

NEW JERSEY ADDENDUM—For New Jersey Employees Only

To our New Jersey employees: please note that wherever New Jersey law provides for or offers greater protections to our employees, New Jersey 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.

New Jersey Family Leave Act Policy

Employees working in New Jersey may be eligible for family leave under the New Jersey Family Leave Act (NJFLA), as described below. This policy is only a summary of Employees' rights under the NJFLA. If there are any differences between the NJFLA and the summary below, the NJFLA will govern.

Eligibility for NJFLA

To be eligible for NJFLA leave, an employee must: (1) have been employed by the Company in New Jersey for at least 12 months, (2) have worked for the Company for at least 1000 hours in the 12 months preceding the date the leave is requested to begin, **and** (3) work for an employer with at least 30 employees.

Please contact the Human Resources Department to determine whether you are eligible for NJFLA leave.

Leave Entitlement

An eligible employee is generally entitled to 12 workweeks of unpaid leave in a 24-month period (a rolling 24 month period measured backward from the date the leave is requested to begin) for the following reasons: 1) to care for a family member with a serious health condition ("caregiver leave"); or 2) to care for a newborn child or a child placed with the Employee through adoption or foster care ("bonding leave"); or 3) to provide care or treatment of a child during a state of emergency if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease or other public health emergency ("epidemic related school closure leave").

NJFLA bonding leave must be commenced (not completed) within 12 months of the child's birth, adoption, or foster care placement.

If an employee requests leave for a reason that is covered by both the NJFLA and another leave law (such as the FMLA or the SAFE Act) the leave will count simultaneously against the employee's entitlement under each respective law.

The terms "family member," "child" and "serious health condition" have specific definitions under the NJFLA. Please contact your Supervisor or Human Resources for more information.

Substitution of Accrued Paid Leave

NJFLA leaves of absence are generally granted without pay. However, employees may be eligible for compensation while absent on NJFLA leave in certain circumstances:

Employees may elect to use available paid time off while on NJFLA leave.

Employees may be eligible to receive Family Leave Insurance (wage replacement) benefits from the State of New Jersey while on NJFLA leave. Please see section below entitled “Compensation from the State – FLI Benefits” for a complete discussion of Family Leave Insurance Benefits.

Even if not requested by an employee, the Company may require employees to use available paid time off while on NJFLA leave. However, employees will not be required to use available PTO in lieu of Family Leave Insurance (FLI) benefits. If an employee applies and qualifies for FLI benefits from the State, the employee may elect to receive FLI benefits before being required to use his/her available accrued PTO. If an employee’s leave continues after the employee has exhausted his/her FLI benefits, then the employee will be required to use all available accrued PTO. After exhaustion of all available accrued PTO, the leave will be unpaid.

PTO time and time while FLI benefits are received will run concurrently with NJFLA leave.

Intermittent/Reduced Schedule Leave

Employees may take NJFLA bonding leave on a continuous, intermittent, or reduced work schedule basis.

Employees may take NJFLA caregiver leave on a continuous basis or, when certified as medically necessary by a health care provider, on an intermittent or reduced work schedule basis.

NJFLA leave taken on an intermittent basis or a reduced schedule basis must be completed in a 12 consecutive month period.

Requesting and Scheduling Leave

Bonding Leave

When an employee takes bonding leave on a continuous basis, the employee must give the Company 30 days’ advance notice when the need for leave is foreseeable, and if not, as much notice as possible.

When an employee takes bonding leave on an intermittent or reduced leave schedule basis, the employee must give the Company 15 days’ advance notice when the need for leave is foreseeable, and if not, as much notice as possible. The employee should make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the Company and, if possible, provide the Company, prior to the first day of intermittent leave, with a regular schedule of the days or days of the week on which the intermittent leave will be taken.

Caregiver Leave

When an employee takes caregiver leave on a continuous basis, the employee must give the Company 30 days’ advance notice if possible, and if not, as much notice as possible.

When an employee takes caregiver leave on an intermittent or reduced leave schedule basis, the employee must give the Company 15 days’ advance notice if possible, and if not, as much notice as possible. The employee should make a reasonable effort to schedule the leave so as not to unduly

disrupt the operations of the Company and, if possible, provide the Company, prior to the first day of intermittent leave, with a regular schedule of the days or days of the week on which the intermittent leave will be taken.

Epidemic Related School Closure Leave

When an employee takes epidemic-related school closure leave on a continuous basis, the employee must give the Company as much notice as possible.

When an employee takes epidemic related school closure leave on an intermittent basis, the employee must give 1) prior notice to the Company as soon as practicable and 2) make a reasonable effort to schedule the intermittent leave so as not to unduly disrupt the operations of the Company and, if possible, provide the Company before leave is taken with a regular schedule of the day(s) when intermittent leave will be taken.

Even in the absence of a request for family leave, the Company will designate leave taken for reasons that qualify as family leave as approved NJFLA leave and charge the leave taken against the employee's NJFLA leave entitlement.

