

NEW YORK ADDENDUM—For New York Employees Only

To our New York employees: please note that wherever New York law provides for or offers greater protections to our employees, New York 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 York Paid Family Leave

The New York Paid Family Leave Law provides eligible employees with paid family leave (“PFL”) in order to bond with a new child (including absences required to meet adoption and foster care obligations), care for a family member with a serious health condition, or care for a military member who has been called into active military service, as described in greater detail below.

Employee Eligibility Generally

Employees who are regularly scheduled to work 20 or more hours per week will become eligible to take PFL after the employee has worked 26 consecutive weeks for the Company. Employees who are regularly scheduled to work less than 20 hours per week will become eligible to take PFL after 175 days are worked for the Company.

Waiver of Benefits

Employees may opt to file a waiver of PFL benefits if their regular employment schedule is (1) 20 hours or more per week but the employee will not work 26 consecutive weeks; or (2) less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period. Employees who file a waiver will not have payroll deductions taken to cover PFL benefits.

Within 8 weeks of any change in the regular work schedule of such an employee that requires the employee to continue working for 26 consecutive weeks or 175 days in a 52 consecutive week period, any waiver under this provision will be deemed revoked, and the affected employee must begin making contributions to the cost of PFL benefits, including any retroactive amounts due from date of hire, as soon as notified of such by the Company.

Types of PFL

Leave to Care for a Family Member with a Serious Health Condition

Eligible employees are permitted to take PFL to provide care for a recipient with a serious health condition so long as:

1. The employee is ***Providing Care*** for a recipient who is a ***Family Member*** with a ***Serious Health Condition***, which includes, but is not limited to, illness, injury, impairment, or physical or mental condition that involve inpatient care in a hospital, hospice, or residential health care facility or ***Continuing Treatment or Continuing Supervision by a Health Care Provider***; and

2. The employee is in close and continuing proximity to the care recipient. This means present at the same location as the family member during the majority of the employment period from which leave has been taken. Travel for the purpose of securing medication or arranging care for the family member, or for other reasons determined to be reasonably related to providing care, is permitted.

For purposes of this policy:

Providing Care may include necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

Family Member includes spouses, domestic partners, children, parents, parents-in-law, grandparents, and grandchildren.

Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or Continuing Treatment or Continuing Supervision by a Health Care Provider.

Continuing Treatment or Continuing Supervision by a Health Care Provider may mean one or more of the following:

1. A period of more than three consecutive, full days during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. ***Treatment*** two or more times by a health care provider; or
 - ii. ***Treatment*** on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider.
2. Any period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include but are not limited to asthma, diabetes, and epilepsy
3. A long-term or permanent period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include, but are not limited to, Alzheimer's, a severe stroke, or the terminal stages of a disease.

4. A period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated because he or she is receiving treatment (including any period of recovery therefrom) by a health care provider for:
 - i. Restorative surgery after an accident or other injury; or
 - ii. A condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of medical intervention or treatment. Examples include, but are not limited to, cancer (e.g., chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis).

Treatment includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition (e.g., therapy requiring special equipment to resolve or alleviate the health condition). *Treatment* does not include routine examinations.

Bonding Leave and Adoption or Foster Care Obligations

Eligible employees are permitted to take PFL to bond with their newborn child for the first year of the child's life, with a recently adopted child for the first year of the adoption, or with a child recently placed into foster care with them for the first year of the placement. Eligible employees may also take family leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. This includes, but is not limited to, leave due to counseling sessions, court appearances, or travel to another country to complete an adoption. Eligible employees' entitlement to PFL under this section expires at the end of the consecutive 52 week period beginning on the date of the birth or placement.

Military Caregiver Leave

Eligible employees are permitted to take PFL for purposes identified under the federal Family and Medical Leave Act ("FMLA") when their spouse, domestic partner, child, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the armed forces of the United States. PFL may not be used for an employee's *own* qualifying military event.

Requesting Leave

As described below, eligible employees have certain obligations and responsibilities both before and during PFL. Eligible employees must comply with the following obligations in connection with any PFL.

Timing to Provide Notice of the Need for PFL

Foreseeable Leave

For foreseeable events, an employee must provide at least 30 days advance notice before PFL is to begin. "Foreseeable" events generally include an expected birth, placement for adoption or foster care; planned medical treatment for a serious health condition of a family member; the planned medical treatment for a serious injury or illness of a covered service member; or other known military exigency.

