change during the leave such that it would be impossible or unreasonable to reinstate the employee.

## **Bone Marrow Donation Leave**

Eligible employees who undergo a medical procedure to donate bone marrow will be allowed to use already accrued paid leave to do so. Eligible employees are those who work an average of 20 or more hours per week. The leave can extend up to the amount of the employee's accrued paid leave or 40 work hours, whichever is less, unless the Company agrees otherwise.

Employees may be required to provide the Company with verification from a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave used prior to the determination is not affected.

The Company will not retaliate against any employee for requesting or taking a leave under this policy.

## **Military Leave**

As is set forth in the National Handbook, the Company provides reemployment following leave to provide service in the uniformed service, in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Under USERRA, the total military leave time may not exceed five years during employment, except in certain, defined circumstances. For Oregon employees, time spent performing the following types of service will be excluded when determining whether the employee has met the five-year limit on duration of military leave: time spent providing voluntary service overseas and voluntary service within the United States during or in response to an emergency or disaster declared by the local, state or federal government.

In addition to these military leave rights, Oregon employees who are members of an organized militia will be granted an unpaid leave of absence to perform active state service if the militia is called into active service. The Company will grant leave until the employee is released from state service. Employees who take leave under this policy will be restored to their prior position or to an equivalent position and will not lose

seniority, vacation credits, sick leave credits, service credits under a pension plan or any other employee benefit or right that had been earned at the time of the leave of absence. Employees who take leave under this policy must return to employment within seven calendar days in order to be entitled to reinstatement.

## **Family Military Leave**

Employees working an average of at least 20 hours per week who have a spouse or domestic partner that is a member of the military and has been notified of an impending call, order to active duty, or has been deployed during a period of military conflict, will be granted a leave of up to 14 days for each deployment. Leave may be taken intermittently, in which case the total number of hours of leave available is the amount the employee regularly works per day multiplied by 14. The leave can be taken before and during deployment, as well as when the military spouse or domestic partner is on leave from deployment.

Employees should let the Company know within five days of receiving an official notification of a call to duty if they intend to take leave, or as soon as practicable if official notice is received less than five days before the leave is to begin. An employee taking leave under this policy may be required to provide a photocopy of the service member's orders.

Leave under this policy is unpaid, but employees may elect to use accrued paid time off during the leave. For employees who are eligible for leave under the Oregon Family Leave Act (OFLA) and/or the federal Family and Medical Leave Act (FMLA) and have OFLA and/or FMLA leave time remaining, time off under this policy will be counted as part of the total amount of authorized OFLA and/or FMLA leave.

## **Veterans' Day Observance**

The Company will provide employees who are also qualified veterans unpaid time off on Veterans' Day, provided that the employee gives at least 21 calendar days' notice of the intent to take time off on Veterans' Day, provides valid documentation showing they are a qualified veteran, and would otherwise be required to work on Veterans' Day.

Employees should contact their supervisor to make appropriate arrangements. The Company reserves the right to deny requested time off to all qualifying veterans under this policy if it determines that providing such time off would cause significant economic or operational disruption, or undue hardship.

## **SAFETY AND SECURITY**

### **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 using a mobile electronic communication device without a hands-free accessory, including for texting, voice communication, e-mail or navigation, while driving a motor vehicle is a violation of Oregon law, in addition to being a violation of company policy. It is also a violation of Oregon law to hold a mobile electronic device in one's hand while driving.

Oregon law provides that drivers who are over the age of 18 may use a hands-free accessory to conduct cell phone communications. For the safety of employees and the safety of others, the Company strongly suggests that any and all cell phone communications, including those with hands-free accessories, be made only if careful attention to the road is possible.

## **Smoke-Free Workplace**

The Company prohibits smoking in the workplace. Employees wishing to smoke must do so outside of company facilities during scheduled work breaks and must not smoke in outside areas that will allow circulation of smoke into the company's facilities. For example, employees must not smoke within 10 feet of the Company's facilities' ventilation intakes, windows, entrances or exits. For purposes of this policy, "smoking" includes the use of aerosolized or vaporized inhalants, such as nicotine, cannabinoids or other substances that are not FDA approved and marketed solely for a therapeutic purpose.

Employees who 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 Oregon law or this policy.

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