



## **EMPLOYEE HANDBOOK**

# Wilbert's

## Employee Handbook

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# **SECTION ONE**

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## **INTRODUCTION**

# **WELCOME**

Wilbert's has a long and proud history dating back to 1952. As a Wilbert's employee, you are an important part of our continued heritage.

This handbook summarizes many of your privileges, benefits and responsibilities as an employee of our company. If you are a new employee, it will be helpful in acquainting you with our company's philosophies and Human Resources practices. If you are already a member of the Wilbert's team, this handbook should prove to be a useful reference. Above all, we hope it will promote consistency, fairness and understanding throughout our company.

In order to maintain the necessary flexibility in the administration of policies and procedures, Wilbert's reserves the right to change, revise or terminate any of the policies and/or benefits discussed in this handbook with or without advance notice. After you have read your handbook, please keep it handy for future reference and updating.

The employee handbook can also be viewed electronically on the ADP homepage. New hires are required to sign the handbook electronically through the above link.

Welcome to Wilbert's! We are glad that you have joined our company and we hope that you will find your work with us to be both challenging and rewarding.

**The Wilbert Family**

## **OUR PHILOSOPHY**

We are committed to providing the best possible climate for maximum development and goal achievement for all employees. Our practice is to treat each employee as an individual. We seek to develop a spirit of teamwork; individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we provide a comfortable and progressive workplace. Most importantly, we have a workplace where communication is open and problems can be discussed and resolved in a mutually respectful atmosphere. We may take into account individual circumstances and the individual employee.

We firmly believe that with direct communication, we can continue to resolve any difficulties that may arise and develop a mutually beneficial relationship.

## **OUR MISSION**

At Wilbert's we pride ourselves in providing quality products and service, with the help of our amazing Family of Employees, while continuing to give back to the community.

## **CORE VALUES**

Wilbert's core values support our vision, purpose and culture. We expect our employees to maintain and support these values each and every day. Wilbert's core values are as follows: teamwork, customer focus, safety, quality and community.

# PREFACE

This handbook\* outlines the Human Resources policies and benefit plans currently in effect at Wilbert's. In this employee handbook, Wilbert's is also referred to as "Wilbert's." Policies are revised or added periodically and are effective as of the date issued.

## Important Information about Benefits

As our company evolves, we will continue to review and revise these Human Resources policies and benefit programs. Wilbert's reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in Human Resources or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this handbook. Employees may obtain copies of the Summary Plan Descriptions from Human Resources.

- \* This handbook and its policies are effective **July 1, 2022** and supersede all other personnel manuals and personnel policies previously distributed by Wilbert's. To avoid confusion, please discard any copies of previously published employee handbooks.

## **SECTION TWO**

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# **EMPLOYMENT PRACTICES**

## **2.01 EQUAL EMPLOYMENT OPPORTUNITY**

**Wilbert's** is committed to a policy of Equal Employment Opportunity with respect to all employees, interns and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, Wilbert's prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant's, employee's or intern's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by law.

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### **MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding Wilbert's commitment to this policy and ensuring this policy is carried out. Managers are responsible for immediately reporting and responding to a discrimination complaint. It is critical that any formal or informal reference to discrimination is taken seriously.

### **REASONABLE ACCOMMODATIONS**

Wilbert's will endeavor to make reasonable accommodations for a qualified applicant, intern or employee with a known disability, unless doing so would result in an undue hardship to Wilbert's. If an employee believes he/she needs assistance to perform his or her job duties because of a physical or mental limitation, please let your manager know. Likewise, we will endeavor to make reasonable accommodations, upon request, arising out of an individual's sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to Wilbert's. If an employee requires a reasonable accommodation arising out of a sincerely held religious belief or practice, please let your manager know.

## **QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee's or intern's manager or to an owner. Wilbert's will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with Wilbert's obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment who feels this policy has been violated should immediately contact his or her manager, Human Resources or an owner.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the [Open Communication](#) policy.

## **NO RETALIATION**

It is the policy of Wilbert's that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact their manager, human resources or an owner.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

## **2.02 NON-HARASSMENT & SEXUAL HARASSMENT POLICY**

Wilbert's is committed to maintaining a workplace free from all forms of unlawful harassment, including sexual harassment. Harassment based on any legally protected basis is a form of workplace discrimination. Wilbert's prohibits unlawful harassment against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law. All employees, interns, and non-employees conducting business in our workplace must refrain from engaging in unlawful harassment.

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### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment based on sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is 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 complaining 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 consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are 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 which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which 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 is offensive, is a violation of our policies, is unlawful, and may subject Wilbert’s to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including supervisors/managers who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Any employee who feels harassed should report the harassment to Human Resources so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## **NO TOLERANCE**

Workplace harassment will not be tolerated at Wilbert’s. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with Wilbert’s are required to conduct themselves in a manner that prevents sexual or other forms of harassment in the workplace. Any employee or individual covered by this policy who engages in workplace harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of Wilbert’s commitment to a discrimination-free work environment where all employees and interns are treated with dignity and respect.

## **EXAMPLES OF SEXUAL HARASSMENT**

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

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s 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. This includes such 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 and 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, name-calling.

## **DEFINITION OF OTHER UNLAWFUL HARASSMENT**

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

- Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
- Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;
- Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
- Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within Wilbert's.

## **WHO CAN BE A TARGET?**

Harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

## **WHERE CAN HARASSMENT OCCUR?**

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

## **REPORTING HARASSMENT**

Preventing workplace harassment is everyone's responsibility. Wilbert's cannot prevent or remedy harassment unless Wilbert's knows about it. Any employee, intern (paid or unpaid) or non-employee who has been subjected to behavior that may constitute unlawful harassment is encouraged to report such behavior to their supervisor/manager or to Human Resources. Anyone who witnesses or becomes aware of potential instances of workplace harassment should report such behavior to their supervisor/manager or to Human Resources.

Reports of workplace harassment may be made verbally or in writing. The written complaint form is located on the ADP home page. All employees are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of other employees should use the complaint form and note that the complaint is being made on behalf of another employee.

Employees, interns (paid or unpaid) or non-employees who believe they have been a victim of workplace harassment may also seek assistance in other available forums, as outlined in the Legal Protections and External Remedies section of this policy.

Any employee who feels harassed should report the harassment so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

NYS has developed a statewide hotline, 1-800-HARASS-3 (1-800-427-2773), for issues of workplace sexual harassment. The confidential hotline will be operated by the New York State Division of Human Rights and will connect workers who have faced sexual harassment with experienced pro-bono attorneys to advise them.

## **MANAGEMENT RESPONSIBILITIES**

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

In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors/managers will be subject to discipline for failing to report suspected workplace harassment or otherwise knowingly allowing workplace harassment to continue.

Supervisors/Managers will also be subject to discipline for engaging in any retaliation.

## COMPLAINT INVESTIGATION

**All** complaints or information about suspected workplace harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough. All persons involved, including complainants, witnesses and alleged perpetrators, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected workplace harassment. Wilbert's will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the "Complaint Form" in writing. If the complainant chooses not to complete the Complaint Form Human Resources will prepare a Complaint Form based on the complainant's verbal report.
- If documents, emails or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- Human Resources will request and review all relevant documents, including all electronic communications.
- Human Resources will interview all parties involved, including any relevant witnesses.
- Human Resources will prepare written documentation of the investigation (such as a letter, memo or email), which contains 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 actions action(s).
- Written documentation and associated documents will be maintained by Wilbert's.
- Following the investigation, Human Resources will promptly notify the complainant and the individual(s) about who the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Human Resources will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

### **CORRECTIVE ACTION**

If a report of workplace harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns (paid or unpaid) who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

### **NO RETALIATION**

Wilbert's will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in a "protected activity." Protected activity occurs when a person has:

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

Even if the alleged harassment does not 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, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Harassment based on a protected class is against the law. All employees have a legal right to a workplace free from illegal harassment. Employees can enforce this right by filing a complaint internally with Wilbert's, or with a government agency or in court under federal, state or local antidiscrimination laws.

Harassment is not only prohibited by Wilbert's but is also prohibited by federal, state and (where applicable) local law. Aside from the internal process at Wilbert's, employees may also choose to pursue legal remedies with the following

governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State regarding harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to Wilbert's does not extend the time to file with DHR or in court. The one to three years is counted from date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment/discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment/discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal

courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, NY, NY; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

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

## **REPORTING HARASSMENT**

All employees and interns have a duty to report any instances of harassment, whether the harassment is directed toward you or another employee and whether committed by a manager, fellow employee, or non-employee. Employees and interns, who believe they have been subject to harassment, or if they witness conduct, they believe could be considered harassment, should immediately report the conduct to their manager, Human Resources, or an owner. Wilbert's will promptly and thoroughly investigate all reports. An employee who has not received a satisfactory response within five (5) business days after reporting any incident of perceived discrimination or harassment should contact an owner.

## **MANAGEMENT RESPONSIBILITIES**

Managers who observe an employee or intern violating this policy should take immediate action to stop the harassment. Managers who receive a report of harassment or obtain knowledge of potential harassment by other means must immediately notify an owner, even if no report has been made by an employee or intern or even if the employee or intern reporting the conduct has requested that no action be taken. A prompt and appropriate investigation will take place.

Managers are also responsible for ensuring that Wilbert's is free from unlawful harassment by individuals not employed by Wilbert's. This may include, but is not limited to: customers, vendors, independent contractors, visitors or any other individual conducting business in the workplace. Managers aware of this

harassment are to notify an owner immediately so Wilbert's can appropriately respond to the situation.

### **CONFIDENTIALITY AND RETALIATION**

It is the policy of Wilbert's that any employee or intern making a report or participating in the investigation of harassment will not be retaliated against in any way. Reports will be investigated promptly and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation. Employees or interns who feel that they have been retaliated against for reporting harassment or participating in the investigation should contact their manager.

### **CORRECTIVE ACTION**

If a report of harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns who violate this policy, including the provision against retaliation, will be subject to disciplinary action up to and including termination. This determination will be based on all the facts of the case.

## **2.03 CODE OF ETHICS**

Wilbert's reputation is dependent upon the good judgment, ethical standards and personal integrity of every individual in our company. As our company continues to grow, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner.

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### **CONFLICT OF INTEREST**

Employees must refrain from participating in any activity or business venture which could conflict with the interests of Wilbert's. Specifically, employees may not accept personal payment or other benefits from any supplier or customer of Wilbert's, nor should they take any action as a representative of Wilbert's for personal gain. Employees also may not accept a second job with a customer, competitor or supplier of Wilbert's where there is an actual or perceived conflict.

### **PROPRIETARY INFORMATION**

In working at Wilbert's, employees will learn things about our business and our customers' businesses which are proprietary or confidential. Every employee of Wilbert's has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for Wilbert's, employees may not use or disclose any proprietary information such as strategic and business plans, pricing lists, sales and profit data, marketing strategies, management information systems, trade secrets, customer or supplier lists, and/or customer or supplier contracts to anyone who does not work for us or have a need to know the information.

Upon termination of employment, employees must return all company property and all copies of documents, notes, computer disks, flash drives and other repositories containing pricing lists, invoices, marketing methods, management information systems, financial information, employee lists and all other information that is not general public knowledge relating to Wilbert's and not retain any duplicates.

### **RECEIVING AND GIVING GIFTS**

Employees should avoid situations that could create an actual or perceived conflict of interest, or that could otherwise hinder an employee's ability to perform his or her job in an honest and ethical manner. To this end, employees may not accept substantial gifts, favors or excessive business entertainment from customers or suppliers. A gift, favor or entertainment is considered substantial or excessive if it might influence an employee's business relationship with the donor. Any gift or favor should be reported to the manager, Human Resources, or an owner, and must be approved by the manager, Human Resources, or an owner.

### **EMPLOYEE RESPONSIBILITY**

Employees are responsible for promptly advising management of any violation or suspected violation of these guidelines on conflicts of interest, proprietary information or gift giving and receiving or any violation or suspected violation of any other company policy. Violations of this policy are subject to disciplinary action, up to and including termination of employment and, if applicable, legal action. Wilbert's protects those employees from retaliation who in good faith report possible inappropriate, unprofessional, illegal or unethical actions. Any employee who believes they have been retaliated against in violation of this policy should notify their manager immediately. Individuals who engage in any retaliation in contravention of this policy are subject to disciplinary action in accordance with Wilbert's [Standards of Conduct](#) policy.

#### **ADDITIONAL INFORMATION**

Employees should meet with their manager, Human Resources, or an owner if they have questions regarding the application of this policy.

## **2.04 INDIVIDUALS WITH DISABILITIES**

Wilbert's complies with the Americans with Disabilities Act (ADA) and New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. Wilbert's prohibits discrimination against employees and applicants with disabilities in all aspects of employment. Our company's commitment to this policy includes making reasonable accommodations to otherwise qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless doing so would pose an undue hardship on our business, would pose a direct threat of substantial harm to the employee or others or is otherwise not required by applicable law.

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### **OUR COMMITMENT**

An employee or applicant in need of a reasonable accommodation should make Wilbert's aware of his or her request by notifying their manager. Wilbert's will work with each individual to define his or her job-related or application-related needs and to try to accommodate those needs.

### **QUALIFIED INDIVIDUALS WITH DISABILITIES**

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

### **REASONABLE ACCOMMODATION**

A reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for Wilbert's or create a direct threat to health or safety.

When requesting an accommodation, employees are required to notify their manager of the need for the accommodation. Wilbert's may ask for medical documentation supporting the need for an accommodation and all supporting documentation should be returned as quickly as possible to prevent a delay in the accommodation process.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee's other personnel documents and disclosed only as permitted by applicable law.

## **DETERMINING APPROPRIATE ACCOMMODATIONS**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on his or her life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with Wilbert's. When the appropriate accommodation is not obvious, Wilbert's may assist the individual in identifying one. If more than one accommodation will enable the individual to perform the job, Wilbert's reserves the right to choose which accommodation it will make.

If you feel that you have been unreasonably denied an accommodation request, please speak with an owner. If you should have any questions concerning this policy, you should speak with your manager, Human Resources, or an owner.

## **OTHER**

All medical information received by Wilbert's in connection with a request for accommodations will be treated as confidential.

## **2.05 WHISTLEBLOWER PROTECTION**

Wilbert's strives to protect its employees, business and community as best as possible. As a matter of policy and practice, as well as in compliance with various laws, we offer employees whistleblower protection when they report certain activities or make a complaint to management about a specific situation or occurrence in the workplace that may be unsafe, illegal, abusive or fraudulent. The complaint will be taken seriously and investigated to the fullest extent possible. Employees who make complaints of this nature will be protected from retaliation.

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### **MAKING A COMPLAINT**

If an employee believes that a workplace activity or situation is unsafe, illegal, abusive or fraudulent, he/she should bring the problem to the attention of their manager. Wilbert's will, if appropriate, conduct a prompt and thorough investigation of the situation. Employees may report problems anonymously, but should be aware that this may hamper Wilbert's ability to obtain further details, ask follow-up questions and/or otherwise conduct a complete, thorough investigation.

Problems that are covered by other Wilbert's complaint procedures (e.g., employment discrimination, harassment) should be reported in the manner and to the individual(s) set out in those specific procedures and not under this policy.

### **NO RETALIATION**

Employees who make a complaint in good faith will not be retaliated against or penalized in any manner. The employee's identity, if made known to Wilbert's, will be protected by Wilbert's to the greatest extent possible, consistent with applicable law and the need to investigate and remedy the situation. Any employee who believes he or she has been retaliated against in violation of this policy should notify an owner immediately.

## **2.06 IMMIGRATION REFORM AND CONTROL ACT**

In compliance with federal Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, our company is committed to employing only individual who are authorized to work in the United States.

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### **REQUIREMENTS**

Each new employee, as a condition of employment must complete the Employment Verification Form I-9 and present required documentation establishing the identity of employment eligibility.

If an employee is authorized to work in the country for a limited period of time, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by Wilbert's.

### **E-VERIFY**

Wilbert's uses E-verify to submit I-9 information. If an issue arises during the E-verify process, an employee will be required to report to the federal government office, by the date given during process.

## **2.07 PREGNANCY ACCOMMODATIONS**

Wilbert's will provide reasonable accommodations to female employees related to pregnancy, childbirth, or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on the business.

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### **REASONABLE ACCOMMODATIONS**

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, but does not prevent the employee from performing her job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules.

Wilbert's will provide a reasonable accommodation that would enable the employee or applicant to perform her job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the Wilbert's business operations.

### **CERTIFICATION REQUIREMENTS**

Employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for Wilbert's consideration of a reasonable accommodation. Such medical information will be kept confidential.

### **ADDITIONAL INFORMATION**

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources. Employees who need reasonable break time to express breast milk for their child should consult Wilbert's Lactation Accommodation and/or Working Hours policy and can discuss those arrangements with Human Resources.

## **2.08 REPRODUCTIVE HEALTH DECISIONS**

**Wilbert's** complies with state law regarding reproductive health decision as outlined in this policy.

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### **NON-DISCRIMINATION/NO RETALIATION**

Wilbert's will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of particular drugs, devices or medical services. Wilbert's also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

### **ADDITIONAL INFORMATION**

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact Human Resources.

## **2.09 Protected Health and Personal Information**

Wilbert's has adopted a policy that protects the privacy and confidentiality of our employee's protected health and/or personal information whenever it is accessed by company representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to protected health information (PHI) in the course of their jobs or who may have access to the information due to personal relationships outside of the workplace.

Confidential health and/or personal information should not be provided or discussed with any individual, third party representative or employee without permission. This policy applies to past, current and future employees. Any questions or inquiries should be directed to human resources.

## **SECTION THREE**

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# **EMPLOYEE RELATIONS**

## **3.01 RECRUITMENT & PLACEMENT**

Wilbert's recruits and selects individuals for employment on the basis of merit, qualification and competency without regard to all legally protected classes, including, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), reproductive health decisions, gender identity or expression, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law. All job offers are contingent upon the applicant providing proof of legal authorization to work at Wilbert's.