When the need for PFL is foreseeable and an employee fails to give 30 days' advance notice, the employee's claim may be partially denied for a period of up to 30 days from the date notice is provided.

Unforeseeable Leave

If 30 days advance notice is not practicable for reasons such as a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable under the facts and circumstances of the qualifying event. The employee shall advise the Company as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

When an employee becomes aware of a qualifying event less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. An employee must request payment for a previously unspecified day of family leave within thirty days of the leave.

Intermittent Leave

Employees taking intermittent PFL must advise the Company of the schedule for intermittent PFL and provide notice as soon as is practicable before each day of intermittent PFL.

Content of Notice of the Need for PFL

Eligible employees must provide notice to the Company sufficient to make the Company aware of the qualifying event and the anticipated timing and duration of the leave. The employee shall identify the type of PFL when providing such notice to the Company.

Employee Documentation

Eligible employees will need to file a Request for Paid Family Leave form and documentation in support of their PFL request to Human Resources. A claim form may be obtained from Human Resources or the New York State Paid Family Leave website. To justify an employee's request for PFL, an employee will be required to present a certification from the health care provider treating the employee's family member or, if the leave is following birth of a child, the health care provider treating the mother of the child. For adoption and foster care, different types of documentation will be needed. If you are taking PFL for a qualifying military event, you will need to present copies of Duty Papers or other supporting documentation. No benefits shall be paid by the carrier until the completed Request for Paid Family Leave, together with any necessary certifications or proof of claim documentation, has been submitted to the carrier.

PFL Duration and Pay Generally

The maximum PFL benefit is based on the New York State Average Weekly Wage (NYSAWW). The maximum benefit will increase on January 1, 2024 to \$1,151.16. Employees may take the maximum benefit length in any given 52-week period. The 52-week clock begins to run on the first day the employee takes PFL. Employees may not receive both disability benefits and family leave benefits for the same period.

Duration of Intermittent Leave

Employees taking PFL in daily increments will be eligible for the maximum period of paid family leave calculated based on the average number of days worked per week with a maximum of 60 days per year for employees working at least 5 days per week.

When an employee requests PFL in daily increments, rather than as a weekly benefit, the daily benefit will be calculated based on the employee's average weekly wage divided by the average number of days the employee worked per week. In arriving at the average number of days the employee worked per week for the purpose of determining the employee's wage for one day, the Company will average the number of days the employee worked per week over the last 8 weeks the employee worked.

FMLA and PFL

In situations in which an employee is eligible for both PFL and FMLA leave, FMLA leave will run concurrently with PFL. When the total hours taken for FMLA in less than full day increments reaches the number of hours in an employee's usual work day, the Company will deduct one day of PFL benefits from the employee's annual available PFL benefit.

Use of Accruals

Employees are permitted to charge all or part of their PFL time to unused accruals or other paid time off and receive their full salary while on PFL, as opposed to the partial salary provided under the PFL. Employees whose PFL has also been designated as FMLA leave will be required to exhaust their unused vacation in connection with the portion of their PFL leave that runs concurrently with their FMLA leave.

Health Insurance During PFL

Healthcare benefits will be maintained while an employee is on PFL, provided that the employee continues to make any normal contributions to the cost of the health insurance premiums while on leave and is not more than 30 days late in payment of such premium.

Reinstatement to Position and Benefits

An employee who has received PFL benefits generally has the right to return to the same or equivalent position at the conclusion of his or her leave, with equivalent pay, benefits, and other employment terms.

No Discrimination of Retaliation

The Company will not retaliate or discriminate against an employee for exercising rights under the New York State Paid Family Leave Law. An employee who feels that he or she has been discriminated against or retaliated against due to an assertion of PFL rights should contact Human Resources.

MEAL PERIODS

A nonexempt employee who works a shift of more than 6 hours which extends over the noon meal period (11 a.m. to 2 p.m.) is entitled to a 30 minute meal period to be taken between 11 a.m. and 2 p.m. If an employee starts his or her shift before 11 a.m. and continues after 7 p.m., the employee is entitled to both the 30 minute noon meal period and an additional 20 minute break between 5 p.m. and 7 p.m. The 30 minute meal period will be unpaid and employees will be required to record the starting and ending time of the 30 minute break.

An employee who works a shift of more than 6 hours starting between the hours of 1:00 p.m. and 6:00 a.m. is entitled to a meal period of at least 45 minutes in the middle of his or her shift. The 45 minute meal period will be unpaid and employees will be required to record the starting and ending time of the 45 minute meal break.

