

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. 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.

Determinations of whether particular language or conduct is subject to disciplinary action under this policy are made on an individual basis, in light of all of the circumstances. The following, however, are some examples of conduct that may be considered sexual harassment, depending on the circumstances, and are prohibited by Company policy:

- Comments to, or about, any employee or his/her appearance that are sexually graphic or would otherwise tend to be degrading.
- Unwelcome physical contact of a sexual nature.
- Unwelcome jokes or other remarks with sexual content that is graphic or may otherwise be offensive to others.
- Display of objects, posters or pictures of a sexual nature.
- A repetition of any words or conduct of a sexual nature after the person addressed has indicated that such words or conduct is unwelcome.
- Questions regarding sexual conduct.
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive or obscene gestures.
- Threats, either explicitly or implicitly, that an individual's refusal to submit to sexual advances or sexual conduct will adversely affect his or her employment, evaluation, wages, advancement, assigned duties, benefits, or any other material aspect 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 should 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

Phone: (413) 739-2145

Worcester City Hall

455 Main Street, Room 100

Worcester, MA 01608

Phone: (508) 799-8010

Equal Employment Opportunity Commission:

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

(800) 669-4000

MASSACHUSETTS PAID SICK LEAVE

Employees in Massachusetts may use their accrued sick time in accordance with the Massachusetts Earned Sick Time Law. The reasons include:

1. Employee's own mental or physical illness, injury, or health condition, including diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or preventive care;
2. A family member's mental or physical illness, injury, or health condition, including diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or preventive care; or
3. Domestic violence of the employee or a dependent child.

The Company prohibits discrimination or retaliation against employees because of an employee's request for, or use of, legally-mandated Paid Sick Time. If you believe that you have been treated unfairly on account of your request and/or use of legally-mandated Paid Sick time, please immediately report this concern to Human Resources so the matter may be reviewed and appropriate corrective action may be taken.

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 SMALL NECESSITIES LEAVE

Massachusetts employees may take a total of up to 24 hours of Small Necessities Leave (“SNL”) during any twelve-month period (measured backwards from the effective date of the leave) to allow them to participate in certain family obligations. In order to be eligible, an employee must (i) have worked for the Company for at least twelve months and (ii) have worked 1,250 hours or more in the preceding twelve-month period. An eligible employee may take SNL to: (1) participate in school activities directly related to the educational advancement of his/her child; (2) accompany his/her child to routine medical or dental appointments; or (3) to accompany an elderly relative (defined by Massachusetts law as an individual related by blood or marriage who is at least 60 years of age) to routine medical or dental appointments, or for other professional services related to the elderly relative’s care.

SNL is unpaid, except to the extent that an employee has accrued but unused sick time or vacation time available, in which case such time shall be applied to the leave. SNL may be taken all at once, intermittently (in increments of an hour or greater), or through a reduced work schedule. An employee’s absence from work for SNL shall be no greater than that necessary to accomplish the relevant task necessitating the leave.

An employee seeking SNL must provide at least seven days’ notice before taking SNL, if the need for leave is foreseeable; if the need for leave is not foreseeable, then the employee must provide as much notice as is practicable. The Company, in its discretion, may require from the employee certification of the need for any SNL.

MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE

The Company also complies with applicable state and local laws, including the Massachusetts Paid Family and Medical Leave Act, and, where applicable, leave available under that law runs concurrently with other leaves, including but not limited to the federal Family and Medical Leave Act and the Massachusetts Parental Leave Act. In addition, where employees elect to use accrued paid time off (including but not limited to time covered by the Massachusetts Paid Sick Time law) during a period of absence covered by the Massachusetts Paid Family and Medical Leave law, such absences will run concurrently under the Massachusetts Paid Sick Time Law and Paid Family and Medical Leave Law.