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### **JOB POSTINGS/TRANSFERS**

Whenever possible, we seek first to fill job openings with qualified applicants from within our company. Notices of job vacancies are posted on the ADP Company Portal until the position is filled. Employees should follow the step by step procedures for applying to any opening. Current employees will only be eligible to apply for a position and/or transfer if they have met the following qualifications: employed with Wilbert's for at least 1 year and performance reviews have been in good standing. Additionally, employees may not be eligible to apply or request a transfer if they are currently on any level of the progressive discipline policy. Any exceptions to this may only be made by the employee's manager.

### **INTRODUCTORY PERIOD**

The performance of new employees will be evaluated at the end of a three month (90 days) introductory period. Successful completion of the introductory period does not guarantee employment for any period of time thereafter and does not affect the employee's employment-at-will status during or after the introductory period. Performance will also be reviewed annually around the employee's anniversary date with Wilbert's. An employee's introductory period may be extended if an employee is on any step of the progressive discipline policy.

### **HIRING PROCESS**

The hiring procedure may include recruitment, interviewing, background (criminal and/or credit) check, drug test and reference checks of all applicants considered for the opening depending on the position.

## **3.02 EMPLOYMENT CLASSIFICATIONS**

Employees of our company are employed based on the classifications detailed below. Wilbert's offers different employment classifications in order to meet staffing and business requirements and accommodate employee needs and schedule preferences.

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### **FULLTIME**

Employees in this category are regularly scheduled to work at least 30 hours per week and receive benefits based on position, length of service and scheduled hours.

### **PART-TIME**

Employees in this category are regularly scheduled to work less than 30 hours per week. These employees receive statutory benefits only.

### **TEMPORARY/SEASONAL**

Employees in this category perform a function for a specified period of time and the length of their employment is limited due to the nature of the job or availability of the individual. These employees receive statutory benefits only.

### **ON-CALL/PER DIEM/TIME AS REPORTED**

Employees in this category have no regular work schedule and work on an "as needed" basis. These employees are eligible for statutory benefits only.

### **FLSA CLASSIFICATIONS**

Under the Federal Fair Labor Standards Act (FLSA), all positions, regardless of employment classification, are classified as either exempt or non-exempt for overtime and minimum wage requirements based on the nature of the job duties and amount of wages.

**EXEMPT EMPLOYEES:** The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional, outside sales and computer employees.

**NON-EXEMPT EMPLOYEES:** Under the FLSA, non-exempt employees must be paid at least the federal minimum wage for all hours worked and overtime pay at one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

### **ANNIVERSARY DATE**

The first day you report to work will be recorded in company records as your anniversary date. This date may be used to calculate many different company benefits. If you have any questions regarding your anniversary date, please see Human Resources.

## **3.03      ORIENTATION PROGRAM**

People are the core of our mission at Wilbert's. To help get new employees off to a good start in our company, an orientation program will be scheduled during the first week on the job.

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### **DURING THE FIRST FEW DAYS**

New hire orientation will be scheduled for new employees on day one to meet with human resources, the safety coordinator and their immediate managers. New employees will complete the HR and safety onboarding program on day one.

The employee's manager gives the new employee a tour of our facility, introduces him or her to co-workers, explains general expectations for performance and behavior and begins training him or her on specific job requirements. The manager will also inform the employee of the employee exit/entrance. That is the entrance/exit an employee is required to use. It is important for employees to read our handbook, as it will answer many questions about our company and its personnel policies.

### **EMPLOYEE RESPONSIBILITIES**

During the first few days of employment, new employees are expected to promptly and accurately complete a number of employment-related forms and documents. The employee's manager is available to answer questions or to assist new employees with any procedures, subjects or issues affecting their job or employment relationship.

### **THROUGHOUT THE EARLY WEEKS**

Throughout the first few weeks, employees will be given on-the-job training. During this time employees should gain a full understanding of their job responsibilities and our company's standards for their position. Managers are anxious to help in any way they can, so employees should not hesitate to ask questions or request additional training.

## **3.04 BREAK PERIODS**

Certain break requirements are mandated by state and/or federal law. Wilbert's recognizes the importance of mandated break periods and additional times of rest as allotted.

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### **MEAL BREAKS**

Employees who work more than six (6) hours in a workday which extend over the noon-day meal period (11am-2pm), are required to take a 30-minute meal break during that period. Employees may take up to 1-hour for the noon-day meal period. Any noon-day meal period over 1-hour requires management approval. Wilbert's noonday meal period is unpaid.

Employees who are scheduled to work for a period or shift starting before 11am and continuing later than 7pm are required to take an additional meal period of 20-minutes between 5pm and 7pm.

Employees who are schedule to work for a period or shift of more than six (6) hours starting between 1pm and 6am are required to take a 45-minute meal break.

Managers are responsible for the scheduling of meal breaks.

If for any reason an employee's meal break is interrupted, the employee must notify his or her manager and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact their manager if they have any questions regarding the meal break.

Employees are required to receive manager approval when they are aware that a meal break is going to exceed the required allotted time based on the meal period. Without receiving manager approval, employees who exceed the allotted break periods will be considered late/tardy to their shift.

### **ADDITIONAL BREAKS**

Your manager will inform you of additional break allotments.

## **NURSING MOTHERS' PROTECTION**

Nursing mothers may receive break time each day to express breast milk for up to three years after the birth of a child. Wilbert's, Inc. will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law. The Company will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall to express milk in private. Wilbert's may not be able to provide additional break time if doing so would seriously disrupt the Company's operations, subject to applicable law. Please consult Human Resources with questions regarding this policy. Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

## 3.05 TIME RECORDS

To ensure accurate record keeping of hours worked, employees should understand their time keeping requirements.

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### TIME RECORDS

To ensure accurate record keeping of hours worked, non-exempt employees are required to clock in at the beginning and end of their shift through the designated time clock. Employees may not clock in until they are **ready to work**. Employees may not clock in before their authorized start time or after their authorized ending time without permission from their manager.

Non-exempt employees, excluding truck drivers, are required to clock in at the beginning and end of meal periods. Truck drivers will be instructed by their manager on reporting meal periods appropriately.

Under no circumstances should an employee enter another employee's information. Should an employee forget to clock in or out, the employee should notify their manager and he or she will make the appropriate corrections. Employees should also notify their manager if they accidentally clock in with another employee's information.

Violation of clocking in and out appropriately as determined by Wilbert's is considered a performance issue and is subject to disciplinary action, up to and including termination of employment

Managers are required to submit employee time records to Human Resources each Thursday, by 9:00 am.

## **3.06 PAY PRACTICES**

Wilbert's is committed to a policy of fair and equitable compensation for work well done.

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### **WAGE AND SALARY PROGRAM**

Wage rates are assigned to each job based on job requirements and the economic conditions of Wilbert's and the marketplace, as well as each employee's qualifications, skills and abilities. Wilbert's endeavors to comply with all federal, state and local laws with respect to wage payments.

### **MERIT INCREASES**

Pay increases may be provided when an employee demonstrates improvement or outstanding performance in his or her job. When reviewing pay increases, Wilbert's considers business profitability, an employee's individual work performance and other economic factors. All merit increases are provided at the sole discretion of Wilbert's.

### **WORKWEEK AND PAYDAY**

Wilbert's seven-day workweek is Thursday through Wednesday. Employees are paid weekly on Fridays.

### **PAYROLL**

Employees have the option of being compensated by check, direct deposit, or ADP's ALINE Card. The employee's manager can answer questions regarding compensation options.

### **GARNISHMENTS/CHILD SUPPORT**

A court may order Wilbert's to garnish amounts directly from an employee's paycheck. Our company is required to withhold the amount indicated in the garnishment from the employee's paycheck in accordance with federal, state and local law.

### **OVERTIME**

When operating requirements cannot be met during regular work hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided.

Non-exempt employees will be paid one and one-half times their regular rate of pay for all hours worked over forty (40) hours in a workweek.

For purposes of calculating overtime, Wilbert's seven-day workweek begins on Thursday and ends on Friday

Paid time off, including holidays, PTO/vacation /sick leave/personal leave time are/are not counted as hours worked when calculating overtime.

All overtime work must receive the supervisor's/manager's prior authorization.

Failure to work assigned overtime, or working unauthorized overtime may result in disciplinary action, up to and including termination.

## **OUTSIDE WORK ACTIVITIES**

Unless pre-approved by the employee's immediate manager, non-exempt employees are prohibited from performing work activities during non-working hours. This includes, but is not limited to, accessing electronic communication devices (cell phones, texts, emails) for work-related purposes and performing preparatory work outside of regular work hours. Time spent accessing work-related electronic communication devices outside of regular work hours or performing any other work during non-working hours must be pre-approved by the immediate manager. Any such time, regardless of whether it has been approved or not, must be recorded and reported as time worked in Wilbert's time system.

## **TRAVEL TIME**

Exempt employees are paid their regular salary for weeks in which they travel. Non-exempt employees are paid in accordance with federal and state wage and hour laws. For more information see your manager.

## **TRAVEL/EXPENSE REIMBURSEMENT**

Employees will be reimbursed for pre-authorized expenses, such as: company-related travel mileage, hotel expenses, airfare or other business expenses incurred on behalf of Wilbert's. Employees will be reimbursed for their mileage at Wilbert's current reimbursement rate. The employee must complete an expense reimbursement form, attach any receipts and submit it to their manager, Human Resources, or an owner.

## **OVERPAYMENTS**

In the event an employee is overpaid due to a mathematical or clerical error, Wilbert's will proceed to recoup the overpayment via wage deductions in accordance with the New York State Labor Law. Employees who become aware of an overpayment must notify their manager immediately. For more information, employees should contact Human Resources.

## **POLICY FOR DEDUCTIONS FROM WAGES**

Employee pay stubs itemize deductions made from gross earnings. Wilbert's is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions may also include any court-ordered garnishments. Pay stubs also itemize any voluntary deductions such as an employee's portion of health, dental or life insurance premiums and/or voluntary contributions to a 401(k) or pension plan, to the extent applicable. If applicable, pay stubs will also differentiate between regular and overtime pay received.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. In turn, supervisors/managers are prohibited from making any improper deductions from the salaries of exempt

employees or from the wages of any employee that are not consistent with federal and state wage and hour laws.

## **PERMITTED DEDUCTIONS FROM EXEMPT EMPLOYEE'S PAY**

Employees who are classified as exempt must record absences from work for reasons such as PTO/vacation/sick leave/personal leave.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked.

Under federal and state law, an exempt employee's salary may be subject to certain deductions. For example, absent contrary state law requirements, an exempt employee's salary can be reduced as either partial-day or full-day deductions for the following reasons:

- Full-day absences for personal reasons other than sickness or disability.
- Full-day absences for sickness or disability, if the employee has exhausted or is not yet eligible for paid time off under a bona fide policy or plan that provides compensation for salary lost due to illness.
- Full-day disciplinary suspensions for infractions of written policies and procedures.
- Penalties imposed in good faith for infractions of safety rules of major significance.
- Unpaid leave taken under the Family and Medical Leave Act (if applicable).
- To offset amounts received as jury and witness fees or military pay.
- The first or last week of employment when an employee works less than a full week.
- Any full workweek in which an employee does not perform any work.

In a workweek in which an exempt employee performs any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences.
- Absence on a scheduled workday in which Wilbert's has decided to close the facility at which an employee is scheduled to work and has not designated an alternate work site.
- Absences for jury duty, attendance as a witness or military leave, except that Wilbert's may offset the employee's salary based on the received as jury or witness fees or military pay.
- Any other deductions prohibited by federal or state law.

Please note: It is not an improper deduction to reduce an employee's accrued PTO/vacation, sick/personal leave or other forms of paid time off for full- or partial-day absences.

It is Wilbert's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. Wilbert's prohibits any deductions from pay that violate the FLSA or applicable state law.

### **REPORTING IMPROPER DEDUCTIONS OR OTHER ERRORS**

Employees should immediately contact their manager, Human Resources, or an owner with questions about deductions or to report improper deductions and/or errors. Employees will not be retaliated against for making a complaint.

Reports of improper deductions or other errors will be promptly investigated. If it is determined that an improper deduction or other error has occurred, the employee will be promptly reimbursed.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure accurate pay and proper deductions for all time worked, employees must record correctly all work time. Additionally, employees should promptly review their paychecks to identify and report all errors.

## **3.07 POSITION DESCRIPTIONS**

A position description is written for each position in our company and maintained on file. The purpose of these position descriptions is to define job standards and essential functions and physical requirements, as well as marginal or peripheral duties and reporting relationships for the various positions throughout our company.

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### **EMPLOYEE ACCESS TO POSITION DESCRIPTIONS**

Employees may be provided with a copy of their position description at the time of hire and whenever accountabilities change significantly.

### **USE OF POSITION DESCRIPTIONS**

Position descriptions are designed to promote a better understanding of the total job for both employees and their managers. Managers will refer to position descriptions during the recruitment and hiring process, as well as during performance appraisal discussions.

### **UPDATING POSITION DESCRIPTIONS**

Position descriptions are updated periodically to reflect changes in job duties and organizational structure. Employees should schedule time to meet with their manager if they believe their position description needs updating or if they have questions.

## **3.08 PERFORMANCE PROGRESS & APPRAISAL PLAN**

To help employees grow in their jobs, managers will evaluate an employee's performance in writing on a regular basis. The purpose of this performance appraisal plan is to provide a basis for better understanding between employees and their managers with respect to job performance, potential and development within Wilbert's.

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### **MEETING WITH YOUR MANAGER**

Performance is evaluated by immediate managers. Evaluations should not take the place of informal discussions between employees and their managers regarding performance, but rather should provide regular opportunities to discuss the job relationship in depth.

### **FREQUENCY**

All newly hired employees will receive a review after completion of the 90-day introductory period. All employees will be reviewed at least once a year, on or near the employee's anniversary date with Wilbert's. Performance reviews are a review of the employee's work performance; not necessarily a review of pay rate. Wilbert's addresses merit increases separately and bases them on profitability and individual work performance in accordance with company policy.

### **FORMS**

Performance reviews are completed on the forms designed for this purpose. The information on the form is to be the basis for discussion between employees and their managers. Employees may obtain a sample of this form from their managers.

## **3.09 ATTENDANCE & PUNCTUALITY**

Timely and regular attendance is an expectation of performance for all Wilbert's employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Managers have discretion to evaluate extraordinary circumstances of a tardy, absence or failure to clock-in or clock-out and determine whether or not to count the incident as an occurrence.

### **I. Absent**

An employee is deemed absent when he/she is unavailable for work as assigned/scheduled and such time off was not scheduled/approved in advance as required by notification procedure.

### **II. Tardy**

An employee is deemed to be tardy when he/she:

- Fails to report for work at the assigned/scheduled work time. 1 minute late is considered tardy. In these instances, managers may replace the tardy employee for the full shift.
- Leaves work prior to the end of assigned/scheduled work time without prior supervisory approval.
- Takes an extended meal or break period without approval
- Arrives to work past his/her scheduled start time may be replaced for the full shift at the discretion of his/her supervisor.

### **III. Time Clocks and Failure to Clock in/out**

Employees are required to follow established guidelines for recording their actual hours worked. A missed clock in/out is a violation of this policy and includes:

- Failure to clock in/out on their designated time clock at the beginning and/or end of their assigned shift;
- Failure to clock in/out on their designated time clock for the meal break;
- Failure to take the full required meal break period as mandated by policy
- Failure to accurately and timely report time worked.
- Clocking in/out early (or late) of assigned shift without prior approval.

### **IV. Notification Procedure**

Employees are expected to follow notification procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must

request in advance to their supervisor or designee and in accordance with procedure if they wish to arrive early or leave early from an assigned shift.

An employee who is going to be late or absent from work, must personally call the designated "call in" number and/or extension for their work location. Employees must call at least 1 hour (60 minutes) before the employee's scheduled start time. Employees are required to leave a voice message with their name, position and reason for their absence, including when Wilbert's is closed. The applicable call in lines are as follows:

- Buffalo (716) 246-0606 ext. 444
- Webster: (585) 872-1540 ext. 555
- Ontario: (315) 524-8800 ext. 777
- Williamson: (315) 589-222 ext. 888
- Bath: (607) 776-7662 ext. 999

At the time of notification/call, the employee must notify their supervisor when an absence is due to a documented/approved leave of absence (e.g. Military Leave, FMLA) in order to ensure appropriate tracking of leave utilization and absenteeism.

An employee that is absent for three or more consecutive days will be required to submit documentation verifying that they were seen by a health care provider and stipulate any period of incapacity or job-related restrictions.

An employee who fails to call in and report to work as scheduled for two consecutively scheduled work days will be viewed as having abandoned their position and employment will be terminated.

Incidents of not following the notification procedures, including No-Call/No-Show, will be addressed in accordance with the Progressive Discipline policy.

## V. Progressive Discipline Process

Supervisors should monitor their employees' attendance on a regular basis and address unsatisfactory attendance in a timely and consistent manner. If supervisors notice a pattern of unscheduled usage of accrued time off banks, they should discuss this concern with the employee.

When an employee has been previously counseled under the Progressive Discipline Policy, the totality of the circumstances will be assessed when determining further action.

Timely and regular attendance is a performance expectation of all Wilbert's employees. Consequently, those employees who have exhibited unsatisfactory attendance which resulted in disciplinary action (written or final) during the course of the year may have the behavior documented in their annual evaluation.

## **Occurrences**

An occurrence is documented as an absence, tardy or missed time clock in/out. While an absence refers to a single failure to be at work, an occurrence may cover consecutive absent days when an employee is out for the same reason.

The following grid is designed to provide guidelines when addressing the total number of occurrences in a rolling 12-month period, provided that the reason for an occurrence is not protected under FMLA or ADAAA.

	<b>Occurrences/Days</b>	<b>Discipline Step and Action</b>
<b>Occurrence</b> 1 Occurrence is equal to: <ul style="list-style-type: none"> <li>• 1 Unexcused Absence</li> <li>• 2 Tardies</li> </ul>	4 Occurrences	Step 1: Verbal Warning
	5 Occurrences	Step 2: Written Warning
	6 Occurrences	Step 3: Final Written Warning
	7 Occurrences	Step 4: Termination
<b>Single Day of No Call / No Show</b>	1 Occurrence	Step 3: Final Written Warning
	2 Occurrence	Step 4: Termination

NOTE: The total number of days an employee is unavailable for work as scheduled and the total number of occurrences are considered when applying discipline. For example, at Step 1 the maximum number of days the employee is allowed to be unavailable for work before receiving a Verbal Coaching is 4, regardless of the number of occurrences.

