

## **MASSACHUSETTS ADDENDUM—For Massachusetts Employees Only**

To our Massachusetts employees: please note that wherever Massachusetts law provides for or offers greater protections to our employees, Massachusetts law will govern. All of the policies set forth below may not be applicable to all employees. Please contact a member of the Human Resources Department if you have any questions about any policies in this Addendum.

### **Sexual Harassment Policy**

It is the policy of the Company to provide and maintain a workplace that is free of sexual harassment. Sexual harassment in the workplace is both a violation of Company policy and it is unlawful. This policy applies to all employees of Company, regardless of their position.

Prohibited sexual harassment includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance by creating an intimidating, hostile, humiliating or sexually offensive working environment. In addition, no manager or supervisor, male or female, may sexually harass any employee by making submission to or rejection of sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature either explicitly or implicitly a term or condition of employment or a basis for employment decisions. An employee who engages in sexual harassment is subject to disciplinary action, up to and including termination of employment.

### **Complaint Procedure**

If an employee believes that she or he has been subjected to sexual or other harassment prohibited by this policy, whether by a supervisor, a co-worker or any other person with whom the employee comes in contact in connection with his/her work for the Company, the employee must report the incident immediately to the human resources manager or the employee's supervisor. An employee may choose instead to contact his/her department head or another manager with whom the employee feels comfortable. Any claim may be made orally or in writing.

The Company will handle all complaints of sexual harassment in as confidential and prompt a manner as possible, though recognizing that complete confidentiality is not always possible. Following its investigation and review of the circumstances surrounding each complaint, the Company will take remedial action to it determines are appropriate to end any conduct in violation of this policy, including disciplining any employees it determines engaged in harassing conduct (which may range from warnings, suspensions and demotions to termination of employment), and offer assistance to any employees it deems to have been subjected to harassment.

### **Retaliation Prohibited**

The Company will not permit retaliation of any kind against anyone who complains in good faith about harassment or participates in good faith in an investigation of a harassment complaint.

Such retaliation is both unlawful and a violation of Company policy, and any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

### **Responsible Agencies**

The following agencies are charged with investigating claims of unlawful discrimination, harassment and retaliation:

#### Massachusetts Commission Against Discrimination:

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000

436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester City Hall  
455 Main Street, Room 100  
Worcester, MA 01608  
(508) 799-8010

#### Equal Employment Opportunity Commission:

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

### **MASSACHUSETTS PARENTAL LEAVE**

Massachusetts employees who are not eligible for Family or Medical Leave under the FMLA may be eligible for a leave of absence for childbirth, adoption, or for the placement of a child pursuant to a court order under the Parental Leave Act.

The Company also complies with the Massachusetts PFML law.

Eligible employees are full-time female and male employees who have been employed for at least three (3) months. Employees are eligible for up to eight (8) weeks of unpaid leave for (a) giving birth, (b) caring for a newly placed child under the age of 18 or under the age of 23 if the child is mentally or physically disabled, or (c) for an intended or actual adoption.

The Parental Leave Act also provides that if any two employees of the same employer are the parents to the same child, those employees are only entitled to one aggregate period of eight weeks of leave between them.

The employee who takes leave is generally entitled to be restored to his or her previous or similar position with the same status, pay, and seniority as when the leave period began. These protections apply only to leaves of up to eight weeks. According to the MPLA, the law does not require that an employee be reinstated to a position when employees in similar positions with similar lengths of service and status have been laid off due to economic or other operating conditions. In these circumstances, the employee on leave is to be afforded the same preferential treatment in consideration for another position as he or she would have had at the time that his or her leave period began.

Leave under MPLA is unpaid, though employees may use applicable accrued paid time off while on leave. Where an employee qualifies for leave under the MPLA and the federal FMLA, leave under both statutes will run concurrently.

To obtain a Leave of Absence Medical Certification Form, contact Human Resources.

### **PREGNANT WORKERS**

Employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy. Employers may not treat employees less favorably than other employees based on pregnancy or pregnancy-related conditions, and may not refuse to hire or deny an employment opportunity to an employee because of the employee's request for or use of a reasonable accommodation for pregnancy or a pregnancy-related condition.

To request an accommodation for your pregnancy or a pregnancy-related condition, please contact Human Resources. Upon this request, we will engage in an interactive process to work with you to determine a reasonable accommodation to enable you to perform the essential functions of your job. We will accommodate pregnancy and pregnancy-related conditions unless doing so would post an undue hardship to the company.

An employer cannot require an employee affected by pregnancy or a pregnancy-related condition to accept an accommodation, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job. An employer cannot require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, without undue hardship to the company.

We may require that medical documentation about the need for a reasonable accommodation be provided, however, we will not require medical documentation about the need for an accommodation for pregnancy or pregnancy-related conditions if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk.

## **MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE**

The Family and Employment Security Trust Fund provides eligible employees in Massachusetts with paid leave for the following reasons:

- To bond with a child during the first 12 months after a child's birth or placement with the team member for adoption or foster care.
- Any qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces.
- To care for a family member who is a covered servicemember.
- The employee's own serious health condition.
- To care for a family member's serious health condition.

Employees may use up to:

- 12 weeks of paid family leave in a benefit year
- 26 weeks of paid family leave in a benefit year if the employee uses leave to care for a family member who is a covered service member
- 20 weeks of medical leave in a benefit year
- 26 weeks of combined family and medical leave in a benefit year

An employee's benefit year begins the Sunday immediately before the first day that the employee begins to take job-protected medical or family leave and runs for 52 weeks.

An employee may take family leave for any of the following family members:

- Spouse
- Domestic partner
- Child
- Parent or parent of a spouse or domestic partner
- A person who stood in place of the employee's parent when the employee was a minor
- Grandchild
- Grandparent
- Sibling

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care in a hospital, hospice, or residential medical facility.
- Continuing treatment by a health care provider.

Leaves may be taken intermittently or on a reduced schedule:

- To care for a family servicemember if intermittent or reduced schedule leave is medically necessary.
- Because of any qualifying exigency of a family member on active duty or called to active duty.
- If an arrangement is made with the Company, to bond with a new child or after placement with the employee for adoption or foster care.

When your leave is foreseeable, you must provide the Company with at least 30 days' notice of your anticipated starting date, length of leave, and expected return date. If you are unable to provide 30 days' notice for reasons beyond your control, you must provide notice as soon as is practicable.

When taking leave, you must file a benefit claim with Department of Family and Medical Leave and provide the certification required by the Department. Claims filed more than 90 days after the start of leave may result in reduced benefits.

The Company will restore eligible employees who take family or medical leave to their previous position or to an equivalent position, with the same status, pay, employment benefits, length of service credit, and seniority. However, if similarly situated employees have been laid off because of economic conditions or other operating changes affecting employment during your leave, you may not be eligible for reinstatement to your prior position.

The Company will not interfere with or deny an employee's exercise of any right provided by the Massachusetts Paid Family and Medical Leave Act. The Company will not take any adverse action against an employee because the employee opposes practices which the employee believes to be in violation of this law or supports the exercise of rights of another employee under this law, including filing an action, instituting a proceeding, providing information in connection with an inquiry or proceeding, or testifying or intending to testify in any inquiry or proceeding.

Leave under this policy will run concurrently with other leaves, including but not limited to the federal Family and Medical Leave Act and the Massachusetts Parental Leave Act.