ELECTRONIC MONITORING

In accordance with New York law, we are notifying all employees that all Company electronic resources and information, including e-mail messages, internet searches, and files, that are created, sent, or retrieved over the Company's technical resources are the property of the Company, and should not be considered private or confidential. Employees have no right to privacy as to any information or file transmitted or stored through the Company's computer, voice mail, cell phone, e-mail, text messages, or telephone systems. Any electronically stored information that you create, send to, or receive from others may be retrieved and reviewed when doing so serves the legitimate business interests and obligations of the Company. The Company reserves the right to monitor your use of its technical resources at any time. All information including text and images may be disclosed to law enforcement or to other third parties without prior consent of the sender or the receiver.

By signing this handbook, you acknowledge and consent to such electronic monitoring of any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems at any and all times and by any lawful means.

SEXUAL HARASSMENT PREVENTION POLICY

The Company is committed to a discrimination-free work environment, which includes maintaining a workplace free from all types of harassment, including sexual harassment. *This policy supplements the Company's anti-harassment policy.*

Sexual harassment is offensive, a violation of our policies, and a form of employee misconduct. Employees of every level, including managers and supervisors, who engage in sexual harassment, or who allow such behavior to continue, will be disciplined for such misconduct, in accordance with this policy.

SCOPE

This policy, as well as New York State law, applies to all employees, applicants for employment, interns (paid or unpaid), non-employees, and persons conducting business with the Company, regardless of immigration status ("Covered Individuals"). A non-employee is someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant, intern (paid or unpaid), or anyone providing services in the workplace. Notwithstanding the application of this policy to such individuals, nothing herein creates an employment relationship.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur, for example, while Covered Individuals are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by Covered Individuals can constitute unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or outside of work hours.

All employees must review this policy and commit to maintaining a work environment free from sexual harassment. In addition, all employees must complete annual sexual harassment training. An employee's failure to comply with this policy and/or failure to complete annual training may result in appropriate remedial and/or disciplinary action, up to and including termination of employment.

WHAT IS "SEXUAL HARASSMENT"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local laws. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and/or the status of being transgender.

Sexual harassment includes unwelcome conduct that is either of a sexual nature or directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence that is of a sexual nature or directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, that cause the recipient discomfort or humiliation, and/or that interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Sexual harassment can occur by males against females, by females against males, or by or between individuals of the same or opposite sex or gender. It is important to know that sexual harassment can occur between any individuals, regardless of their sex or gender.

A harasser can be a superior, a subordinate, a coworker, or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer, or visitor.

Sexual harassment may be a single incident or a series of harassing acts. Any harassing conduct, even a single incident, may be addressed under this policy.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

EXAMPLES OF SEXUAL HARASSMENT

The following describes some of the acts that may be unlawful sexual harassment and that are strictly prohibited:

- Verbal statements, such as:
 - Making lewd or sexual comments about an individual's appearance, body, or style of dress; or
 - Making sexist remarks or derogatory comments based on gender.
- Physical acts of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body; or
- Rape, sexual battery, or molestation, or any attempt to commit these acts.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments; or
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience that create a hostile work environment.
- Sex stereotyping, which may occur when conduct or personality traits are considered inappropriate because they may not conform to ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic; or
 - Sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work; or
 - Bullying, yelling, or name-calling because of sex, sexual orientation, gender identity, and/or the status of being transgender.

The legal definition of sexual harassment under federal, state, and local law is broad and, in addition to the above examples, other sexually oriented conduct, whether or not it is intended, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.

WHERE CAN SEXUAL HARASSMENT OCCUR?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

SUPERVISORY RESPONSIBILITIES

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, or for any reason suspect that sexual harassment is occurring are required to report such suspected sexual harassment to their manager or Human Resources Representative.

A supervisor's or manager's failure to report such conduct may result in disciplinary action, up to and including termination of employment. Supervisors and managers may also be subject to disciplinary action if they engage in, or in any way condone, sexually harassing conduct. Supervisors and managers will also be subject to discipline, up to and including termination of employment, for engaging in retaliation.

RETALIATION PROHIBITED

The Company strictly prohibits retaliation against anyone who reports, in good faith, an incident of sexual harassment, provides information about suspected sexual harassment, or otherwise assists or participates in any investigation of a sexual harassment complaint. Any Covered Individual who believes that he or she has been subject to retaliation should immediately report such conduct to a manager or human resources staff member. Specific reporting contact options and information is provided below.