### **New Hire Orientation Period**

An employee, within his/her Orientation period, who has two occurrences should receive a Written Warning; if the employee has greater than two occurrences within the Orientation period, employment may be terminated; should the Orientation period be extended, this rule still applies.

### **Holidays**

If an employee calls out of work for their scheduled shift that falls the day before, the day of, or the day after a holiday, the manager will review the circumstances of the absence. Based on this review, the manager has the discretion to determine whether to count the incident as a regular occurrence or go directly to issuing a Written Warning for the holiday-related call out. If an employee is already on discipline they can progress to the next level.

## VI. Policies-Approval Process

Wilbert's entities may develop an attendance/punctuality policy that meets the unique operational needs of the individual company.

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*This policy is intended as a guideline to assist in the consistent application of Company policies and programs for employees. The policy does not create a contract implied or expressed, with any Wilbert's employees, who are employees at will. Wilbert's reserves the right to modify this policy or in part, at any time, at the discretion of Wilbert's.*

## **3.10 OPEN COMMUNICATION**

Our company is committed to the principle of open communication between employees and their managers concerning any aspect of the employment relationship.

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### **WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In every company there are honest differences of opinion about working conditions, discipline, policies and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If you have a work-related complaint, concern or problem of any kind, we would welcome the opportunity to discuss it with you and resolve it.

#### **FIRST STEP**

Employees who have a problem, complaint, question or suggestion about any aspect of our company are encouraged to discuss the issue with their immediate manager. We hope that most matters can be satisfactorily resolved by such discussions.

#### **SECOND STEP**

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their manager, are welcome to discuss the situation with Managers or Human Resources. The co-owner will meet with the employee and/or his or her manager and attempt to reach a satisfactory solution.

If for any reason you do not feel comfortable speaking with your manager or the designated management/owner assigned in any step of this policy, you should feel free to discuss your concerns with the Owner or any other member of management with who you feel comfortable.

## **3.11 SOLICITATION & DISTRIBUTION**

In order to prevent disruptions in the operations of our company and protect our employees from annoyance, embarrassment and interference with their work, solicitation and distribution of advertising material, handbills or other literature during working time or in working areas is restricted as described below.

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### **SOLICITATION DEFINED**

For purposes of this policy, solicitation means activity that poses a reasonable risk of interference with production by calling for an immediate response to another employee's verbal persuasion to join a certain cause or purchase a type of product or service.

### **DURING WORKING TIME**

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

### **IN WORKING AREAS**

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of our company. "Working areas" do not include common areas such as break rooms.

### **OUTSIDE INDIVIDUALS**

Individuals who are not employed at our company may not distribute literature, nor solicit employees or visitors at any time on our company's grounds or inside our offices.

### **POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on company property.

## **3.12 STANDARDS OF CONDUCT**

In order for our company to operate efficiently and safely, it is necessary for all employees to observe the policies and procedures governing our work environment. If an employee's conduct interferes with the orderly and efficient operations of a department, disciplinary measures will be taken, up to and including termination of employment.

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### **INITIAL DISCUSSIONS**

Before taking corrective action, the manager will meet with the employee to explain why the need for corrective action is warranted.

Grounds for corrective discipline, up to and including immediate termination, may include, but are not limited to:

- Violation of company policies or safety rules;
- Disrespectful conduct towards other employees, customers or visitors;
- Insubordination;
- Going to your personal vehicle during the workday without the approval of your manager;
- Poor performance;
- Audio or video recording of others in the workplace with or without their permission;
- Excessive absenteeism and/or tardiness;
- Possession of firearms or other weapons;
- Theft or dishonesty;
- Willful destruction of company property;
- Physical, verbal or sexual harassment of employees, suppliers or customers;
- Possession, use or sale of illicit drugs or alcohol on company property;
- Reporting to work under the influence of drugs or alcohol; or
- Any other misconduct which is not otherwise protected concerted activity.

### **CORRECTIVE ACTION**

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer or termination. Wilbert's will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

## 3.13 SHOULD YOU LEAVE US

To ensure fairness and consistency throughout our company, terminations are handled in accordance with the following provisions.

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### **TYPES OF TERMINATIONS**

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by Wilbert's.

### **RESIGNATIONS**

Non-exempt employees resigning voluntarily are expected to give a minimum of two weeks advance notice.

Exempt employees resigning voluntarily are expected to give a minimum of four weeks advance notice.

Notice is expected to be provided in writing to the employee's manager. Employees are expected to work out their notice for their regularly scheduled hours (two or four weeks based on employee's status as indicated above). An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with our company at a later date.

Employees will be required to complete and exit interview with Human Resources during their last week of employment.

### **HEALTH AND DENTAL INSURANCE**

Premiums for health and dental insurance will be paid through the last day of employment. Employees who have health and/or dental insurance with our company may have the option of continuing these benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the official COBRA notice for further information.

### **PTO**

PTO, including Birthday PTO, are not paid upon involuntary termination of employment.

### **HSA**

Upon separation, an employee loses eligibility to make additional contributions. The HSA balance remains available for use toward qualified expenses for the lifetime of the employee, his or her spouse or tax dependent.

### **LIFE INSURANCE AND OPTIONAL DISABILITY INSURANCE**

Coverage ceases on the last day of employment. Contact Human Resources for more details.

**401(K) PLAN**

Upon termination of employment, employees with a balance of less than \$1,000 must withdraw the funds or roll-over the funds within 90 days of their termination date or a check will be issued directly to the employee. Contact Human Resources for more details.

**PROFIT SHARING PLAN**

Employees must be employed by Wilbert's for a full calendar year *and* be employed on the day of the disbursement is issued to receive the profit sharing.

**COMPANY PROPERTY**

Upon termination, employees are expected to return all company-issued items, including, but not limited to: keys, tools, laundered apparels, employee handbooks, manuals, computers, cellular phones, flash drives and client information and may not retain any copies of company information in any form.

## **SECTION FOUR**

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# **BENEFIT PROGRAMS**

## 4.01 HOLIDAYS

Wilbert's observes the following paid holidays each year.

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### OBSERVED HOLIDAYS

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

\*At the beginning of each year management will notify employees when holidays will be observed for each of Wilbert's locations.

### ELIGIBILITY

Full-time employees are eligible for these paid holidays immediately upon hire.

Exempt employees will receive holiday pay in compliance with state and federal wages and hour laws.

Non-exempt eligible employees must work their scheduled workday before and after the holiday in order to be paid for the holiday. Exceptions may be made for vacations which have been approved in advance by a manager or owner.

### HOLIDAY PAY

Holiday pay is a benefit offered by Wilbert's which is based on the number of hours each employee is regularly scheduled to work at their straight time hourly rate, up to a maximum of 8 hours.

Employee's who work on Memorial Day or Labor Day will receive holiday premium pay equal to one and a half times their hourly pay rate.

### PTO

Eligible full-time employees who are on PTO, including Birthday PTO, when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the PTO day.

### RELIGIOUS ACCOMMODATIONS

Requests for time off or any other type of accommodation based on an employee's sincerely held religious beliefs should be directed to their manager.

## 4.02 TIME OFF

Our company provides eligible employees with an annual paid time off (PTO) program to give employees paid time away from work to use as a benefit towards balancing work-life requirements.

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### ELIGIBILITY

Full-time employees are eligible for PTO.

PTO periods are calculated based upon the employee's anniversary date which employees begin to accrue PTO immediately upon hire. With each additional year, employees will gain an extra 8 hours of PTO which is still accrued throughout the year. This will cap after the 10<sup>th</sup> year of service at 160 hours. The following shows the years of service and accrual schedule:

Years of Service	Accrual per Pay Period	Maximum Accrual
0-1 Years	1.54	80/10 days
1-2 Years	1.69	88/ 11 days
2-3 Years	1.85	96/12 days
3-4 Years	2.00	104/13 days
4-5 Years	2.15	112/14 days
5-6 Years	2.31	120/15 days
6-7 Years	2.46	128/16 days
7-8 Years	2.61	136/17 days
8-9 Years	2.77	144/18 days
9-10 Years	2.92	152/19 days
10+ Years	3.08	160/20 days

In addition to scheduled time off, PTO may also be used for:

- An employee's or employee's family member's mental or physical illness, injury or health condition (regardless of whether the illness, injury or health condition has been diagnosed or requires medical care at the time the employee requests leave); or
- The diagnosis, care or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, an employee or an employee's family member.
- To obtain services from a domestic violence shelter, rape crisis center or other services program;

- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

### **BIRTHDAY PTO**

Full-time employees are eligible for Birthday PTO. Eligible employees receive an additional 8 hours of PTO and each consecutive year on their anniversary with the company. This is to be used in accordance with the PTO policy throughout the year.

### **UNPAID TIME OFF**

All employees will receive unpaid time off upon their first day of employment, and each consecutive year on their anniversary with Wilbert's. Unpaid time off may be used to request time off in advance and will be subject to approval by the employee's manager. Full-time employees will receive 80 hours per year and part-time employees will receive 40 hours per year.

### **SCHEDULING**

In an effort to provide employees the opportunity to request time off in a fair and consistent manner, Wilbert's opens an annual request window which will be open from January 1<sup>st</sup> until January 14<sup>th</sup> each year for planned time-off requests that are during high request times (ex: the day before or after a holiday).

All requests made during the annual request window will be approved by the department manager based on the seniority of the employee.

Unplanned requests made throughout the year that are not requested during the annual request window should continue to be requested at least two weeks in advance. These requests will be approved based on a first-come, first-serve basis.

Every effort will be made to permit employees to take planned PTO. However, due to the nature of our business, coordination within and between departments is essential.

The employee may elect to supplement his or her New York Paid Family Leave (PFL) benefit, Family and Medical Leave (FMLA) benefit, or any other job protected leave, with PTO in alignment with the above scheduling requirements for PTO.

#### **HOLIDAY DURING PTO**

Employees who are on PTO when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the PTO day.

#### **DEFERRAL OF PTO TIME**

Employees may defer their maximum accrual cap per anniversary year plus the 8 birthday hours. Employees will not continue to accrue PTO once the cap is reached.

#### **PTO PAY**

PTO pay is based on the number of hours an employee is regularly scheduled to work at his or her straight time hourly rate.

#### **EXCESS LEAVE AND UNPAID PTO**

Leave taken in excess of an employee's allotment will be unpaid and must be approved in advance by your manager. All PTO must be used before any unpaid time is granted.

#### **PAY IN LIEU OF PTO**

Employees may not receive pay instead of taking the actual time off.

#### **PTO AT TERMINATION**

Employees who resign and ***give and complete*** the requested two-week notice period will receive their unused accrued PTO at the time of separation.

## **4.03 HEALTH/DENTAL INSURANCE**

To aid employees in covering the cost of medical care, our company offers a health/dental insurance program.

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### **ELIGIBILITY**

Full-time employees are eligible to join our group health/dental insurance plan the first day of the month following their hire date. Employees who enroll in our group health insurance plan may also enroll in our pre-tax premium plan.

### **BENEFITS**

Covered services for the plans are detailed in the plan booklets provided by the insurance carriers. A copy of the booklets are available from Human Resources.

### **COST**

To assist with the escalating cost of health/dental insurance, our company currently pays a portion of the premium, the remainder to be paid by the employee through pre-tax dollars via payroll deduction. When you become eligible for coverage, you will receive material which more fully describes your insurance benefits including information on deductibles, co-payments, etc.

As a part of our benefits review process, the cost of health/dental insurance is evaluated periodically and the ratio of employer/employee contribution is subject to change.

### **HEALTH/DENTAL INSURANCE COVERAGE AT TERMINATION**

Premiums for health/dental insurance will be paid through the last day of employment. Employees who have health insurance with our company may have the option of temporarily continuing these benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the official COBRA notice for further information. If you have not received a COBRA notice or cannot locate it, please contact Human Resources.

### **CHANGES IN PRE-TAX BENEFIT ELECTIONS**

Generally, after signing the pre-tax premium plan enrollment form, employees may not change their benefit plans until the beginning of the next plan year. An eligible employee may make a mid-year election change, however, upon the occurrence of certain qualifying events, provided the change is made on account of and consistent with, such event. The qualifying events for a mid-year election change can include:

- Certain significant changes in health plan coverage or costs;

- Certain changes in family status; or
- Certain changes in the employment status of the employee or his or her spouse.

A complete list of the qualifying events for a mid-year election change can be found in the Summary Plan Description.

*This is intended as a brief introduction to the Health/Dental/Pre-Tax Premium Insurance Plans. A more thorough explanation of the plans are contained in the Summary Plan Descriptions, plan documents and insurance policies available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. Wilbert's and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health/dental/pre-tax premium plans, as well as to amend, modify or terminate the plan at any time for any reason.*

## 4.04 HEALTH SAVINGS ACCOUNT

Employees of Wilbert's participating in our High Deductible Health Plan (HDHP) may participate in a Health Savings Account (HSA). The advantage of an HSA is that money going into the HSA is tax-free, earns interest tax-free and is not taxed when withdrawn to pay for qualified medical, dental and vision expenses.

The HSA is not an employer-sponsored employee benefit plan. It is a savings account that is established and maintained by an HSA trustee/custodian to be used primarily for reimbursement of "qualified eligible medical expenses" as set forth in Code Section 223(d)(2). Wilbert's has no authority or control over the funds deposited in an HSA. Even though Wilbert's may allow pre-tax salary reduction contributions to an HSA, the HSA is not intended to be an ERISA benefit plan sponsored or maintained by Wilbert's.

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### ESTABLISHING THE HSA

Opening an HSA account is similar to opening an individual retirement account (IRA). Most financial institutions, credit unions and banks can assist with setting up an HSA. Insurance companies are also approved to offer HSA services. The HSA should only be used to pay for or reimburse qualified medical expenses that are incurred after the HSA is established.

Employees will be responsible for managing their HSA, including choosing how their HSA funds are invested, creating their account, and following the rules that the HSA trustee/custodian and the IRS impose. Once Wilbert's contributions have been deposited in the employee's HSA, the employee will have a non-forfeitable interest in the funds and will be free to request a distribution of the funds or to move them to another HSA provider, to the extent allowed by law.

### ELIGIBILITY

**Full-time employees** participating in our HDHP are eligible for an HSA 90 days from their date of hire provided that the employee (1) cannot be claimed as another person's tax dependent; (2) is not entitled to Medicare benefits; and (3) does not have any health coverage other than Wilbert's HDHP coverage (except for certain types of permitted insurance or coverage as discussed in IRS Publication 969). An employee will not be an HSA-Eligible Individual if covered under a spouse's or domestic partner's non-HDHP.

## **CONTRIBUTIONS**

Our company provides an employer contribution into the HSA for eligible participants. Eligible employees may also contribute to their HSA.

The annual maximum deposit to an HSA is based on the federal tax-deductible limits on HSA contributions.

All HSA contributions become the property of the employee, regardless of the source of contributions. Funds deposited but not withdrawn each year will carry over into the next year. If an employee ends his or her HSA-eligible insurance coverage (e.g. because the employee ends participation in an HDHP or separates from service), the employee loses eligibility to deposit further funds but funds already in the HSA remain available for use for qualified expenses for the lifetime of the employee, his or her spouse or tax dependent.

Although Wilbert's expects to continue this HSA program indefinitely, it has the right to amend or terminate the HDHP and/or suspend or terminate HSA contributions at any time for any reason. It is also possible that changes to the program may be necessary or advisable as a result of future changes in state or federal tax laws.

## **ENROLLMENT**

To participate in an HSA, please see Human Resources for the appropriate forms. Participation in the HSA program is entirely voluntary, and participants may terminate their participation at any time by notifying Wilbert's.

## **WITHDRAWALS**

Distributions from the HSA will be tax-free to a participant if they are for expenses incurred for medical care (as defined in Code section 213(d)) or the medical care of the participant's legal spouse or tax dependents. Expenses generally must have been incurred after the establishment of the HSA in order to qualify. HSA distributions used to pay insurance premiums will not be tax-free unless they are used for COBRA or USERRA coverage, qualified long-term care insurance, health insurance maintained while the individual is receiving unemployment compensation under federal or state law or health insurance for an individual age 65 or over (other than a Medicare supplemental policy).

HSA funds can also be withdrawn for nonmedical reasons, but such distributions must be included in a participant's taxable income and generally will be subject to an additional 20% excise tax. The excise tax will not apply to certain distributions made after death, disability or attaining the age of 65. More information about HSA distributions can be found in IRS Publication 969.

*More information about HSAs, including Human Resources is eligible, other health coverage that might disqualify an individual from being eligible, contribution limits and other rules, are set forth in IRS Publication 969(Health Savings Accounts and other Tax-Favored Health Plans).*

## **4.05 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

The following is a summary of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and New York health continuation coverage or “mini-COBRA” law. These laws require most employers to offer employees and their families continued group health insurance coverage at group rates in certain circumstances.

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### **CONTINUATION COVERAGE**

Federal law requires most employers to offer employees and their families the opportunity to temporarily continue group health insurance coverage (called "continuation coverage") at group rates in specified circumstances where coverage under the plan would otherwise end. COBRA continuation coverage for Wilbert' applies to medical/dental/vision/HSA/EAP. New York's mini-COBRA law also requires temporary continuation coverage by the applicable insurance carrier if COBRA does not apply where either (i) the employer has less than 20 employees or (ii) federal COBRA continuation coverage was exhausted.

### **ELIGIBILITY**

Employees of Wilbert's who are covered by company group medical/dental/HSA/EAP coverage have a right to choose this continuation coverage if they lose their group medical/dental/HSA/EAP coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct on the employee's part), among certain other qualifying events.

The spouse or dependent child of an employee covered by Wilbert's group medical/dental/HSA/EAP coverage also has the right to choose continuation coverage if they lose group health coverage under certain qualifying events.

### **OPTIONS**

If an employee does not choose continuation coverage, his or her group health insurance coverage will end. If an employee chooses continuation coverage, Wilbert's is required to give the employee coverage that is identical to the coverage provided under the plan to similarly situated active employees or family members. Employees may be required to pay the entire premium for their continuation coverage, plus a small administrative fee.

At the end of the continuation coverage period, employees must be allowed to enroll in an individual conversion health plan if such option is available under Wilbert's's group medical/dental/HSA/EAP coverage.

