



**WEST VIRGINIA 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.

Copyright 2022 © ComplianceHR

TABLE OF CONTENTS

GENERAL INFORMATION 1

 About This West Virginia Supplement 1

COMMITMENT TO DIVERSITY 1

 Equal Employment Opportunity 1

 Pregnancy Accommodation..... 1

COMPENSATION PRACTICES..... 2

 Meal Breaks..... 2

 Meal Breaks for Employees Under Age 16..... 3

TIME OFF AND LEAVES OF ABSENCE 3

 Jury Duty Leave..... 3

 Time Off to Vote 3

 Military Leave—Reinstatement From Active Duty 4

 Civil Air Patrol Leave 4

 Volunteer Emergency Responder Leave 5

 Leave for Public Officials Performing Public Duties..... 5

WORKPLACE SAFETY AND SECURITY 5

 Cell Phone Use/Texting While Driving 5

 Smoke-Free Workplace 5

 Weapons in the Workplace..... 5

GENERAL INFORMATION

About This West Virginia Supplement

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

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

The West Virginia 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 West Virginia law, which prohibits discrimination and harassment against any employees or applicants for employment based on race, religion, color, national origin, ancestry, sex, age (40 and over), blindness, disability, pregnancy and off-duty, off-premises tobacco use. Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

Pregnancy Accommodation

The Company will provide reasonable accommodation for an employee’s known limitations related to pregnancy, childbirth or related medical conditions, so long as the requested accommodation does not pose an undue hardship. Employees who wish to request an accommodation under this policy should contact a DAHL representative.

Examples of reasonable accommodations include, but are not limited to:

- Bathroom breaks;
- Water breaks;
- Periodic rest;
- Assistance with manual labor;
- Time off for medical appointments;
- Modified work policies or procedures;
- Temporary transfers to less strenuous or hazardous work;
- More time to eat or more frequent food breaks;
- Breaks to take prescribed medication; or
- Access to existing facilities that are more convenient and usable by a woman affected by pregnancy.

Employees requesting an accommodation will need to provide written documentation from a health care provider that specifies the employee's limitations and suggests what accommodations would address those limitations.

COMPENSATION PRACTICES

Meal Breaks

Employees will be provided at least a 20-minute meal break when they work six or more hours. An exception may arise when an employee is afforded necessary breaks and/or has an opportunity and is permitted to eat lunch while working. Meal breaks will occur at times reasonably designated by the Company. Employees may not take a shorter meal period or skip a meal period to leave early.

An uninterrupted meal break lasting 30 minutes or more will be unpaid for nonexempt employees. All nonexempt employees must record their meal breaks.

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

Meal Breaks for Employees Under Age 16

Employees under the age of 16 who work more than five continuous hours will be provided an uninterrupted 30-minute meal break. During the meal break, employees will be relieved of all duties. An uninterrupted 30-minute meal period will be unpaid for nonexempt employees.

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

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

TIME OFF AND LEAVES OF ABSENCE

Jury Duty Leave

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury service subpoenas, attend court for prospective jury service or serve as a juror. Under no circumstances will employees be terminated, threatened, coerced, or penalized because they respond to a jury service subpoena, attend court for prospective jury service or serve as a juror.

Employees must provide their DAHL representative 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 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. Employees who are absent from work while participating in the jury selection process or while serving as a juror will not be asked or required to use any annual, vacation or sick leave during the absence.

Time Off to Vote

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

Employees that have less than three hours outside of working hours to vote while the polls are open may take up to three hours off from work, without loss of pay to vote. Any additional time off will be without pay for nonexempt employees.

Employees must provide written notice of the need for time off at least three days prior to Election Day so that the time off can be scheduled to minimize disruption to normal

work schedules. The Company may specify the hours during which the employee may be absent.

The Company will not penalize any employee for properly requesting or taking leave under this section.

Military Leave—Reinstatement From Active Duty

In addition to the military leave rights set forth in the National Handbook, employees who are members of the organized militia in the active service of West Virginia or another state are entitled to the same reemployment rights granted to members of the reserve components of the U.S. armed forces pursuant to USERRA. “Organized militia” means the West Virginia National Guard, Army and Air National Guard, and the inactive National Guard, including a member, unit, component, element, headquarters, staff or cadre thereof.

Civil Air Patrol Leave

Eligible employees who are members of the West Virginia wing of the Civil Air Patrol will be allowed up to 10 days of unpaid leave annually for the purpose of participating in Civil Air Patrol training for an emergency mission and 30 days of unpaid leave for the purpose of responding to an emergency mission. Employees will not be required to exhaust available leave or time-off benefits prior to taking unpaid Civil Air Patrol leave and will not lose any benefit accrued before the first day of Civil Air Patrol leave.

Employees cannot use Civil Air Patrol leave concurrently with leave under any other provision of state or federal law.

Employees seeking leave to attend training must give the Company 14 days’ notice prior to taking leave and must provide the intended dates of the beginning and end of leave together with an estimate of the time needed to complete the training. Employees seeking leave for an emergency mission must provide as much notice as possible of the intended dates of the beginning and end of leave together with an estimate of the time needed to complete the emergency mission. Employees must notify the Company of any changes in the time required to complete the training or mission.

Employees seeking leave under this policy will be required to verify their eligibility. Failure to do so may result in denial of the request for leave.

Employees will be reinstated to their prior position or to a position with equivalent seniority status, pay, benefits and employment conditions upon return, unless the Company cannot restore the employee because of unrelated circumstances.

The Company will not discharge, fine, suspend, expel, discipline or otherwise penalize a Civil Air Patrol member because of his or her absence due to the use of Civil Air Patrol leave or because the employee opposes a practice that is not in compliance with this policy or the West Virginia law on Civil Air Patrol leave

Volunteer Emergency Responder Leave

The Company will not terminate or discriminate against an employee who is a volunteer firefighter or member of a volunteer emergency medical services and who is late or absent from work to respond to an emergency. The Company will provide unpaid leave for those employees who choose to volunteer their time as a volunteer emergency responder. However, the Company will request, and the employee must provide, a statement from a supervisor indicating that the employee responded to an emergency and providing the date and time of the employee's response.

Leave for Public Officials Performing Public Duties

Employees who are elected or appointed to part-time office are entitled to a leave of absence in order to perform official duties. Time off under this policy will be without pay.

WORKPLACE SAFETY AND SECURITY

Cell Phone Use/Texting While Driving

As is set forth in the National Handbook, the Company prohibits employees from using handheld 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 texting and using a cell phone while driving without a hands-free headset are violations of West Virginia law, in addition to being violations of company policy.

Smoke-Free Workplace

The Company prohibits smoking in the workplace. Employees wishing to smoke must do so outside company facilities during scheduled work breaks.

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

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

Weapons in the Workplace

In the interest of maintaining a workplace that is safe and free of violence, and in accordance with the policy set forth in the National Handbook, the Company generally prohibits the presence or use of firearms and other weapons during the course and scope of employees' employment, regardless of whether the employee is licensed to carry the weapon. However, in compliance with West Virginia law, the Company does not prohibit employees who are lawfully allowed to be present in Company parking

facilities or parking areas from storing their lawfully possessed firearms out of view and in a locked privately owned vehicle or locked in a trunk, glove box or other interior compartment of that vehicle, enclosed in a locked container securely fixed to that vehicle or secured and locked to the vehicle itself using some form of attachment and lock. Such lawfully possessed firearms may not be removed from the employees' personal vehicle or displayed to others.