Required Certifications

At the time an employee requests family leave, he/she will be requested to submit an appropriate Certification (in some cases the Company's Certification request may be made after the employee's leave request is made, such as in the case of unforeseen leave). Blank Certification forms are available from the Human Resources Department.

An employee must return the required Certification to the Supervisor or Human Resources Department within 15 days after the employee requests leave, unless it is not practicable under the circumstances to do so. In such cases, the employee must return the completed Certification as soon as possible and practical. If an employee fails to provide timely Certification after being requested to do so, the employee's leave request may be denied until the Certification is provided.

If the Certification submitted by the employee is incomplete or insufficient, the employee will be given written notification of the information needed and will have seven (7) days after receiving such written notice to provide the necessary information, unless it is not practicable under the circumstances to do so. If an employee fails to cure the deficiencies after being requested to do so, the employee's leave request may be denied.

In cases where the Company does not agree with the assessment of the employee's family member's health care provider, the Company may require a second opinion at the Company's expense by another health care provider. In the case of a conflict between the first two opinions, the Company may require, and must pay for, a third opinion by a health care provider jointly designated by the Company and the employee. The third opinion will be binding.

In cases where the employee requests epidemic-related school closure leave, the Company may request a certification issued by the employee's child's school or place of care setting forth the date of and reason for the closure.

Job/Benefits Protection

An eligible employee who takes leave is entitled, upon return from leave, to be reinstated to his or her previous position of employment, or to an equivalent position with equal pay, benefits and other terms and conditions of employment. There are certain exceptions to this requirement, including in the case of layoffs that occur during leave affecting the Employee's position and in the case of "Key Employees."

Employees must notify the Company of their intention to return to work at least two weeks prior their return to work date. An employee who desires to return to work earlier than scheduled must give the Company at least two (2) days prior notice of his/her intent.

An employee who takes family leave is not entitled to the accrual of additional benefits or seniority that would have occurred during the period of leave. However, employees are entitled to accrue hours of service (service credit) during periods of paid leave.

Compensation from the State – FLI Benefits

A New Jersey employee who takes bonding or caregiver leave may be eligible for Family Leave Insurance (FLI) benefits from the State. FLI benefits are intended to compensate employees for wage loss experienced while taking these types of family leave. Employees who apply and qualify for FLI benefits are eligible to receive 85% of their average weekly wage (up to a maximum set by the State) for a maximum of 12 weeks when leave is taken on a continuous basis or in intermittent weekly increments (or 56 days when leave is taken in intermittent daily increments) per 12-month period.

During a state of emergency declared by the governor or an indication by a health authority that one is needed, FLI benefits may also be available for up to 12 weeks for leave to care for a family member of the employee due to an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of the communicable disease, or provide in-home care or treatment of the family member of the employee, as a result of (i) the issuance by a healthcare provider or the commissioner or other public health authority of a determination that the presence in the community of the family member may jeopardize the health of others; and (ii) the recommendation, direction, or order of the provider or authority that the family member be isolated or quarantined as a result of suspected exposure to a communicable disease.

The following additional eligibility terms apply to FLI benefits:

- Employees may receive FLI benefits for bonding leave taken on a continuous basis or an intermittent basis. Employees may receive FLI benefits for caregiver leave taken on a continuous basis or, when certified as medically necessary, on an intermittent basis.
- Employees must give the Company at least 30 days' notice prior to commencing bonding leave on a continuous basis, unless the commencement time of the leave is unforeseeable. Employees intending to take such leave on an intermittent basis must give the Company at least 15 days prior notice, unless an unforeseen emergency precludes prior notice.

- Employees must give the Company notice in a reasonable and practicable manner prior to commencing caregiver leave on a continuous basis, unless an unforeseen emergency precludes prior notice. Employees intending to take such leave on an intermittent basis must give the Company at least 15 days prior notice, unless an unforeseen emergency precludes prior notice.
- Employees apply for FLI benefits from the State by submitting a claim form to the State, which are available from the Human Resources Department.
- Eligibility for FLI benefits is determined by the State, not the Company.

Employees who take bonding or caregiver leave under the NJFLA are permitted to, but not required to, apply for FLI benefits from the State. If an employee elects not to apply for FLI benefits when taking bonding or caregiver leave, the Company's normal rules regarding the substitution of paid leave will apply.

An employee may be eligible for FLI benefits from the State even if he/she is not eligible for family leave under the NJFLA.

The Company may require certification from a health care provider supporting the need for FLI.

A separate notice describing employees' rights to FLI benefits is available from the Human Resources Department.

NJ Temporary Disability Insurance (TDI) Benefits

An employee may also be eligible for TDI benefits from the State due to 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 the communicable disease, which requires in-home care or treatment of the employee due to: (i) the issuance by a health care provider or the commissioner or other public health authority of a determination that the presence in the community of the employee may jeopardize the health of others; and (ii) the recommendation, direction, or order of the provider or authority that the employee be isolated or quarantined as a result of suspected exposure to a communicable disease.