If an employee does not choose continuation coverage of medical/dental/HSA/EAP benefits, the employee may submit claims only for eligible medical/dental/HSA/EAP expenses incurred through the last day of employment or applicable grace period, if any. If an employee chooses COBRA continuation of medical/dental/HSA/EAP benefits, the employee may obtain reimbursement of eligible expenses incurred after termination of employment, provided the employee continues to pay contributions to the plan plus a small administrative charge.

### **ALTERNATIVES TO COBRA**

An employee may have other options available when losing group health coverage. For example, an employee may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, an employee may qualify for lower costs on monthly premiums and lower out-of-pocket costs. Additionally, an employee may qualify for a 30-day special enrollment period for another group health plan for which the employee is eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

*This policy is only a summary of your rights under the continuation coverage provisions of the law. Additional information regarding your rights is contained in the plan's general COBRA notice or can be obtained from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## **4.06 LIFE INSURANCE**

A group life insurance policy is provided for eligible employees. Accidental Death and Dismemberment coverage is included in this group policy.

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### **ELIGIBILITY**

Full-time employees are eligible for this insurance coverage one year from their date of hire. To enroll, employees must complete the necessary forms and give them to Human Resources. The insurance policy will become effective after our company has submitted the forms to the insurance company and the insurance company has approved the coverage.

### **AMOUNT OF COVERAGE**

An employee's amount of life insurance coverage is explained in the Summary Plan Description. Please see Human Resources for coverages questions.

### **PREMIUM COST**

The premium for this insurance is paid for by Wilbert's. The cost of any company-paid life insurance coverage in excess of \$50,000 must be reported as income on the employee's IRS W-2 Form each year.

### **ADDITIONAL LIFE INSURANCE**

Employees may choose to purchase additional life insurance coverage. Employees are responsible for the full cost of any additional life insurance coverage.

### **BENEFICIARY DESIGNATION**

Employees enrolled in the life insurance benefit will be required to designate a beneficiary upon enrollment. Designations may be changed by written request at any time. Beneficiaries will be eligible to receive the full amount of the employee's life insurance coverage in the event of the employee's death in accordance with the terms of the plan.

### **COVERAGE AT TERMINATION**

Coverage ceases on last day of employment.

*This is intended as a brief introduction to the Life Insurance Plan. A more thorough explanation of the plan is contained in the Summary Plan Description, plan documents and insurance policies available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## **4.07 SOCIAL SECURITY**

All employees are covered by this federal program, which is funded through payroll taxes known officially as the Federal Insurance Contributions Act (FICA) taxes.

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### **BENEFITS**

Social Security is an important benefit for employees and their families as it provides death, disability and retirement benefits.

### **COST**

The cost of this coverage is determined by law. The rates are subject to change in accordance with legislated amendments by Congress. The required amount of an employee's contribution will be deducted automatically from his or her paycheck.

### **ADDITIONAL INFORMATION**

Questions regarding the Social Security program should be directed to the Social Security Administration, which has answers to many common questions on its website at [www.ssa.gov](http://www.ssa.gov). Questions regarding an individual's FICA or other payroll tax deductions should be directed to the Human Resources.

## **4.08 401(k) PLAN AND PROFIT SHARING PLAN**

Our company provides eligible employees with a 401(k) plan and a profit sharing plan. These plans, which may be used in combination with Social Security benefits and personal resources, helps to provide employees with income for retirement.

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### **401(k) PLAN**

#### **ELIGIBILITY**

Employees are eligible to join our 401(k) plan after completing 6 months of employment and are at least 18 years of age.

#### **ENROLLMENT**

Employees may become participants on the 1st of the month after they have completed the above eligibility requirements. Employees are automatically enrolled at 3% with Wilbert's match of 3%. Employees who wish to decline should contact Human Resources,

#### **EMPLOYEE ELECTIVE CONTRIBUTIONS**

Plan participants may elect to contribute a percentage of their compensation to the 401(k) plan, subject to the terms of the Plan and certain established federal limitations.

#### **COMPANY MATCHING CONTRIBUTIONS**

Wilbert's Match will match 100% on the first 3% of compensation deferred; 50% on the next 2% of compensation deferred. Wilbert's will contribute an amount equal to 3 percent of the participant's first 3 percent of contributions for the plan year. Wilbert's will contribute 4 percent for participants that contribute 5 percent.

#### **VESTING**

Employees are 100 percent vested in the 401(k) plan. The profit-sharing dollars that are contributed are subject to a vesting schedule, see the following page for more information.

#### **INVESTMENT OF ACCOUNTS**

Participating employees may direct how their account balances are invested by choosing among several investment options offered under the Plan.

#### **ADDITIONAL INFORMATION**

Employees with questions about their 401(k) plan should be directed to Human Resources.

### **PROFIT SHARING PLAN**

#### **COMPANY CONTRIBUTIONS**

Depending on the profitability of Wilbert's, Wilbert's may share their profits with the employees. The disbursements are placed in an account for the employee to use at retirement.

#### **ELIGIBILITY**

Employees must be employed by Wilbert's for a **full calendar year and be employed on the day the disbursement is issued** to receive the profit sharing.

#### **VESTING**

Employees will be vested according to the following schedule:

<b>% Vested</b>	<b>Length of Service</b>
0	One Year
25	Two Years
50	Three Years
75	Four Years
100	Five Years

#### **ADDITIONAL INFORMATION**

Employees with questions about the profit-sharing plan should be directed to Human Resources.

*This is intended as a brief introduction to the 401(k) Retirement Plan. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## **4.09 SHORT-TERM DISABILITY INSURANCE**

A loss of income due to disability can be destructive to an individual's or family's security. For this reason, our company provides eligible employees with short-term disability insurance. This insurance program assists employees in replacing lost income in the event that an employee is disabled due to an off-the-job injury, illness or pregnancy.

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### **ELIGIBILITY**

Full-time employees who cannot work due to a non-job-related disability are covered under this short-term disability insurance program if they meet the eligibility requirements of the New York State Disability Benefits Law.

### **BENEFITS**

The benefits begin on the eighth calendar day of the disability and may continue for up to 26 weeks. Disability benefits are 50 percent of the employee's average weekly wage (based on the last eight weeks of employment) up to a maximum weekly benefit of \$170.00.

\*Employees receive a combined total of 26 weeks of disability and New York Paid Family Leave Benefits.

### **OPTIONAL SHORT-TERM DISABILITY INSURANCE**

Full-time employees have the option to purchase supplemental short-term disability insurance coverage at their own expense. Employees should see Human Resources for additional information.

### **COST**

The cost of state-mandated short-term disability insurance is shared between the employee and Wilbert's. The cost to the employee is no greater than \$.60 each week and is deducted from the employee's paycheck.

The cost of the optional disability insurance is paid for by the employee.

### **LEAVE ENTITLEMENT**

Employees are eligible for a Disability Leave. See the Disability Leave policy for more information.

### **EMPLOYEE'S RESPONSIBILITY**

Employees must notify their manager immediately if they anticipate being on a medical leave beyond seven calendar days.

*This is intended as a brief introduction to the Short-Term Disability Insurance. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## **4.10 LONG-TERM DISABILITY INSURANCE**

Income protection is vital to anyone disabled for a long period of time. For this reason, Wilbert's offers eligible employees a long-term disability insurance plan which provides income protection during extended periods of disability.

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### **ELIGIBILITY**

Full-time employees are eligible to participate in this plan 90 days of service with Wilbert's.

### **BENEFITS**

The payment of long-term disability insurance benefits is contingent upon being totally disabled due to illness or non-occupational injury. Total disability is defined in the plan documents. Long-term disability benefits begin after 26 weeks of disability.

### **COST**

The cost of this insurance is paid for by the employee.

### **EMPLOYEE'S RESPONSIBILITY**

Employees who are on long-term disability are responsible for notifying Wilbert's of any change in their return-to-work status.

*This is intended as a brief introduction to the Long-Term Disability Plan. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from Human Resources. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## 4.11 WORKERS' COMPENSATION

Our company carries a Workers' Compensation Insurance Policy which covers all employees in the event that they are injured or become disabled due to occupational illness or injury while on the job.

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### **BENEFITS**

For employees who are injured while on the job or who develop an occupational illness, medical expenses and loss of earnings up to the specified maximum normally will be covered by our Workers' Compensation Insurance Policy. Compensation under this plan is based on a formula using the employee's average weekly wages.

### **ELIGIBILITY**

Benefits for lost earnings begin after the seventh day of disability. If disability continues beyond two weeks, the benefits will also be paid for the first week of disability. Payment of medical expenses begins on the first day of disability.

### **LEAVE ENTITLEMENT**

Employees are eligible for a Disability Leave. This leave runs concurrently with any available Family and Medical Leave. See the [Disability Leave](#) policy for more information.

### **COST**

Wilbert's pays the entire premium for this insurance policy.

### **REPORTING ACCIDENTS**

Reports of accidents or injuries, even if minor, must be filed promptly with the manager or Human Resources. Failure to receive medical treatment in a timely manner may result in serious complications and also may jeopardize eligibility for medical benefits.

## **4.12 JURY DUTY & COURT ATTENDANCE**

Our company considers service on a jury to be an important civic duty.

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### **JURY DUTY PAY**

If an employee is called to serve, he or she will be paid by Wilbert's the New York State mandated per diem for the first three days of jury service. Exempt employees will be paid their full weekly salary if they work any part of the week in which they perform jury service.

### **DOCUMENTATION**

Employees must submit a copy of the Jury Duty Attendance Certificate to their manager indicating the dates served. Employees will receive this statement when their jury duty is complete.

### **TIME AWAY FROM WORK**

In fairness to Wilbert's, employees are expected to return to work if they are excused from jury duty during their regular working hours.

### **COURT ATTENDANCE**

Employees who are subpoenaed to appear in court as a witness in a criminal proceeding or who attend court as a victim of a crime, will be granted unpaid time off for their attendance.

## 4.13 BEREAVEMENT

In the event of a death in an employee's immediate family, the employee may take a leave immediately following the death for the purpose of making arrangements and attending the funeral.

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### COMPENSATION

**Full-time employees** will receive one day paid, and two days unpaid based on their regular rate of pay in the event of the death of an immediate family member. For the purposes of this policy, members of the immediate family include spouse, domestic partner, parents, children, stepchildren, grandparents, step-grandparents, grandparents-in-law, grandchildren, sisters, brothers, parents-in-law, sons/daughters-in-law, stepparents, stepparents-in-law, aunts, uncles, nieces, nephews, and cousins.

### EMPLOYEE'S RESPONSIBILITY

Employees are responsible for notifying their manager for bereavement requests as soon as possible. Wilbert's reserves the right to request written verification of the employee's relationship to the deceased and proof of attendance as a condition of the bereavement pay.

## **4.14 MILITARY LEAVE**

Wilbert's recognizes the obligation of those employees serving in any branch of the military or other appareled services of the United States. Employment status within Wilbert's is protected by the Appareled Services Employment and Reemployment Rights Act of 1994 ("USERRA") and state military leave provisions.

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### **LEAVE AND REEMPLOYMENT**

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. Wilbert's is committed to preserving the job rights of employees absent on military leave in accordance with law.

### **COMPENSATION**

Military leave is unpaid. Employees on unpaid military leave may choose to apply vacation or personal time benefits to their absence.

### **HEALTH CARE CONTINUATION**

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage in accordance with USERRA and COBRA. For additional information on health care continuation contact Human Resources.

### **SPOUSAL LEAVE**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.

### **NOTIFICATION OF MANAGER**

Employees are expected to inform their manager of their need for military or spousal leave as far in advance as possible. Employees also must submit a copy of the military orders to the manager.

**OTHER LEAVES**

This leave may run concurrently with any available Family and Medical Leave, where applicable.

**NO RETALIATION**

Employees who request military and/or spousal leave will not be retaliated against or penalized in any manner. Any employee who believes he or she has been retaliated against in violation of this policy should notify their manager, Human Resources, or an owner immediately.

## 4.15 VOTING LEAVE

Our company believes that all employees should have the opportunity to exercise his or her right to vote in elections.

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### **TIME AWAY FROM WORK**

Wilbert's provides employees who are registered voters with up to two hours of paid time off to vote. Additional time off will be without pay, except that exempt employees will receive their regular salary, as required by applicable law.

Time off to vote will be provided only at the beginning or end of the employee's shift, unless the company and the employee mutually agree to different timing.

### **ADVANCE NOTICE**

Employees intending to take leave to vote must inform their manager at least two working days prior to Election Day. The employee's manager will designate when the leave should be taken (e.g., at the beginning or end of the shift).

## **4.16 BONE MARROW & BLOOD DONATION LEAVE**

In accordance with New York State law, our company offers employees a leave of absence for the purpose of bone marrow or blood donation.

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### **TIME AWAY FROM WORK**

Employees who work at least 20 hours per week who seek to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is unpaid.

Employees who work at least 20 hours per week may be granted three hours of unpaid leave in any 12-month period of time for the purposes of donating blood.

### **VERIFICATION**

Employees are requested to give as much advance notice as possible. Employees who donate bone marrow must provide the manager with verification from a physician as to the purpose and length of leave requested.

## **4.17 VOLUNTEER FIREFIGHTER & AMBULANCE PERSONNEL LEAVE**

Our company recognizes the obligations that our employees who serve as volunteer firefighters and ambulance personnel may have in times of emergency.

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### **ELIGIBILITY**

Employees who are volunteer firefighters or ambulance personnel are permitted unpaid time off (unless payment is required by law) in the event that a State or local state of emergency has been declared by the Governor or a local government executive (such as a city mayor or town manager) and the employee's duties as a volunteer are related to handling/resolving the declared emergency.

### **NOTIFICATION**

If an employee requests time off under the policy, he or she must notify their manager immediately after the need for the leave becomes known. If Wilbert's grants an employee time off pursuant to this law, the employer may request the employee provide appropriate documentation from the head of the volunteer fire department or ambulance service certifying the period(s) of time that the employee spent responding to the declared emergency.

## 4.18      **DISABILITY LEAVE**

Our company offers employees a leave of absence due to an injury or illness, including pregnancy-related disability, consistent with applicable law.

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### **ELIGIBILITY**

All employees are eligible for this leave.

### **LENGTH OF LEAVE**

Leave will be provided as medically necessary and consistent with the operational needs of Wilbert's. Wilbert's will comply with the requirements of the Americans with Disabilities Act and state law.

### **PAY DURING LEAVE**

Disability leaves are unpaid except to the extent an employee is eligible to receive Workers' Compensation benefits, short-term disability benefits or PTO. (See those policies for details.)

### **MEDICAL CERTIFICATION**

Prior to the granting of such leave, employees must provide Human Resources with a health care provider's certificate justifying the medical need for the disability leave and the expected date of return.

### **HEALTH INSURANCE DURING LEAVE**

Our company will continue to provide health insurance coverage for full-time employees on authorized disability leave for twelve weeks. Employees are required to pay their portion of the premium on the first day of each month. Coverage will cease if an employee's premium payment is more than 30 days late.

If an employee qualifies for leave under the Family and Medical Leave Act, he or she will receive health benefits during their FMLA leave under the same terms and conditions as if he or she was on the job. (See the [Family and Medical Leave Act](#) policy.)

### **RETURN TO WORK**

Before returning to work, employees are required to present documentation from a health care provider certifying they are able to return to work with or without a reasonable accommodation.

**JOB REINSTATEMENT**

We will make all reasonable efforts to return employees to the same or similar position as held prior to the disability leave, subject to our staffing and business requirements and applicable law. An employee's continued absence from work beyond the period of disability may be deemed a voluntary termination of employment.

**OTHER LEAVES**

This disability leave runs concurrently with the Family and Medical Leave Act, provided the employee is eligible for that leave.

## 4.19 FAMILY & MEDICAL LEAVE ACT

**Wilbert's** provides eligible employees with time off when qualifying family or medical problems require a leave of absence.

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### ELIGIBILITY

Employees must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and;
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### LEAVE ENTITLEMENT

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

### LENGTH OF LEAVE

For leaves other than care of a covered service member, eligible employees may take up to 12 weeks of leave in a 12-month period for reasons defined above.

- The "12-month period" utilized by the Wilbert's is the 12-month period measured forward from the date the employee's first FMLA leave.
- Absences due to an employee's serious health condition that are also covered by short term disability insurance or workers' compensation are counted as part of the leave time available to eligible employees under the Family and Medical Leave Act.
- Leaves taken for the birth or the placement of a child with the employee for adoption or foster care must be completed within 12 months of that birth or placement.

## **COVERED SERVICE MEMBER LEAVE**

A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list for a serious injury or illness. Covered service members also include a veteran who is discharged or released from military services under conditions other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are “covered veterans.”

The FMLA definition of a “serious injury or illness” for current Armed Forces members and covered veterans is distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

Eligible employees may take up to 26 weeks of leave during “a single 12-month period” to care for the service member. The “single 12-month period” begins on the date the employee’s first FMLA leave to care for the service member begins. During this single 12-month period, the employee’s combined total FMLA qualifying-leave for all types of FMLA leave may not exceed 26 weeks.

## **INTERMITTENT OR REDUCED SCHEDULE LEAVE**

Under certain circumstances, leaves may be taken intermittently or on a “reduced leave schedule,” e.g., in periods of days or blocks of time smaller than a day:

- Employees may take leave intermittently or on a reduced leave schedule:
  - When medically necessary for their own serious health condition; to care for a family member with a serious health condition; or to care for a covered service member with a serious injury or illness.
  - When necessary for “qualifying exigency” leave.
- Intermittent or reduced leave for family reasons (leave to care for a newborn or newly adopted child or a child placed in foster care) may be taken only if Wilbert’s and employee agree to the arrangement.
- If intermittent or reduced schedule leave is taken for planned medical treatment or, if agreed to by Wilbert’s, for family reasons, Wilbert’s may require the employee to transfer temporarily, during the period in which intermittent or reduced schedule leave is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee’s regular position. The employee will receive their same rate of pay and equivalent benefits in the alternate position.

## **SPOUSES COMBINED LEAVE**

If both spouses are employed by Wilbert’s and wish to take leave to bond with a newly arrived child or to care for a parent with a serious health condition their aggregate leave is limited to a combined total of 12 weeks during any 12-month

period. If both spouses wish to take leave to care for a covered service member with a serious injury or illness or take a combination of service member leave and leave to bond with a newly arrived child or care for their own parent with a serious health condition, their aggregate leave is limited to 26 weeks during a single 12-month period.