No Covered Individual will be subject to adverse action because he or she reports, in good faith, an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint.

Any employee who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination of employment.

WHAT IS RETALIATION?

Retaliation is unlawful under federal, state and applicable local law, as well as our policies. The Company prohibits any adverse employment action or any action that is likely to deter a person from engaging in protected activity. Protected activity occurs when an individual has, in good faith:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under any federal, state or local anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were

unlawful. However, this anti-retaliation provision does not protect persons making intentionally false charges.

REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone's responsibility. The Company cannot prevent or remedy sexual harassment unless it knows about it. Any Covered Individual who has been subjected to behavior that may constitute sexual harassment, or anyone who witnesses or becomes aware of potential instances of sexual harassment, should report such behavior to a manager or Human Resources representative.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a complaint is available at from Human Resources ("Complaint Form"). All Covered Individuals are encouraged to use this Complaint Form. Covered Individuals who report sexual harassment on behalf of others are encouraged to use the Complaint Form and note that it is on another person's behalf. If a complaint is verbal, the individual making the complaint is encouraged to complete the Complaint Form in writing. If he or she refuses, the person receiving the complaint should prepare a Complaint Form based on the verbal reporting.

Any Covered Individual who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment or a business relationship, or other appropriate remedy.

INVESTIGATION OF SEXUAL HARASSMENT

All complaints or information (whether submitted verbally or in writing) about sexual harassment will be investigated. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough, and the Company will strive to complete its investigation in a timely manner. Information will be shared on a need-to-know basis only; however, others named or who may have information about the complaint will be notified and will have an opportunity to supply relevant information. The investigation will be conducted in a way that is impartial and fair to all participants.

All Covered Individuals are required to cooperate in an investigation of suspected sexual harassment. Covered Individuals who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations will generally be completed in accordance with the following steps:

- Upon receipt of a complaint, Human Resources will conduct an immediate review of the allegations, and may take any interim actions as deemed appropriate.
- Human Resources will request and review all relevant documents, including all electronic communications, and will take appropriate steps to preserve all documents, e-mails, and/or phone records relevant to the investigation.
- Human Resources will interview all relevant parties involved, including any relevant witnesses.

- Human Resources will create written documentation of the investigation, which may contain the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Human Resources will take appropriate steps to keep written documentation and associated documents in the Company's secure and confidential files.

Upon completion of the investigation, a determination will be made as to whether the conduct at issue violates the policy, and/or the nature of the disciplinary action or other corrective measures, if any, to be imposed. Human Resources will notify the reporting individual and the individual(s) about whom the complaint was made, and any corrective actions will be implemented promptly.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

All Covered Individuals have a legal right to a workplace free from sexual harassment, and in addition to the internal process at the Company, Covered Individuals may also enforce this right by filing a complaint with a government agency or by pursuing available remedies in court under federal, state, or applicable local antidiscrimination laws. There is no cost to file with these governmental agencies.

Each of the agencies listed below can conduct impartial investigations, facilitate conciliation, and if the agency finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court or hearing and/or award relief, which varies but may include requiring the Company to take action to stop the harassment, or redress the damage caused, including payment of monetary damages, attorney's fees and civil fines. Courts may also award remedies if a violation of law is found.

Complaints with the New York State Division of Human Rights, United States Equal Employment Opportunity Commission, and the New York City Commission on Human Rights are subject to applicable statute of limitations. In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in federal or state court in accordance with the applicable procedural requirements and within the applicable statute of limitations. Complaining internally to the Company does not extend your time to file with an agency or in court. Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The contact information for each of these agencies is set forth below.

New York State Division of Human Rights

One Fordham Plaza, Fourth Floor,
Bronx, New York 10458
(888) 392-3644 or (718) 741-8400
www.dhr.ny.gov or
www.dhr.ny.gov/complaint

**United States Equal Employment
Opportunity Commission (EEOC)**

The EEOC has district, area, and field
offices where complaints can be filed.
1-800-669-4000 (TTY: 1-800-669-6820)
E-mail: info@eeoc.gov
www.eeoc.gov

**New York City Commission on Human
Rights**

Law Enforcement Bureau of the NYC
Commission on Human Rights
22 Reade Street, 1st Floor
New York, New York 10006
311 or (212) 306-7450
www.nyc.gov/html/cchr/html/home/home.shtml