Additional information is available from the Human Resources Department.

Domestic Violence/Sexual Assault Victim Leave Policy

Under the New Jersey Security and Financial Empowerment Act (SAFE Act), an eligible employee who (1) is a victim of an incident of domestic violence or sexual assault or (2) whose family member is a victim of such an incident, is entitled to unpaid leave for various medical and legal purposes, as explained below. This policy is only a summary of employees' rights under the SAFE Act. If there are any differences between the Act and the summary below, the Act will govern.

Eligibility for Leave

To be eligible for leave, an employee must: (1) have been employed by the company for at least 12 months, (2) must have worked at least 1,000 hours during the 12-month period immediately preceding the leave, **and** (3) work for an employer with at least 25 Employees.

Please contact the Supervisor or Human Resources Department to determine whether you are eligible for SAFE leave.

Reasons for Leave

An eligible employee may take leave for purposes of:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
- Obtaining services from a victim services organization for the employee or the Employee's family member;
- Obtaining psychological or other counseling for the employee or the employee's family member;
- Participating in safety planning, temporarily or permanently relocating, or taking 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;
- Seeking 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
- Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member was a victim.

Amount of Leave

Under the SAFE Act, an eligible employee is entitled to 20 days of unpaid leave during the 12-month period following an incident of domestic violence or sexual assault for any of the reasons stated above. An eligible employee is also entitled to 20 days of unpaid leave for any subsequent incidents of domestic violence or sexual assault, but no more than 20 days of leave may be taken during any 12-month period. Leave may be taken intermittently in intervals of no less than a day.

Substitution of Paid Leave/Coordination with Other Leave Laws

SAFE leaves of absence are generally granted without pay. However, employees may be eligible for compensation while absent on SAFE leave in certain circumstances:

Employees may elect to use available accrued paid time off ("PTO") while on SAFE leave.

An employee who is disabled as a result of an incident of domestic violence or sexual assault may be eligible for Temporary Disability Insurance (wage replacement) benefits from the State of New Jersey while on SAFE leave. Please contact the Supervisor or Human Resources Department for more information.

Employees who are not disabled but otherwise eligible for SAFE leave may be eligible to receive Family Leave Insurance (wage replacement) benefits from the State of New Jersey while on SAFE

leave. Please see section above in the New Jersey Family Leave Act (“NJFLA”) Policy entitled “Compensation from the State – FLI Benefits” for a complete discussion of Family Leave Insurance Benefits.

Even if not requested by an employee, the Company may require employees to use available accrued paid time off while on SAFE leave. However, employees will not be required to use available paid time off in lieu of Family Leave Insurance (FLI) benefits. If an employee applies and qualifies for FLI benefits from the State, the employee may elect to receive FLI benefits before being required to use his/her available paid time off. If an employee’s leave continues after the employee has exhausted his/her FLI benefits, then the employee will be required to use all available paid time off. After exhaustion of all available paid time off, the leave will be unpaid.

If an employee requests leave for a reason that is covered by both the SAFE Act and the NJFLA, the leave will count simultaneously against the employee’s entitlement under each respective law.

PTO time and time while FLI benefits are received will run concurrently with SAFE leave.

Requesting and Scheduling Leave

If the need for leave under this policy is foreseeable, an employee must provide the Company with advance written notice of the need for leave. The notice must be provided to the Store Manager on duty or Human Resources Department as far in advance as is reasonable and practical under the circumstances, unless an emergency or other unforeseen circumstances precludes prior notice.

Required Documentation

An employee must submit documentation in support of his/her leave request. Any one of the following forms of documentation will be deemed sufficient:

- A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- 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, 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, member of the clergy, shelter worker, or other professional who has assisted the employee or the employee’s family member.

Confidentiality

The Company will maintain the confidentiality of any documentation provided by an employee in support of his/her leave request, and any information regarding a leave taken under this policy and, if applicable, the employee's failure to return to work, unless disclosure is voluntarily authorized in writing by the employee or is required by a federal or state law, rule, or regulation.

Employees are advised that any information they submit to the Company regarding their SAFE Act leave should be directed to Human Resources.

Discrimination and Retaliation Prohibited

Discharging, harassing, or otherwise discriminating or retaliating against any employee for exercising his/her rights under the NJ SAFE Act is strictly prohibited. An employee who believes he/she has been subjected to any such improper conduct should contact the Human Resources Department immediately.

Conscientious Employee Protection Act "Whistleblower Act"

It is unlawful in New Jersey for an employer to take retaliatory action against any Employee who discloses, threatens to disclose, objects to, or provides information to a governmental body about, any activity that the employee reasonably believes is unlawful, fraudulent, criminal, or incompatible with a clear mandate of public policy. Employees who are aware of any such activity, or who believe they have been subjected to retaliation for disclosing, threatening to disclose, objecting to, or providing any information about any such activity, should immediately report the matter to the designated Company contact.