## **PROCEDURE FOR REQUESTING A LEAVE**

In the case of foreseeable FMLA leaves for birth, adoption or placement of a child or for planned medical treatment of the employee, a covered family member or a covered service member, an employee must provide Human Resources within 30 days' advance notice in writing before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, they must provide notice as soon as it is practicable under the circumstances.

In the case of qualifying exigency leave or when the approximate timing of any FMLA leave is not foreseeable, the employee must provide Human Resources as much notice as soon as it is practicable under the circumstances.

In requesting FMLA leave, the employee must provide sufficient information to allow Wilbert's to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

In the case of leave for planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt Wilbert's operations.

Employees are expected to consult with their supervisor/manager before the scheduling of treatment to attempt to work out a treatment schedule that best suits the needs of both the employer and the employee.

## **MEDICAL/SUPPORTING CERTIFICATION**

Employees are required to provide medical certification from a health care provider for their own serious health condition or that of a family member or covered service member. Employees who request qualifying exigency leave also are required to provide certification supporting the need for leave and, when the leave is requested for the first time, a copy of the covered military member's active duty orders. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before the leave begins.

### **Initial Certification**

The employee must submit a complete and sufficient certification to Human Resources within 15 calendar days after Wilbert's requests the certification. If the certification is returned incomplete or insufficient, the employee will have seven calendar days to cure the deficiency. Failure to provide a complete and sufficient certification may result in denial of FMLA leave.

If there is reason to doubt an initial medical certification, an employee may be required to obtain a second opinion at Wilbert's expense. If the opinions differ, a third, final and binding certification from a healthcare provider designated or

approved jointly by Wilbert's and the employee may be obtained at Wilbert's expense.

### **Periodic Certification**

Wilbert's may also require employees on FMLA leave to submit periodic re-certification throughout the leave, but generally not more often than every 30 days unless a change in circumstances warrants earlier recertification. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

### **Return to Work**

Before returning to work, employees who have taken a leave for their own serious health condition are required to present documentation from their health care provider certifying that they are able to return to work and perform the essential functions of their positions with or without reasonable accommodation. Job restoration may be delayed or denied pending receipt of a return-to-work/fitness for duty certification.

## **OTHER REQUIREMENTS**

Employees may be required to periodically report on their leave status and on their intent to return to work as directed by Human Resources before or during their leave.

Employees must comply with Wilbert's usual call-in procedures for absences while they are on intermittent FMLA leave.

Employees will be required to apply for any available and applicable paid leave (such as disability or paid family leave) to run concurrent with FMLA leave. FMLA leave under this policy runs concurrently with Wilbert's **Disability Leave, New York Paid Family Leave** and/or any other statutory leave entitlement to the extent permitted by law.

**[Optional, if true:** Wilbert's limits employees on leaves of absence, including FMLA leave, from engaging in outside employment (including self-employment) while on such leaves of absence.]

## **EMPLOYMENT AND BENEFITS PROTECTION**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during an FMLA leave.

- Employees are required to pay their portion of the premium by the first of the month if FMLA leave is unpaid. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue for 15 days, Wilbert's will notify the employee that their health insurance coverage will terminate if the premium is not received within the next 15 days.
- Employees who provide a statement of notice of their intent not to return to work are not entitled to continuation of health care benefits, except as covered by COBRA (refer to COBRA policy).

- Employees who fail to return from the leave, except for reasons of continuation, recurrence or onset of a serious health condition (including the serious health condition of a family member or covered service member) or something else beyond the employee's control, must repay Wilbert's for Wilbert's share of health coverage premiums incurred to maintain their coverage during the unpaid leave.

PTO and seniority or service time do not continue to accrue, except in cases of intermittent leave.

Life insurance, supplemental short-term disability and long-term disability insurance will be retained if employees continue to make premium payments.

When paid leave is not required and/or not available, time off for FMLA is received on an unpaid basis. Employees that are on otherwise unpaid FMLA leave have the option to use accrued PTO while taking FMLA leave. Employees that are on FMLA leave while receiving paid benefits for workers' compensation, disability or paid family leave have the option of using available PTO to supplement such benefits, to receive up to a combined total of 100% of their wages. Employees must satisfy the procedural requirements of Wilbert's PTO to receive such paid time off.

The substitution of paid leave time for unpaid FMLA leave time does not extend the length of the FMLA leave and the paid leave time will run concurrently with the FMLA leave time.

An employee (other than a key employee) who qualifies for a leave will return either to the same position they had before or to a position equivalent in pay, benefits and other terms and conditions of employment.

Key employees may not be eligible for reinstatement to the same or an equivalent position if it would cause substantial and grievous economic harm to Wilbert's. (A "key" employee is one who is a salaried, FMLA-eligible employee, who is among the highest paid 10 percent of all the employees employed by the employer, within a 75-mile range of the employee's worksite.) Wilbert's will notify an employee if they qualify as a key employee and advise the employee of their rights if Wilbert's intends to deny reinstatement.

#### **FAILURE TO PROVIDE NOTICE OR CERTIFICATION OR RETURN FROM LEAVE**

Absent unusual circumstances, failure to comply with Wilbert's notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, Wilbert's may presume that the employee does not plan to return to work and has voluntarily terminated their employment.

#### **CONFIDENTIALITY**

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors/managers, first aid and safety personnel or government officials.

**FRAUDULENT USE OF FMLA**

An employee who fraudulently obtains Family and Medical Leave from Wilbert's is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, Wilbert's will take all available appropriate disciplinary action against such employee due to such fraud.

**ADDITIONAL INFORMATION**

Wilbert's will not restrain, interfere with or deny the exercise of any employee rights provided under the FMLA. Wilbert's will not discriminate against any employee who exercises any rights under the FMLA or makes a complaint related to FMLA leave. Employees who have questions regarding this policy should contact Human Resources.

## 4.20 NEW YORK PAID FAMILY LEAVE BENEFITS

New York's Paid Family Leave (PFL) program provides job protected leave and wage replacement to eligible employees when qualifying conditions require a leave of absence.

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### ELIGIBILITY

To be eligible, employees must: regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day family leave is taken. Paid time off can be counted toward an employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status.

PFL is granted to eligible employees who request time off for the following qualifying events:

- to participate in providing care, including physical or psychological care, for an employee's spouse, child, parent, grandchild, grandparent, or domestic partner with a serious health condition;
- to bond with a new child during the first 12 months after the child's birth, adoption or foster care placement with the employee, the employee's spouse, or the employee's domestic partner; or
- due to a qualifying exigency for the employee's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

### LENGTH OF LEAVE AND BENEFITS

PFL benefits will be paid at 67% of the employee's average weekly wage for a maximum of twelve weeks.

\*The percent of the employee's average weekly wage or the percent of the state average weekly wage, whichever is less. The pay percentage outlined in future years is subject to change and/or freeze.

Employees who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 52-week rolling look back period.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

## **INTERMITTENT USE**

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial-day leave under PFL.

When an employee takes intermittent PFL, the employee must provide notice to Human Resources as soon as is practicable before each day of intermittent leave.

An employee's use of intermittent FMLA leave on a partial-day basis may, under certain circumstances, reduce an employee's PFL benefit amount. Specifically, each time an employee takes partial-day intermittent FMLA leaves during a 12-month period that add up to the number of hours in an employee's usual work day, Wilbert's will deduct one day of PFL benefits from the employee's annual PFL benefit allotment.

## **MULTIPLE EMPLOYEES REQUESTING LEAVE**

More than one employee of Wilbert's cannot use the same period of PFL to care for the same qualifying family member.

## **EMPLOYEE NOTICE REQUIREMENTS**

In the case of a foreseeable leave, a covered employee must provide Human Resources with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give Human Resources timely notice, the employee's PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for Human Resources to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

## **PROCEDURE FOR REQUESTING LEAVE**

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation as follows, to the insurance carrier, Wesco Insurance Company:

- 1) Bonding Certification: PFL-2 Form plus documentation;
- (2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or
- (3) Military Qualifying Event: PFL-5 Form plus documentation.

The Forms can be obtained from Human Resources or Wesco Insurance Company.

To submit a request for PFL, employees must:

- Complete the employee's portion of the PFL-1 Form.
- Submit the PFL-1 Form to Human Resources.
- Wilbert's will complete its portion of the PFL-1 Form and return it to the employee within 3 business days.

- If Wilbert's fails to respond, employees may submit all materials directly to Shelterpoint
- Depending on the type of PFL leave the employee is seeking, the employee will be required to complete additional PFL forms as described in the letter from Shelterpoint. Employees must submit the completed PFL forms to Shelterpoint Company before or within 30 days after the start of their leave. Shelterpoint must pay or deny leave requests within 18 calendar days of receiving an employee's completed forms.

## **CONTINUATION OF BENEFITS DURING LEAVE**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium the 1<sup>st</sup> of the month. Wilbert's obligation to maintain health insurance coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue, Wilbert's will notify the employee in writing at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless payment has been received by that date.

If group health plan benefits lapse because an employee has not made the required premium payments, then upon the employee's return from PFL, the employee will be restored to coverage/benefits equivalent to those the employee would have had if paid family leave had not been taken and premium payment(s) had not been missed, including family or dependent coverage.

If an employee chooses not to retain group health plan coverage during PFL, then upon the employee's return from leave, the employee shall be reinstated into the health plan on the same terms the employee had prior to taking leave.

An employee's use of PFL leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's PFL leave (unless such accrued benefits, such as paid time off, were used during PFL leave). The employee, however, will not accrue any additional benefits or seniority during any period of PFL leave that is not paid through use of accrued leave benefits, except in the case of intermittent leave, or unless otherwise required by law.

All other employee benefits will be retained as long as the employee continues to make premium payments.

## **CONCURRENCE WITH OTHER LEAVE TYPES**

Employees may choose to supplement PFL with applicable vacation and/or personal leave to receive full salary. Employees should refer to applicable paid time off policies for information regarding minimum increments applicable to such leave.

If an employee takes PFL leave for an event that also qualifies as leave under the FMLA, the employee's PFL leave will run concurrently with available FMLA leave.

Employees cannot use PFL and short-term disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period. If an employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

## **COST**

PFL premiums are paid for by the employee and are deducted from the employee's paycheck on an after-tax basis. The deduction amount is set annually by the Department of Financial Services.

## **WAIVER OPTION**

Employees have the option of filing a waiver for PFL benefits if:

- The employee's regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
- The employee's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Employees who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to Human Resources. Employees who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the employee voluntarily revokes the waiver or if the schedule of an employee who has waived PFL benefits changes such that it is anticipated that the employee will become eligible to receive PFL benefits, the waiver will be revoked and the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee's date of hire.

## **PERIODIC STATUS REPORTS AND RETURN FROM LEAVE**

Wilbert's may require an employee on PFL leave to report periodically on the employee's status and intent to return to work to the extent permitted by law.

Any employee who exercises his or her right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

## **QUESTIONS AND ADDITIONAL INFORMATION**

Employees who have questions regarding this PFL policy should contact Human Resources. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult Wilbert's other leave policies or contact Human Resources. Wilbert's is committed to complying with PFL and shall interpret and apply this policy in a manner consistent with the PFL regulations. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration.

Employees will be provided with information about how to request arbitration with their PFL denial.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If an employee believes their rights have been violated and/or job restoration has been denied as a result of requesting and/or taking PFL, the employee must send Human Resources a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-19), which can be found in the forms section of <https://www.ny.gov/PaidFamilyLeave>. Employees must file the completed form with Wilbert's and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If Wilbert's does not comply with an employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York Paid Family Leave website. Once an employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

## **4.21 APPAREL/ATTIRE**

Wilbert's attire conveys an important message about Wilbert's professionalism. The attire also promotes safety and assists employees by reducing the expense of purchasing work clothing. As Wilbert's team members, employees are expected to wear our company apparel.

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### **GENERAL**

Employees will be provided with Wilbert's apparel/attire or a logo shirt tag within the introductory period for a new hire.

Employees are expected to treat apparel with the same care as they would their own clothing.

### **UNIFORM SERVICES**

Select locations provide the option to have work pants cleaned and returned weekly through CINTAS. Your manager will advise you regarding the options for your location.

### **SAFETY-TOE SHOE REIMBURSEMENT**

Certain positions require employees to wear safety-toe shoes. Managers will inform employees impacted by the requirement.

Wilbert's will reimburse impacted employees, 50 percent of the cost of the safety-toe shoes with a cap of \$250.00 per year. New hires are not eligible for the reimbursement until the first 90-days of employment have been completed.

As examples, if an employee purchases a pair of safety-toed shoes for \$100.00, the employee will be reimbursed \$50.00 whereas if an employee purchases a pair of safety-toed shoes for \$600.00 the employee will be reimbursed the cap of \$250.00.

Managers should be notified prior to the purchase and must be approved for reimbursement. Receipts and proof of purchase are required for reimbursement.

### **EYEWEAR REIMBURSEMENT**

Certain positions require employees to wear protective eyewear for employees who wear glasses. Managers will inform employees impacted by the requirement.

Wilbert's will reimburse impacted employees, 50 percent of the cost of the safety-toe shoes with a cap of \$80 per year. New hires are not eligible for the reimbursement until the first 90-days of employment have been completed.

Managers should be notified prior to the purchase and must be approved for reimbursement. Receipts and proof of purchase are required for reimbursement.

### **WORK PANT REIMBURSEMENT**

Wilbert's will reimburse impacted employees, 50 percent of the cost for dark colored work pants with a cap of \$100.00 per year. New hires are not eligible for the reimbursement until the first 90-days of employment have been completed.

As examples, if an employee purchases a pair work pants for \$50.00, the employee will be reimbursed \$25.00 whereas if an employee purchases a pair of work pants for \$250.00 the employee will be reimbursed the cap of \$100.00.

Managers should be notified prior to the purchase and must be approved for reimbursement. Receipts and proof of purchase are required for reimbursement.

### **SEPARATION FROM EMPLOYMENT**

All company apparels/attire must be returned laundered to the employee's manager upon separation of employment.

## **4.22 EMPLOYEE ASSISTANCE PROGRAM**

On occasion, everyone has personal problems. Usually these problems are resolved with the support of relatives and close friends. But sometimes, employees or members of their family may find that they would benefit from the assistance of a trained counselor. It is for this reason that Wilbert's provides an Employee Assistance Program (EAP) to employees and family members who may need help with personal or behavioral problems.

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### **ELIGIBILITY**

Our EAP, is available to all employees and their family members.

### **BENEFITS**

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it or for an employee who is referred by his or her manager. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers. The EAP can be accessed by the ADP Portal or the Benefit Summary Booklet. Employees can also contact Human Resources with any questions.

The privacy of employees and their family members is protected at all times. Wilbert's is not informed when anyone seeks assistance, unless the individual so requests or Wilbert's refers the employee to the program as a requirement of continued employment.

### **COST**

Wilbert's pays the full cost of the Employee Assistance Program. Employees are responsible for the cost of outside referrals. However, the cost for outside referral help may be covered by the employee's group health insurance.

## 4.23 DOMESTIC PARTNER BENEFITS

Wilbert's allows employees to obtain allowable benefits for themselves and their domestic partners. If the domestic partner is not the employee's legal spouse or income tax dependent under applicable IRS rules, then the value of the employer-provided benefits (including any such coverage paid for on a pre-tax basis) may be added to the employee's taxable earnings. If you need further advice on this issue, please consult your tax advisor.

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### ELIGIBILITY

Domestic partners of current employees, including same sex and opposite sex partners and children of a current domestic partner are eligible for health insurance and dental insurance benefits. Domestic partners must meet the following requirements:

- Have an exclusive mutual commitment, similar to that of marriage;
- Are each other's sole domestic partner and intend to remain so indefinitely;
- Neither partner is legally married;
- Are not related by blood to a degree of closeness which would prohibit legal marriage in the state in which the partners legally reside;
- Are at least 18 years of age and are legally competent to contract;
- Are currently residing together and have resided together in a common household for at least six consecutive months and intend to reside together indefinitely;
- Share joint responsibility for the partners' common welfare and financial obligations as evidenced by an Affidavit of Domestic Partnership (a prescribed affidavit sworn to by both individuals which demonstrates their personal and financial interdependence).

Same-sex couples who have been legally married are eligible for the same insurance benefits from Wilbert's as are other married couples without meeting the above eligibility requirements.

### ENROLLMENT

To enroll a domestic partner in Wilbert's health and dental insurance benefit programs, the employee must provide an Affidavit of Domestic Partnership which may be obtained from Human Resources or, in some instances, from the local city or town clerk's office.

### CHANGES IN BENEFIT ELECTIONS

After enrolling, employees may not change their benefit plans until the beginning of the next plan year, unless one of the following events occurs and provided the change elected is made on account of and consistent with, such event:

- The domestic partnership is dissolved;

- You have a change in family status; or
- Your employment status changes.

### **TAX IMPLICATIONS**

The tax consequences of a domestic partnership are the responsibility of the employee, not Wilbert's. Unless a domestic partner qualifies as the employee's tax dependent the value of any domestic partner benefit may be taxable compensation for the employee.

### **TERMINATION PROCEDURES**

If there is a change in status of the domestic partnership, the employee must notify Human Resources within 30 days of the change of status. Benefits will continue until the last day of the month the statement is received.

*If there is a conflict between this policy or guidance under it, information you receive and the benefit plan document(s), the terms of the actual plan documents shall control.*

## **4.24 UNEMPLOYMENT INSURANCE**

Unemployment Insurance may be available to employees who separate from employment with Wilbert's.

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### **ELIGIBILITY**

Upon separation from employment employees may be eligible to collect unemployment insurance benefits. The State determines who is eligible to collect the benefits, not Wilbert's.

### **ADDITIONAL INFORMATION**

Additional information can be obtained from Human Resources.

## **4.25 DOMESTIC VIOLENCE VICTIM LEAVE**

Wilbert's will reasonably accommodate employees who are the victim of domestic violence with time off in compliance with the New York State Human Rights Law.

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### **REASONABLE ACCOMMODATIONS**

Wilbert's will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

- Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence;
- Obtain services from a domestic violence shelter, program or rape crises center;
- Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence;
- Participate in safety planning or other actions to increase safety from future incidents of domestic violence; or
- Obtain legal services, assist in the prosecution of an offense or appear in court in relation to an incident of domestic violence.