The Local Police Department

If the harassment involves unwanted
physical touching, coerced physical
confinement or coerced sex acts, the conduct
may constitute a crime. Contact the local
police department

**PROHIBITION OF DISCRIMINATION BASED ON REPRODUCTIVE
HEALTH DECISION MAKING**

The Company prohibits harassment, discrimination, or retaliation against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service. The Company prohibits any practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the employee's or employee's dependent's reproductive health decisions. The Company prohibits anyone from requiring that an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service. The Company will not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

Complaint and Reporting Procedure

Employees must immediately report any violation or suspected violation of this policy to their manager and Human Resources. All supervisors and managers are required to report any such information or complaints to Human Resources.

An employee may bring a civil action in court. If a violation of an employee's reproductive health rights has been found, the court has the power to award damages and other available relief.

Retaliation Prohibited

The Company, as well as applicable state law, strictly prohibits discrimination and retaliation against anyone who, in good faith, reports or provides information about suspected violation of

this policy. For purposes of this policy, retaliation or retaliatory personnel action means discharging, suspending, demoting, or otherwise penalizing an employee for: (a) making or threatening to make, a complaint to an employer, co-worker, or to a public body, that rights related to reproductive health decisions have been violated; (b) causing to be instituted any proceeding under or related to this section; or (c) providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by such employer.

Anyone who is found to have violated this policy will be will be subject to disciplinary action, up to and including termination of employment.

LACTATION POLICY

Introduction and Purpose

Section 206-c of the New York State Labor Law gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business. With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space the Company is required to provide for breast milk expression, how to notify the Company about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

The Company provides this policy in writing to all employees when they are hired and again every year after. The Company will also provide the policy to employees as soon as they return to work following the birth of a child.

Using Break Time for Breast Milk Expression

The Company provides reasonable unpaid break time for its employees to express breast milk. In addition, employees are also permitted to use their paid break time or meal time to express breast milk. This time will be provided for up to three years following childbirth. The Company provides unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and the Company provides reasonable break times based on the individual. The Company will not discriminate in any way against an employee who chooses to express breast milk in the workplace.

An employee will be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the Company's normal work hours. However, an employee is not required to make up their unpaid break time.

While the Company does not require employees to work while expressing breast milk, nothing in Labor Law 206-c prevents employees from voluntarily choosing to do so. Time working while expressing breast milk will be compensated.

Unpaid breaks provided for the expression of breast milk will be at least twenty minutes. However, if the designated lactation room where such break is be taken is not close to an employee's work station, the provided break will be at least thirty minutes. An employee will be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they need to give the Company reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the Company the time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to Human Resources. The Company will respond to this request for a room or other location to express breast milk in writing within five days.

The Company will notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Lactation Room Requirements

In addition to providing the necessary time during the workday, the Company will provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression will not be a restroom or toilet stall.

The Company will endeavor to ensure that the room or other location will:

- Be close to an employee's work area;
- Provide good natural or artificial light;
- Be private – both shielded from view and free from intrusion;
- Have accessible, clean running water nearby;
- Have an electrical outlet (if the workplace is supplied with electricity);
- Include a chair; and
- Provide a desk, small table, desk, counter or other flat surface.

There does not need to be a separate space for every nursing employee. The Company may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, The Company may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression will be close to the work area of the employee(s) using the space. The space will be in walking distance, and the distance to the location will not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, the Company may use a vacant office or other available room on a temporary basis. This room will not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle will only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other

employees while being used for breast milk expression. The cubicle walls will be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it will be covered with a curtain, blind or other covering.

In addition, the lactation space will have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, the Company will utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, the Company will allow employees to use it to store breast milk. However, the Company is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk will be maintained and clean at all times.

If the Company can demonstrate undue hardship in providing a space with the above requirements, the Company will still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy that meets as many of the requirements as possible. Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." However, the Company will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location. For employees in New York City, if a lactation accommodation request poses an undue hardship to the Company, the Company will engage in a cooperative dialogue with the requesting employees.

New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, the employee should contact the New York State Department of Labor's Division of Labor Standards by calling at 1-888-52-LABOR, emailing LSAsk@labor.ny.gov, or visiting the nearest Labor Standards office to personally file a complaint.

A list of New York State Department of Labor offices is available at dol.ny.gov/location/contact-division-labor-standards. *Complaints are confidential.*

Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.