### **EMPLOYEE'S RESPONSIBILITY**

Employees must give Wilbert's reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence.

Acceptable forms of certification include:

- A police report indicating the employee or the employee's child is a victim of domestic violence;
- A court order protecting or separating the employee or his or her child from the perpetrator of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee or his or her child was undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

When taking leave under this policy, an employee may use any available paid leave, including company-provided paid time off. Otherwise, leave will be unpaid. During the leave, Wilbert's will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

### **CONFIDENTIALITY**

Except as otherwise required by law, Wilbert's will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

**NO RETALIATION**

Wilbert's will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.

## **4.26 COVID-19 VACCINATION LEAVE**

Wilbert's will reasonably accommodate employees who schedule their Covid-19 vaccine within working hours.

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### **TIME AWAY FROM WORK**

Wilbert's provides employees who have scheduled Covid-19 vaccination(s) during work hours for up to four hours of paid time off. Additional time off will be without pay, except that exempt employee will receive their regular salary, as required by applicable law. When taking leave under this policy, an employee may use any available paid leave, including company-provided paid time off.

Employees must provide documentation prior to the appointment, including the employee's name, location of the administrator/clinic, appointment time and date. Employees are eligible for the Covid-19 vaccination leave for each injection. Time paid will be provided for the time it takes the employee to leave work to receive the injection until the time the employee returns to work.

Employees must also provide proof of vaccination upon return to be eligible for the Covid-19 vaccination leave. The proof of vaccination must include the employee's name, type of vaccination administered, dates of administration and the name of the professional/clinic that administered the vaccine.

## 4.27 TRAVEL POLICY

It is the policy of Wilbert's to reimburse staff for reasonable and necessary expenses incurred during approved work-related travel. Employees seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this travel policy, then the most conservative course of action should be taken. Business travel policies are aligned with company reimbursement rules. All business-related travel paid with Wilbert's funds must comply with company expenditure policies.

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### AUTHORIZATION AND RESPONSIBILITY

Employee travel must be authorized. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Within 30 days of completion of a trip, the traveler must submit a travel reimbursement form and supporting documentation to obtain reimbursement of expenses.

Designated approval authorities are required to review expenditures and withhold reimbursement if there is reason to believe that the expenditures are inappropriate or extravagant. Occasionally it may be necessary for travelers to request exceptions to this travel policy. Requests for exceptions to the policy must be made in writing and approved by their manager.

### TRAVEL EXPENSES/PROCEDURES

Before the travel, Wilbert's may issue prepayments for airfare, rail transportation, rental vehicles, conference registration fees. Applicable policies and methods of payments for these prepayments follow.

**Airfare:** Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Airfare may be prepaid by the business office. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Coach class or economy tickets must be purchased for domestic or international flights with flight time totaling less than five consecutive hours excluding layovers.

**Rail transportation:** Wilbert's will prepay rail transportation provided that the cost does not exceed the cost of the least expensive airfare.

**Rental vehicles:** Wilbert's will pay for approved use of a rental vehicle. See the section on reimbursements below in this section.

**Conference registration fees:** Conference registration fees can be prepaid with a credit card or check through the business office with a request for payment form. Business-related banquets or meals that are considered part of the conference can be paid with the registration fees; however, such meals must be deducted from the traveler's per diem allowance.

## REIMBURSEMENTS

Requests for reimbursements of travel-related expenses are submitted on the Travel Reimbursement form. This form must be accompanied by supporting documentation. These forms must be submitted to accounting within two weeks after the trip is completed. Reimbursement of travel expenses is based on documentation of reasonable and actual expenses supported by the original, itemized receipts where required. Reimbursements that may be paid by Wilbert's are shown below.

**Airfare:** If the airfare was not prepaid by the business office, an original itemized airline receipt, an e-ticket receipt/statement or an Internet receipt/statement is required. The receipt must show the method of payment and indicate that payment was made.

**Rail transportation:** If rail transportation was not prepaid by the business office, an original itemized receipt, original e-ticket receipt/statement or Internet receipt/statement is required. The receipt must show the method of payment and indicate that payment was made.

**Automobile and inter-company travel:** A valid driver's license issued within the United States and personal automobile insurance are required for expenses to be reimbursed. Drivers should be aware of the extent of coverage (if any) provided by his or her automobile insurance company for travel that is business or not personal in nature. All travel should be approved in advance by the employee's manager. Start and end times will be determined by the employee's manager. Travel and inter-company travel include the following:

- Attending conferences, networking events, training during regular business hours
- Working at another Wilbert's location outside of the employee's primary work location
- Training at another Wilbert's location outside of the employee's primary work location

Reimbursement for use of a personal automobile is based on the Wilbert's current mileage rate. Hourly employees should remain punched in while traveling during their regular scheduled shift. Employees will only be reimbursed for mileage from their primary work location to their destination. Employees who are asked to travel to another Wilbert's location on their commute to or from their home location will not be reimbursed for mileage if they pass the location during their normal commute, they will be paid only for time worked.

A mileage reimbursement form is required for reimbursement of all related expenses, including gasoline, tolls and/or parking.

**Conference registration fees:** If the conference fee was not prepaid, Wilbert's will reimburse these fees, including business-related banquets or meals that are part of the conference registration. Original receipts to support the payment are required.

**Lodging (commercial):** The cost of overnight lodging (room rate and tax only) will be reimbursed to the traveler if the authorized travel is 120 miles or more from the traveler's home or primary worksite.

Wilbert's will reimburse lodging expenses at reasonable, single occupancy or standard business room rates. When the hotel or motel is the conference or convention site, reimbursement will be limited to the conference rate.

Only single room rates are authorized for payment or reimbursement unless the second party is representing the agency in an authorized capacity. If the lodging receipt shows more than a single occupancy, the single room rate must be noted. If reimbursement for more than the single room rate is requested, the name of the second person must be included.

**Business meals:** Travelers are required to follow Wilbert's expenditure policies when requesting reimbursement for business meals. Wilbert's will cover a maximum of \$20 per meal. Original itemized receipts are required.

**Miscellaneous transportation:** Original receipts are required for taxi, bus, subway, metro, ferry and other modes of transportation if necessary.

**Visa, passport fees and immunizations:** If these items are required for international travel, their reimbursement is left to the discretion of your supervisor. If approved by the designated authority, original itemized receipts are required.

**Travel for Non-Employees:** Additional costs for travel, lodging, meal or other travel expenses for spouses or other family members will not be reimbursed unless the individual has a bona fide company purpose for engaging in the travel or attending the event. Such travel is generally limited to senior management and should occur infrequently.

*This policy is intended as a guideline to assist in the consistent application of Company policies and programs for employees. The policy does not create a contract implied or expressed, with any Wilbert's employees, who are employees at will. Wilbert's reserves the right to modify this policy or in part, at any time, at the discretion of Wilbert's.*

## **SECTION FIVE**

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# **SAFETY POLICIES**

## 5.01 SAFETY THROUGH TEAMWORK

Safety is a high priority at Wilbert's. We accept responsibility for providing employees with a safe working environment and we expect employees to take responsibility for performing their work in accordance with our safety standards and practices.

Safety will only be achieved through teamwork at our company. We must all join together in promoting safety and taking every reasonable measure to assure safe working conditions exist throughout our company.

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### **EVERYONE IS RESPONSIBLE FOR SAFETY**

Employees who notice an unsafe condition must notify their manager. Immediate action will be taken to correct the situation.

### **ACCIDENTS**

Employees should promptly report any work-related injury to their manager, even if it appears minor, and explain how the injury occurred.

### **PERSONAL PROTECTIVE EQUIPMENT**

Certain positions may require the continuous use of specific personal protective equipment. Employees will be notified by managers if their position requires the use of such equipment as well as any protective clothing or guidelines such as wearing safety-toed shoes.

Regardless of position, employees are always required to wear personal protective equipment in designated areas.

### **EMPLOYEE RESPONSIBILITIES**

An unsafe worker is a danger to the worker and fellow employees. Attention to all safety procedures is essential, not only to prevent injury, which is paramount, but also to protect property and the tremendous investment that it represents.

Each employee is responsible for safety. To accomplish this, employees should:

- Know and apply safety measures at all times;
- Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must promptly inform your supervisor.
- Know the locations, contents and use of first aid and firefighting equipment;
- Understand their job fully and follow instructions. If you are not sure of the safety procedure, don't guess, ask your supervisor;
- Seek guidance from their manager when unfamiliar conditions are encountered;
- Promptly report any accident or near accident to their manager;

- Cooperate in the application of improved work measures;
- Promptly report any damaged or defective equipment or other unsafe condition to their manager;
- Know the proper lifting procedures. Get help when lifting or pushing heavy objects; and
- The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on Wilbert's property is forbidden

Wilbert's requires employees to report all workplace accidents and injuries. Employees and will not be subjected to any discrimination or retaliation for doing so.

Employees need to notify their manager immediately if drugs and/or drug paraphernalia is found in any of the vehicles. There is a specific protocol that must be following including the use of biohazard dispensers depending on the paraphernalia.

### **SAFETY VIOLATION**

Violation of a safety measure is in itself an unsafe act. A violation will be grounds for disciplinary action, the extent of which will be determined by the nature of the violation.

## **5.02 ALCOHOL & DRUG-FREE WORKPLACE**

Wilbert's is committed to providing employees with a work environment that is free of the problems associated with the use and unlawful possession of controlled substances or alcohol. We also are responsible for providing our customers with quality service at reasonable costs in a safe and efficient manner. As a condition of employment with our company, all employees are required to fully comply with the provisions of this policy.

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### **DEFINITION OF CONTROLLED SUBSTANCES**

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

### **UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL IN THE WORKPLACE**

The unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on company property or any location at which company business is conducted, including company vehicles and any private vehicle parked on company premises or work sites, is strictly prohibited.

Further prohibited is the unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on non-working time on company premises to the extent such actions impair an employee's ability to perform his or her job or otherwise adversely affects Wilbert's business interests.

### **REPORTING THE USE OF CERTAIN MEDICATIONS BY SAFETY-SENSITIVE EMPLOYEES**

This policy does not prohibit the use of prescription or over-the-counter medication taken by employees in safety-sensitive positions which: (1) have been lawfully prescribed to or obtained by, the employee; (2) are being used by the employee in accordance with the prescription's guidelines (if applicable); and (3) before reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related safety-sensitive tasks and has informed Wilbert's. When these warnings exist, the employee must inform their manager of such restrictions before reporting to work under the influence of such substances. The employee should not identify the medication(s) being used or the reason for its use. Wilbert's will evaluate and respond to this information on a case-by-case basis and will maintain the confidentiality of the information provided. Responses may include, among other things, temporary job

reassignment or modifications, a request for additional medical documentation and consultation and/or an instruction that the employee not work until the restriction is removed. Any employee reporting to work in a safety-sensitive position without first advising Wilbert's about warnings accompanying lawfully-prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.

"Safety-sensitive" employees are those whose job duties put them at risk for seriously injuring or harming themselves or others if they perform their job duties while using drugs or alcohol.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Wilbert's provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need to discuss personal issues. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

### **VIOLATION OF POLICY**

Violations of this policy will lead to disciplinary action, up to and including termination. This includes employees who use alcohol and/or drugs during their break and/or meal period and return to work under the influence.

## **5.03 ACCIDENT REPORTING AND INVESTIGATION**

Properly reporting accidents and/or unsafe conditions is the key to creating a safe workplace. Employees have both a right and responsibility to report work-related injuries and illnesses and unsafe working conditions promptly.

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### **PURPOSE**

The purpose of accident investigation is to discover the cause(s) so proper action may be taken to prevent a recurrence. Every accident indicates that proper preventive action must be taken. Employees have both a right and responsibility to report work-related injuries and illnesses. This should promptly be reported to the manager, Human Resources, or an owner.

### **NO RETALIATION**

Employees have the right to report work-related injuries or illness without fear of reprisal. It is the policy of Wilbert's that any employee or intern who makes a complaint regarding safety and/or reports a work-related injury will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for such activity should immediately contact the manager, Human Resources, or an owner.

### **RESPONSIBILITIES**

The manager is responsible for investigating accidents as soon as they are reported.

A good accident investigation will:

- Assist in determining the principal or underlying cause.
- Determine how to initiate significant corrective action.

The manager is required to fill out accident/injury reports and report all accidents. The manager will fill out and distribute workers' compensation reports and disability paperwork as needed. The manager is responsible for reviewing each accident/injury investigation report, and with an owner and Human Resources, determine the proper corrective action to take.

The manager is responsible for implementing identified corrective action(s).

### **PROCEDURE**

- When an accident occurs, the manager will immediately take action to prevent further injury or damage.
- The manager will interview employee(s) and witnesses as soon after the accident as possible. A fact-finding approach will be maintained.
- The manager will determine causes of the injury, illness or property damage.

- The manager will establish corrective action(s) for managing and rectifying the cause of the accident.
- The manager will ensure that all reports are recorded and retained. Accurate information must be available regarding the accident, the injury or damage which occurred, the corrective action identified and when the corrective action was implemented.
- The manager will conduct a periodic review of the accident investigation reports to identify the need for retraining, problem areas, operations that need attention or trends in frequency which indicate a need for added prevention activities and/or training.

## **GENERAL INVESTIGATION GUIDELINES**

The investigative process will:

- Analyze the incident to determine the cause or causes.
- Inspect the location and equipment involved.
- Inquire about similar incidents which have occurred.
- Review records.
- Interview those involved and witnesses.
- Create a plan of corrective actions to eliminate the causes.
- Assign responsibility for the corrective actions.
- Ensure the plan is carried out.
- Monitor effectiveness of the corrective action.

## **5.04 RETURN TO WORK POLICY**

### **PURPOSE**

Wilbert's Family Enterprises is committed to providing safe, gainful, and meaningful employment as soon as possible following an on-the-job injury or illness. Wilbert's strives to assist employees to return to work at the earliest possible date following an injury or illness. This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Inquiries about this information or about the ADA or FMLA should be directed to the human resource department (HR) via email at [HR@wilberts.com](mailto:HR@wilberts.com)

### **ELIGIBILITY**

The policy only applies to regular full and part-time employees who are on leave as a result of a work-related injury or illness and who are receiving workers' compensation benefits.

### **CONTACT**

The return-to-work program contact is the HR Manager. The program contact serves as the facilitator of the program and assists in communication between all parties in order to get the employee back to their original pre-injury position in a safe and timely manner.

### **COMMUNICATION**

Wilbert's will do its best to accommodate the return of the employee to work following a workplace injury or illness in accordance with their physician's recommendation. Wilbert's will involve the injured or ill employee in all aspects of the return-to-work process.

Prior to the employee's return and for the duration of the program, Wilbert's will communicate with all parties including but not limited to: the employee, the treating physician, and the workers compensation board in order to facilitate the employees return to work.

This policy will also be available in the handbook for communication purposes and for newly hired employees. Training for newly hired employees will be done on their date of hire during the onboarding process. Training will be conducted annually for all employees or after any changes are made to the Return to Work Policy.

Training will include:

- Return-to-work program eligibility and process
- The employee's responsibility of reporting workplace injuries or illnesses
- Responsibilities of Management and Managers under the program

Communication for employees injured on the job will follow the guidelines below:

- Ensure employees have received proper medical attention and if applicable, notify emergency contacts.
- Manager and employee will complete Wilbert's accident/incident report.
- Report will be filed with Wilbert's Workers Compensation carrier and the safety coordinator to begin the return-to-work process.

Ongoing communication will be made by the HR Department and Safety Coordinator to ensure the following:

- Consistent involvement between the employee and Wilbert's during the RTW process.
- Oversight of the development of the RTW program.
- Routinely check in on the injured employee and their status, bi-weekly or anytime progress on the injured employee is updated.
- Assist the employee with taking advantage of the RTW program and offer guidance and advice.

## PROCEDURES

Following a workplace injury, the HR Department and Safety Coordinator will set up a meeting with the injured employee to discuss the RTW plan which may include a transitional assignment until the employee can return with no restrictions. The meeting will serve:

- To develop an individualized RTW plan with the employee based on the employee's position, injury, fit for transitional work, and attending physician recommendations.
- To outline a communication plan involving the employer, employee, and employee's attending physician. The employee will be involved in all communication and decisions about his or her return to work.
- Setup expectations and responsibilities: The human resources group is responsible for setting up any meetings necessary for the RTW plan. The employee is responsible for selecting a physician and setting up communication between the physician and employer. The employee is responsible for communicating the return to work plan to the attending physician.
- The meeting will also discuss any future accommodation requests based upon the physicians' recommendations.

The meeting will set the foundation for the RTW plan. The plan will be conducted with the goal of getting the employee back to their pre-injury work as soon as the attending physician clears the employee to full duty.

After the employee has chosen a physician and the employee has given the contact information of the physician to the program contact, the contact will communicate with the physician on a routine basis. The program contact will also routinely communicate with the injured employee, this should allow for an easy transition back onto the job. Routine basis will be considered weekly, or anytime an update to the employees status occurs.

Wilbert's defines "transitional work" as temporary, modified work assignments within the worker's physical abilities, knowledge and skills. When possible, transitional positions will be made available to injured workers to minimize or eliminate time lost from work. Wilbert's cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

Transitional work may include the following:

- A modified version of the injured employee's job description.
- The same position with reduced work hours.
- A combination of tasks from alternate jobs dependent on the physical demands of the alternate job.
- Full or part time hours.

In the event an employee refuses transitional work and the employee satisfies the restrictions and ability to perform the transitional position, Wilbert's is not obligated to provide an alternative position. In such cases, Wilbert's will notify the insurance carrier of the employee's refusal of the transitional work.

To obtain a transitional assignment the employee must complete the Return-to-Work Form provided by Human Resources.

Depending on the physicians' recommendations, Wilbert's may require the employee to be seen for a vocational assessment if the employee cannot safely perform their job duties. The goal of a vocational assessment is to objectively prove that the employee cannot perform at least one required function of your job due to a disabling condition.

If the attending physician releases the employee to return to work on modified duty and has completed the Return-to-Work Form and Job Description Form, the forms must be returned to HR within 24 hours following the medical treatment for assessment of transitional work. The employee cannot return to work without the release of the attending physician.

HR will review the Return-to-Work Form and determine a transitional position for the employee if appropriate and transitional work falls within business needs. A transitional position job description, including physical requirements, will be prepared for review and approval by the attending physician.

Transitional positions are developed based on the physical capability of the worker, the business needs of the company and the availability of transitional work. Wilbert's will determine appropriate work hours, shifts, duration and locations of all work assignments. Wilbert's reserves the right to determine the availability, appropriateness and continuation of all transitional work assignments.

It is the responsibility of the employee to provide HR with a current telephone number and address, so the employee may be contacted. The employee must notify HR within 24 hours of any and all changes in medical conditions.

It is the responsibility of the employee or the employee's supervisor to notify HR immediately of any work-related injuries, if the employee misses time from transitional work or of any changes to transitional work assignments. HR will communicate with the insurance carrier or attending physician as necessary.

## **JOB OFFER**

The attending physician will provide the employee with a list of job restrictions. The transitional position will be designed so that the employee will not exceed the physician's restrictions.. Once the human resources department has developed the job plan, a written job offer letter will be prepared by the employer and mailed to the employee's last known address. The letter will note the start date, hours, wage, duration and location of the

transitional work assignment. The employee will be asked to sign the letter indicating his or her acceptance or refusal of the transitional work job offer and to return the letter to HR. Copies of the job description, work releases and job offer letter will be forwarded to the insurance carrier.

Any employee returning to a transitional position must not exceed the duties of the position or go beyond the doctor's restrictions. If any medical restrictions change, the employee must immediately notify his or her supervisor and provide the supervisor a copy of the new medical release.

Transitional employment will be provided for three months (90 calendar days) to help assist the employee in their recovery while providing meaningful employment. However, upon completion of transitional employment (90 calendar days) the employee must resume their pre-injury job duties.

## **PROGRESS AND RECOVERY**

Managers will regularly monitor work performance to ensure the employee does not exceed the requirements set by the attending physician. Managers, HR, the employee and their attending physician will have regular follow ups to ensure the accommodations are being met at and have not changed.

At any point throughout the return to work process, at the employee's discretion, information will be provided to employee representatives or other third parties.

Managers will partner with the Safety Coordinator to meet with the injured employee regularly to discuss the following:

- Present observations made by the management team about the injured workers job performance.
- Get feedback from the injured employee.
- Decide if the RTW plan needs to be reassessed.

It is the employee's responsibility to provide Wilbert's with any changes to their restrictions in a timely manner. Wilbert's will transition the employee to their pre-injury job as soon as it is medically determined by their physician.

Once the injured employees RTW program has ended the Managers, HR Department Safety Coordinator will meet one final time to ensure the program has completed and the employee has fully recovered or reached the maximum improvement based upon the physicians' recommendations. At that point, it will be determined if the employee may return to their pre-injury position or develop permanent accommodations.

## **LIMITATIONS OF TRANSITIONAL EMPLOYMENT**

Transitional employment will end after the earliest instance below:

- The date the Employee is released to their pre-injury duties by the attending physician's completion of the Return to Work Form;
- The date Maximum Assignment Period ends; or

- The date an employee fails to take a required medical evaluation, without good cause.

Maximum Assignment Period of transitional employment for full time employees will not exceed 90 calendar days. As for part time employees, no transitional employment shall exceed 60 calendar days. Assignment to transitional employment does not constitute a right for the employee to occupy that position on a routine basis. At the end of the Maximum Assignment Period, if an employee is unable to return to their pre-injury duties, they may be terminated or subject to termination.

## **MAINTAINING AND EVALUATING RETURN TO WORK PROGRAM**

Wilbert's will annually evaluate the Return-to-Work program to determine the effectiveness of the plan. The HR Department and Safety Coordinator will make improvements and/or changes to the RTW program when necessary.

The Safety Coordinator will conduct evaluations annually to review the prior year's records including:

- Duration of time between injury and return to work.
- Cost of accommodations made for the injured employee.
- Cost of Workers' Compensation premiums or medical indemnity benefits paid
- Total time lost.
- Turnover with the RTW program.
- Number of employees who have needed accommodation.
- Number of employees who have had recurrences while performing modified duties.
- Satisfaction level within the RTW program.

The information will be shared with the HR Manager and Board Members or any employee that requests a copy. Based upon the findings, Wilbert's reserves the right to make changes to the RTW program to ensure it is working to the best of its abilities. If changes are made to the RTW program at any time, new written copies will be provided to all Wilbert's staff.

## **5.05 DRUG TESTING POLICY**

Alcohol and drug abuse poses a threat to the health and safety of Wilbert's employees and to the security of Wilbert's equipment and facilities. Wilbert's is committed to the elimination of drug and alcohol use and abuse in the workplace.

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### **PURPOSE**

In compliance with the Drug-Free Workplace Act of 1988, Wilbert's has a longstanding commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which Wilbert's operates. Alcohol and drug abuse poses a threat to the health and safety of Wilbert's employees and to the security of Wilbert's equipment and facilities. For these reasons, Wilbert's is committed to the elimination of drug and alcohol use and abuse in the workplace.

### **SCOPE**

This policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This policy applies to all employees and all applicants for employment of Wilbert's. Human Resources and Wilbert's senior management team is responsible for policy administration.

### **SUBSTANCE ABUSE AWARENESS**

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the Human Resources.

### **EMPLOYEE ASSISTANCE**

Wilbert's will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Wilbert's policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously.

Once a drug test has been scheduled, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be enforced.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to Wilbert's underlying medical conditions unless directed to do so.

## **WORK RULES**

1. Whenever employees are working, are operating any Wilbert's vehicle, are on Wilbert's premises or are conducting company-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
  - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing company business or while in a company facility, is prohibited.
3. Wilbert's will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## **REQUIRED TESTING**

### **Pre-employment**

All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

### **Reasonable Suspicion**

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. Human Resources or senior management should be consulted before sending an employee for testing. All levels of management making this decision have been trained on how to reasonably identify potential impairment and must use the Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the results of the Observation Checklist indicate further action is justified, the manager or supervisor should discuss their concerns with the employee with another member of management present (whenever possible). Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must escort the employee; the manager will make arrangements for the employee to be transported home.

### **Post-Accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Wilbert's vehicle, machinery, equipment or property or result in an injury to themselves or another employee in which there is a reasonable basis for concluding that drug use could have contributed to the incident. For the purposes of this policy, "serious damage" is considered to be estimated damage of \$500 or greater.

A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a Wilbert's forklift, pickup truck, overhead cranes and aerial/man-lifts) is found to be responsible for causing the accident.

In any of these instances, the investigation and subsequent drug and/or alcohol testing must take place within two hours following the accident, if not sooner. In the event an employee is more than two hours away from the facility due to a delivery or working off site, the employee will be required to go for testing immediately upon returning to the facility.

### **Random**

Wilbert's may randomly test employees for compliance with its drug-free workplace policy. As used in this policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, Wilbert's has no discretion to waive the selection of an employee selected by this random selection method.

Wilbert's reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or workgroups.

### **FOLLOW-UP**

Employees who have tested positive, or otherwise violated this policy, may be subject to discipline, up to and including discharge.

Depending on the circumstances and the employee's work history/record, Wilbert's may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Wilbert's for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test.

If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

### **COLLECTION AND TESTING PROCEDURES**

Employees subject to alcohol testing should be driven to a Wilbert's-designated facility (or a testing facility representative may report on site to a Wilbert's facility

to conduct testing) and directed to provide breath specimens. Breath specimens should be tested by trained technicians using federally approved breath alcohol testing devices. If an employee's breath alcohol concentration is .04 or more, a second breath specimen should be tested approximately 15 minutes later. The results of the second test should be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at Wilbert's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by Wilbert's as work rule violations.

Employees subject to reasonable suspicion or post-accident drug testing should be driven to a Wilbert's-designated medical facility (or a testing facility representative may report on site to a Wilbert's facility to conduct testing) and directed to provide urine specimens.

Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory should transmit all positive drug test results to a medical review officer (MRO) retained by the lab testing facility, who should offer persons with positive results a reasonable opportunity to rebut or explain the results. In no event should a positive test result be communicated to Wilbert's until such time that the MRO has confirmed the test to be positive.

## **CONSEQUENCES**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet Wilbert's believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and then, depending on the circumstances requiring the test, may be suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results

prove to be negative, the employee will receive back pay for the times/days of suspension.

## **CONFIDENTIALITY**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

## **INSPECTIONS**

Wilbert's reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have union representation involved in this process. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

## **CRIMES INVOLVING DRUGS**

Wilbert's prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Wilbert's employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Wilbert's does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Wilbert's reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Wilbert's.

## **DEFINITIONS**

"Company premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Wilbert's or on any site on which Wilbert's is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a

licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

## **ENFORCEMENT**

Human Resources and senior management are responsible for policy interpretation, administration, and enforcement.

## **5.06 CHEMICAL HAZARD COMMUNICATION PROGRAM**

Our company's Chemical Hazard Communication Program has been created with health and safety in mind. To be successful, this program requires full commitment. Working together, we can keep our workplace safe.

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### **REPORTING ACCIDENTS**

The manager is responsible for monitoring and updating the Chemical Hazard Communication Program within our company. Employees can obtain SDS information from the Wilbert's safety and compliance website.

<https://sites.google.com/site/wilbertssafetyandcompliance>

A link is also be located on your ADP home page under the Banners.

### **ADDITIONAL INFORMATION**

For additional information regarding our Chemical Hazard Communication Program, contact your manager for a hard copy or you go to the Wilbert's Safety and Compliance link above and on ADP's home page under Banners.

## **5.07 BUILDING SECURITY**

The security of Wilbert's offices and facilities is of the utmost importance. To control building security, all visitors who require access to our facilities must be accompanied by an authorized employee.

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### **EMPLOYEE DESIGNATED DOORWAYS**

Employees will be notified by their manager as to what entrance/exit the employee is designated to. Employees should be entering and exiting the facility through the appropriate doorways.

### **LOCKING UP**

Employees will be made aware as to if they are responsible for locking and securing the building, based on the employee's position. In general, the last employee leaving any Wilbert's facility is required to ensure all doors are locked and alarms are securely set.

### **VISITORS**

Visitors requiring access to Wilbert's offices are to be met in the reception area by an authorized employee, escorted while in the building and accompanied back to the reception area when leaving the building. Visitors should only have access to the areas/offices within the building that are needed to conduct business.

### **DELIVERIES**

Delivery people are seldom thought of as visitors, but they are and should be treated as any other visitor.

### **PROHIBITED ITEMS**

The following articles may not be brought onto company premises:

- Firearms, weapons, explosives in the workplace;
- Narcotics, other unauthorized controlled substances or alcoholic beverages; and
- Other items similar in effect or purpose to any of the above, as well as items which may be considered illegal under local, state or federal laws or contrary to standard industrial practice.

Any personal items brought on the premises are subject to inspection as necessary to protect company property and personnel.

### **COMPANY PROPERTY**

Company property may not be removed from the premises or equipment operated for personal use.

## **5.08 SMOKE-FREE WORKPLACE**

The following smoking provisions have been adopted in the interest of providing a safe and healthy environment for both employees and visitors to our building.

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### **SMOKING RESTRICTIONS**

Smoking, including E-cigarettes, is not permitted in any company work areas and buildings or in any company-owned vehicles.

Employees may only smoke in designated areas. Managers will inform employees of the designated smoking areas. Designated smoking areas are located away from the building entrance.

### **COMPLIANCE**

Violations of this policy are subject to disciplinary action, up to and including termination.

## **5.09 VIOLENCE IN THE WORKPLACE**

Wilbert's is committed to providing a safe environment for employees, customers and visitors. Wilbert's has zero tolerance for violence. Employees who display any violence or threaten violence in the workplace are subject to disciplinary action, up to and including termination. Talk of committing violence or joking about committing violence will not be tolerated.

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### **DEFINITION**

Violence in the workplace includes, but is not limited to: physically harming another, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

### **WEAPONS**

All employees are prohibited from carrying a weapon while in the course and scope of performing their job for Wilbert's, whether they are on company property at the time or not and whether they are licensed to carry a handgun or not. This policy also prohibits weapons at any company-sponsored functions such as parties or picnics.

Failure to abide by this policy may result in disciplinary action, up to and including termination. Further, carrying a weapon onto company property in violation of this policy will be grounds for immediate removal from company property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of Wilbert's to take any actions beyond those required of an employer by existing law.

### **REPORTING VIOLENCE**

It is everyone's responsibility to prevent violence in the workplace. Employees must report what they see in the workplace that could indicate that a co-worker may be a threat to the safety of the workplace. Employees should report any incident that may involve a violation of Wilbert's policies that are designed to provide a safe workplace environment. Concerns may be presented to managers or any other member of management. All reports will be investigated and information will be kept confidential by management, consistent with applicable law and the need to facilitate an investigation and/or a solution to the problem.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Wilbert's provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need for guidance with personal problems. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

## **5.10      WORKPLACE SEARCHES**

In order to ensure the safety of the workplace, prevent theft of company and personal property and/or enforce company policies, Wilbert's reserves the right to conduct searches of any person, vehicle or object that enters onto company property with or without reasonable suspicion that a policy or legal violation has occurred.

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### **SEARCHES**

Please be aware that Wilbert's reserves the right to search lockers, desks, files or file cabinets, briefcases, baggage, toolboxes, lunch sacks, clothing, purses, vehicles parked on company property and any other item in which dangerous, stolen or unauthorized objects may be hidden. Additionally, Wilbert's may search company-owned vehicles that are primarily used by the employee, regardless of whether the vehicle is located on company property at the time. Searches may be conducted by company management. Wilbert's also reserves the right to authorize searches by law enforcement on its property with or without the employee being present.

### **EMPLOYEE ENTRANCE**

Employees must enter and exit through a designated employee exit.

## **5.11 EMERGENCY EVACUATION**

Wilbert's is committed to ensuring employees understand their roles and responsibilities in the event of an emergency.

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### **IN AN EMERGENCY**

In the event of a fire or hazardous material emergency, the emergency fire alarm system should be activated by pulling one of the fire alarms. The source of a potential fire or hazardous material emergency should not be investigated. Any employee who suspects an emergency should report it immediately. In any emergency, reporting is the first essential step to protecting oneself and others.

When the emergency fire alarm system is activated, all employees and visitors are expected to evacuate the building by exiting in an orderly manner through the nearest exit.

When exiting, employees should not use elevators and should descend stairwells in an orderly manner. After exiting, employees should report to the area away from the building exits designated as the meeting location. Once employees arrive at the designated area, they should immediately report to their manager and remain at that location until accounted for and authorized to leave.

No reentry to the building will be permitted until an official all-clear notification is given.

### **EMPLOYEE'S RESPONSIBILITY**

Employees should review this policy and the evacuation procedures and notify their manager if they believe they might require an accommodation or assistance in order to comply with these procedures in the event of an emergency.

### **ADDITIONAL INFORMATION**

For additional information regarding Wilbert's evacuation procedures employees should refer to the Emergency Action Plan/Fire Prevention Plan in the Company's Safety and Procedures Manual/Safety Manual.

## **SECTION SIX**

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# **EMPLOYEE PROGRAMS & PROCEDURES**

## **6.01 CUSTOMER RELATIONS**

The professional treatment of our customers and the impression that we make on our community are important. Our company's reputation is based on product excellence and quality service. To maintain our reputation as an industry leader requires the active participation and cooperation of every employee.

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### **EACH EMPLOYEE'S RESPONSIBILITY**

The opinions and attitudes that customers and potential customers have toward our company may be determined for a long period of time by the actions of one employee. Each employee must be sensitive to the importance of providing courteous treatment in all working relationships.

### **QUALITY SERVICE**

Quality service can only be achieved when every employee understands that customers are critically important to the success of our company.

Some of us have internal customers (co-workers) for whom we provide service and some of us work with individuals outside Wilbert's who have given us the privilege of their business. In both situations, we are committed to providing quality service and a high level of professionalism at all times. Inappropriate language and being rude toward an internal or external customer is strictly prohibited.

## **6.02 MEDIA RELATIONS**

Communication with news reporters and other journalists is, at times, sensitive in nature. Therefore, media requests for official statements from Wilbert's may be handled only by designated senior managers.

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### **MEDIA REQUESTS FOR OFFICIAL STATEMENT**

Any telephone calls, electronic communications or visits from members of the media requesting Wilbert's official statement should be directed to an owner.

## **6.03 TELEPHONES & ELECTRONIC DEVICES**

It is important that our telephones be free and our employees be available during working hours for customers and other business-related calls.

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### **NON-BUSINESS CALLS**

Our telephones, including company-provided cellular phones, are maintained for business purposes only. Wilbert's recognizes that employees may occasionally need to use company telephones, including company-provided cell phones, for non-business-related matters. Employees are requested to limit these calls to an absolute minimum and place calls only during non-working periods. The abuse of this privilege would negatively impact the already heavy demand on our telephone lines and interfere with the efficiency of our operations.

### **LONG DISTANCE CALLS**

Wilbert's telephones may not be used to make non-business long distance calls except in emergencies with prior permission from an employee's manager.

### **PERSONAL CELL PHONES AND ELECTRONIC DEVICES**

Non-customer relations positions may use Radios, iPods, MP3 players and other personal electronic devices to play music during working time as long as the devices are not distracting to others and do not interfere with work performance or safe working conditions. Employees will be notified by managers as to if the devices can be used during working time.

Positions that require driving must comply with State Phone Laws and the related policy under the [Operation of Vehicles for Company Business](#)

For purposes of this policy, "working time" is defined as the time during which employees are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. The use of personal cell phones should be limited to break and meal periods, unless used for work-related reasons.

## **6.04 HOUSEKEEPING**

Each employee is responsible for keeping his or her own work area, as well as common areas like the break room, neat and orderly. In addition, Wilbert's may use a custodial service for the regular cleaning of our facility.

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### **WORK AREAS**

Subject to Wilbert's policies against discrimination, harassment and/or workplace violence, employees may personalize their work area as long as this does not result in clutter, disorder or other unreasonable interference with business operations. Wilbert's reserves the right to exercise judgment as to whether an employee's personalization of his/her work area violates this policy.

### **RECEPTION AREA**

Since all visitors pass through the reception area, it must present a professional impression of orderliness.

### **BREAK ROOM**

Wilbert's provides facilities for refrigeration and preparation of light meals. Please remember when using these facilities that others will use them after you. Each employee is responsible for cleaning up after themselves and using the proper trash receptacles for waste.

### **BEVERAGE BOTTLES**

Beverage cans and bottles should be disposed of in recycling containers and not left to accumulate.

## 6.05 PROFESSIONAL ATTIRE

The impression that we make on visitors to Wilbert's is important. There is no substitute for neatness, propriety of dress, good grooming and speech and a professional attitude. Sensitivity to these areas will ensure that our good relationships with customers are maintained and fostered.

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### DRESS CODE

Employees are asked to wear clothing that is appropriate for their position and the work that they do. Guidelines on appropriate attire are as follows:

- Clothing should be neat, clean, and wrinkle-free.
- Clothing should be in good taste and not excessively form-fitting or revealing.
- Employees required to wear proper personal protective equipment will be notified of the requirements and must comply. This may include, wearing long sleeves, close-toed and/or safety-toe shoes, safety glasses, hard hats, etc. Additional information can be found under the [Safety through Teamwork](#).
- Close-toed shoes, regardless of position, are required beyond the office environment.
- Employees are expected to maintain the highest standards of personal cleanliness.

The list of inappropriate attire includes, but is not limited to:

- Shirts with non-Wilbert's logos
- Faded, frayed, torn clothing, or clothing with holes;
- Sheer clothing or clothing that is revealing, distracting, or provocative;
- Shorts;
- Sleeveless shirts;
- Leggings without a long dress or shirt;
- Yoga pants or sweat pants;
- Beach attire, such as flip-flops;
- Clothing with offensive language or slogans;
- Flip Flops, any type of split-toe shoe, plastic slip-ons, or any other type of beach or casual style shoes

Employees who report to work inappropriately attired will be asked to leave work to change clothes and will be required to use personal time or vacation time to do so. Wilbert's will make accommodations when necessary to comply with state and/or federal law. Please contact your manager, Human Resources, or an owner with questions regarding this policy.

## **6.06 CHANGES IN PERSONAL INFORMATION**

Employees are responsible for notifying Wilbert's when there is a change in their personal data. This information needs to be kept up-to-date, so benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable Wilbert's to assist employees and their family in matters of personal emergency.

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### **NOTIFICATION**

Updates must be made in the ADP Portal if any of the following change:

- Name
- Address
- Telephone numbers
- Number of dependents
- Change in familial status and/or beneficiaries
- Emergency contact

Employees can update their own information. If you have any questions on updating the required information, please see your Human Resources.

## **6.07      OUTSIDE EMPLOYMENT**

We hope our employees will not find it necessary to accept additional outside employment. However, if the need arises, employees may accept part-time employment providing the following provisions are observed.

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### **NOTIFICATION**

Employees must notify their manager in writing of their intent to accept another position at another company while they are still employed by Wilbert's. This notice should specify the name of the employer, the nature of the job duties and the hours of work.

### **CONFLICT OF INTEREST**

Outside employment must not interfere in any way with your capability for giving full service to our company. Such employment cannot be for customers or competitors, nor should you take an ownership position with a competitor.

## **6.08 SEVERE WEATHER**

Inclement weather is to be expected in New York. Driving, although rarely impossible, may be difficult at times. When caution is exercised, the roads are normally passable.

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### **NOTICES OF OFFICE CLOSINGS**

Except in cases of severe storms, we will work regular hours. Any alteration in our regular schedule will be communicated to employees, an hour prior to an employee's shift by phone.

### **ABSENCES DUE TO POOR WEATHER**

Time taken off by employees due to poor weather conditions when Wilbert's remains open must be taken as PTO or unpaid time unless otherwise required by federal or state wage and hour laws.

## **6.09 BULLETIN BOARDS**

Wilbert's maintains bulletin boards in suitable places for the posting of official notices relating to Wilbert's business, job opportunities, sponsored activities and federal and state regulations.

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### **GENERAL**

Information of interest and importance is regularly posted on our bulletin boards. Make a point to look at the bulletin boards regularly to keep up with "what's happening." These bulletin boards are for administrative use only so employees may not post or remove any items on them.

## **6.10 VOICEMAIL, E-MAIL & COMPUTER SYSTEMS**

Wilbert's telephone and computer systems permit employees to receive, send and transfer voice mail, text and e-mail messages. Wilbert's reserves the right to access all voicemail, text and e-mail messages left on or recorded on the phone system or the computer mail system, as well as the right to access any file on the computer system, at any time without advance notice.

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### **CONFIDENTIALITY**

Employees should not assume that messages on voice mail, e-mail or company-provided cell phones and electronic devices are private or confidential. Security codes limit access to employees' messages, but management reserves the right to search or monitor the phone and computer systems, without advance notice.

Further, Wilbert's may review internet usage to ensure that such use with Wilbert's property or communications sent via the internet with Wilbert's property during working time, are for business purposes only. "Working time" includes the time during which employees are actually scheduled or expected to work, but does not include scheduled rest periods, meal periods and other specified times when employees are not expected to be working. The reasons for which Wilbert's may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; ensuring that Wilbert's operations continue appropriately during an employee's absence and any other purpose deemed appropriate by Wilbert's.

### **IMPROPER USES**

As with all company communications, messages of a discriminatory or harassing nature may not be transmitted on company network systems. Employees are expected to use professional and respectful language when communicating over company computer and phone systems and other company-provided electronic devices.

Employees are prohibited from downloading any software from the Internet. Employees must respect copyright and license agreements for software, digital artwork and other forms of data. Employees may not use other employees' passwords to access company data.

Employees may not disclose their passwords or allow others to use their access to company systems and equipment. Employees must protect information maintained on Wilbert's systems from unauthorized use or care not to introduce viruses into company systems by not opening messages or documents sent by unknown users. Employees should utilize anti-virus software and notify management immediately if there is reason to believe a virus has been introduced into our computer system or that any person may have accessed data which they were not authorized to view.

## **MAINTENANCE**

Employees are responsible for maintaining their files and messages on these systems and devices. Messages should be accessed, acted upon, filed or deleted on a regular basis.

## 6.11 USE OF INTERNET

The Internet is a powerful communications tool and a valuable source of information. However, an employee's improper use of company-provided Internet services can waste time and resources and create legal liability and embarrassment for both Wilbert's and the employee.

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### ACCESS

This company's policy applies to any company provided Internet service that is accessed on or from Wilbert's premises, accessed using company computer equipment or via company-paid access methods and/or used in a manner that identifies the employee with Wilbert's.

### IMPROPER USES

Employees are strictly prohibited from using company-provided Internet services in connection with, but not limited to, any of the following activities:

- Engaging in illegal or fraudulent conduct which includes improper use or downloading of copyrighted material;
- Viewing, sending, receiving or storing material that could be viewed as maliciously false, vulgar, obscene, threatening or contributing to a hostile work environment on the basis of any status protected by law or company policy;
- Monitoring or intercepting the files or electronic communications of employees or third parties;
- Using another individual's account or identity is not acceptable;
- Attempting to test, circumvent or defeat security or auditing systems of Wilbert's or any other company without prior authorization;
- Activity that poses a reasonable risk of interference with production by calling for an immediate response to another employee's verbal persuasion to join a certain cause or purchase a type of product or service when either employee is on working time. For purposes of this policy, "working time" is defined as the time during which employees are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working; or
- Distributing or storing chain letters or jokes.

## **USE OF INSTANT MESSAGING, WEBLOGS AND SOCIAL NETWORKING SITES**

Blogging, instant messaging and visiting social networking sites such as Facebook are not appropriate working time activities unless required by the scope and responsibilities of an employee's job. Such personal activities, if engaged in, must be limited to non-working time and must comply with Wilbert's policies governing the proper use of the internet, e-mail, off-duty social networking and computer systems.

## **CONFIDENTIALITY**

Employees should not expect privacy with respect to any of their activities using company-provided Internet access or services. Wilbert's reserves the right to review any site visits and/or files, messages or communications sent, received or stored on company computer systems.

## **VIOLATIONS**

Employees violating this policy are subject to disciplinary action, up to and including termination. Employees using company computer systems for illegal or fraudulent purposes also may be subject to civil liability and/or criminal prosecution. Wilbert's may also report suspected unlawful conduct to the appropriate law enforcement authorities.

## **6.12 SOCIAL MEDIA AND OFF DUTY SOCIAL NETWORKING POLICY**

This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all Wilbert’s employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by Wilbert’s at any time, for any reason, without notice to employees.

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### **DEFINITIONS**

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on, through providers such as Facebook, Instagram, LinkedIn, Twitter, YouTube, Google+, Company Website or others.

### **EXERCISE RESPONSIBILITY ONLINE**

If, from an employee’s post in a blog or elsewhere in social media, it is clear the employee is a Wilbert’s employee or if the employee mentions the Wilbert’s or it is reasonably clear the employee is referring to Wilbert’s or a position taken by Wilbert’s and the employee expresses a political opinion or an opinion regarding Wilbert’s positions or actions, the post must specifically note that the opinion expressed is the employee’s personal opinion and not necessarily Wilbert’s position. This is necessary to preserve Wilbert’s good will in the marketplace.

### **FOLLOW EXISTING POLICIES AND TERMS OF USE**

Observe and follow: (a) existing Wilbert’s policy and agreements, such as our Employee Handbook; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees are prohibited from using social media to post or display comments about co-workers or supervisors/managers of Wilbert’s that are maliciously false, vulgar, obscene, threatening, intimidating or in violation of Wilbert’s workplace policies against workplace violence or discrimination and harassment on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, reproductive health decisions, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law.

Thus, the rules in Wilbert's Employee Handbook including but not limited to its Non-Harassment/Non-Discrimination, Non-Harassment, Sexual Harassment, Equal Employment Opportunity, Code of Ethics, Standards of Conduct, Voicemail, E-mail and Computer Systems and Use of Internet policies apply to employee behavior within social media and in public online spaces.

Do not post any information or conduct any online activity that violates applicable federal, state or local laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as "Terms of Use." Employees must follow the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

### **RECOGNIZE OTHERS' PRIVACY**

It is inappropriate to use or disclose "confidential personal information" (as defined below) about another individual or use or disclose Wilbert's "proprietary confidential information" in any form of social media.

For purposes of this policy, "confidential personal information" refers to an individual's Social Security Number, financial account numbers, driver's license number or personal medical information (including family medical history). Wilbert's "proprietary confidential information" refers to internal information regarding Wilbert's finances, future business performance and business plans, business and brand strategies and information which is or relates to Wilbert's trade secrets.

All Wilbert's rules regarding Wilbert's confidential proprietary information and confidential personal information, apply in full to social media, such as blogs or social networking sites.

### **USE YOUR TRUE IDENTITY**

When commenting on or promoting any Wilbert's venue or service on any form of social media, we suggest that employees be completely transparent and disclose their true identity for their personal protection. Additionally, when commenting on or promoting any Wilbert's product or service on any form of social media, an employee must clearly and conspicuously disclose their relationship with Wilbert's to the members and readers of that social media.

### **MANAGE EXPECTATIONS OF PRIVACY**

Consistent with Wilbert's Voicemail, E-mail and Computer Systems and Use of Internet policies, Wilbert's may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when Wilbert's deems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons Wilbert's accesses and monitors these systems include, but are not limited to maintaining the system, preventing or

investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

### **PERSONAL INTERACTION**

Wilbert's respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to ensure proper employee focus on job duties and adequate functioning of Company equipment, employees are not permitted to engage in social media activities during working time. For purposes of this policy, "working time" is defined as the time during which employees are scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. Moreover, during non-working time, employees must avoid usage that may interfere with the system's productivity, such as large attachments or audio/video segments.

### **IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS**

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible.

### **WILBERT'S SOCIAL MEDIA, WEBSITE AND USE OF EMPLOYEE LIKENESS**

All employees authorize Wilbert's to utilize photos, videos, names and likeness for company marketing and promotional use without advanced notice. Promotional and marketing use may be outlined as the company website, social media platforms, internal and external newsletters and other marketing material. If an employee does not wish to have their photo, name or likeness published they will be required to submit an accommodation request to human resources.

### **ADDITIONAL INFORMATION**

Contact human resources for additional information or clarification of any aspect of this policy.

## **6.13 PERSONNEL FILES**

Wilbert's maintains an official personnel file for each employee that contains necessary job-related and personal information. These files are confidential, and guidelines exist to safeguard against improper disclosure.

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### **ACCESS TO PERSONNEL FILE**

Current employees may see information which is kept in their own personnel file if they wish, except for confidential materials such as job references or information relating to other employees. Employees may make arrangements with their manager to see these documents. Employees may request and receive copies of all documents they have signed at the time they are signed.

Internal availability and access to personnel files is limited to those with proper authorization and a business need to know.

### **INQUIRIES ABOUT EMPLOYEES**

All inquiries or requests for information about employees (active or inactive) from people outside Wilbert's should be referred to Human Resources. This applies to all requests, whether written or verbal.

In some cases, employers are required by federal, state or local law to disclose information to the government or other authorized entities even if Wilbert's would ordinarily keep such information confidential. Wilbert's will comply with all laws which require disclosure of employee information upon receipt of a properly authorized request.

### **PROTECTION AND DISPOSAL OF PERSONAL RECORDS**

Wilbert's is committed to ensuring that records containing personal identifying information are protected and disposed of in accordance with state law. Personal information is disposed of in a manner that ensures no unauthorized person will have access to employee personal information.

## **6.14 OPERATION OF VEHICLES FOR COMPANY BUSINESS**

The use of company vehicles is limited to authorized employees. It is the responsibility of every employee operating a company vehicle or operating his or her own vehicle for company business to drive safely and obey all traffic, vehicle safety and parking laws or regulations.

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### **VALID DRIVER'S LICENSE**

All employees authorized to drive company or personal vehicles for use in conducting company business must possess a current, valid driver's license and their driving record must meet the qualifications of our insurance carrier. Employees must inform Human Resources if they receive any points on their license as this could affect Wilbert's insurance company from being able to cover the employee on their insurance policy.

### **FEDERAL MOTOR CARRIER SAFETY - CERTIFICATES TO OPERATE VEHICLES**

All drivers required by law to get or maintain a physical examination to operate commercial motor vehicles in their job function at Wilbert's will be re-imbursed up to \$100.00 any cost associated with examination and medical certification.

### **WORK-RELATED ACTIVITIES**

Our company vehicles must only be used in work-related activities and may not be used for personal business or activities without the approval of management. In accordance with New York State law, smoking (including e-cigarettes) is not allowed in company-owned vehicles. Employees may not use portable electronic devices, including hand-held cellular telephones, while operating a company vehicle. The only time an employee can use a smart phone while driving is for navigation.

### **PERSONAL VEHICLES**

In some instances, employees may be required to drive their own personal vehicle for the purposes of conducting company business. Employees must maintain adequate personal automobile liability insurance. Wilbert's is not responsible for any damages or fines incurred while conducting company business in a personal vehicle. Employees may not use portable electronic devices, including hand-held cellular telephones, while operating a personal vehicle for company business.

### **SAFETY WHILE DRIVING**

Employees, while driving on company business, are expected to:

- Follow all driving laws and safety rules such as following posted speed limits and directional signs;
- Avoid confrontational or offensive behavior;

- Practice defensive driving;
- Wear seat belts, whether they are the driver or the passenger; and
- Take a sufficient number of driving breaks.

Employees while driving on company business must refrain from distracting activities, including but not limited to:

- Using a portable electronic device while driving to: view, take or transmit images; to play games; or to compose, send, read, view, access, browse, transmit, save or retrieve e-mail, text messages or other electronic data; and
- Any other activity unrelated to the operation of the motor vehicle that jeopardizes an employee's safety or the safety of others while driving.

Portable electronic devices include hand-held mobile telephones, hand-held devices with mobile data access, personal digital assistants (PDAs), laptop computers or other portable computing devices, pagers, text message devices, electronic games and broadband personal communication devices. Drivers who hold portable electronic devices in a conspicuous manner while driving are presumed to be using such devices.

Employees who drive as part of their job duties are permitted to use hands-free cell phones while driving. Employees with hands-free devices for their cell phones are to make conversations brief. If road conditions are poor, traffic is heavy, the conversation is involved, or other safety concerns are present, employees should find a proper parking space to continue their conversations.

Employees are permitted to use portable electronic devices to communicate during an emergency to emergency-response operators, hospitals, physician offices, health clinics, ambulance and other emergency vehicle drivers, firefighters and the police department.

## **6.15 EMPLOYEE REFERRALS**

Wilbert's believes that many times its own employees can identify qualified candidates for open positions. In order to encourage employees to refer candidates for job vacancies, Wilbert's offers a reward for referring qualified candidates who subsequently are hired.

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### **ELIGIBILITY**

All employees are eligible to participate in this program.

### **EMPLOYEE RESPONSIBILITIES**

The referring employee must notify the referred candidate of the job vacancy and obtain the individual's consent to have their name submitted. For each qualified candidate referred, the referring employee must complete an Employee Referral Form and submit it to Human Resources.

### **REFERRAL BONUS PAYMENT**

Employees who refer a qualified candidate who subsequently is hired and remains employed for at least six months are eligible for a referral bonus payment of \$500.00. All bonuses paid under this program are subject to tax withholding. The referring employee must still be employed with Wilbert's at the time the referral bonus payment is to be given. No referral bonuses are paid for referrals of candidates who are retirees of Wilbert's, rehires or persons returning from a leave of absence.

Wilbert's reserves the right to deny bonus payments to any employee who improperly makes promises or assurances of employment to prospective or actual candidates or otherwise engages in improper or inappropriate conduct related to this program.

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## EMPLOYEE HANDBOOK RECEIPT ACKNOWLEDGEMENT

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I acknowledge receipt of the Wilbert's Employee Handbook which describes company policies, an overview of current employee benefits and my obligations.

I understand that the policies contained in this handbook are not intended to create a contract of employment nor is any other communication by a management representative, either express or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by an owner of our company.

I understand that this handbook is not a guarantee of employment for any set period and that either Wilbert's or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in this handbook may be added to, revised or deleted at any time.

I agree to read and study the contents of this manual. It is understood that Wilbert's retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and Wilbert's.

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Employee's Name (Printed)

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Employee's Signature

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Date