

[INSERT COMPANY LOGO HERE]

EMPLOYEE POLICY MANUAL

Author [A1]

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Proceed with customizing each section of the template according to state and local law in addition to your own franchise policies as appropriate.

*Delete this comment (and all others to follow) by right clicking on this box and hit “delete comment”.

[Your Company Name Here] d/b/a []
[Address]
[City, State Zip]
[Phone Number]

Author [A2]

NOTE FROM POLSINELLI: Include your business’ legal name and contact information here as appropriate. For the contact person, if you avoid using specific names, that will likely minimize confusion or reprinting costs when staffing changes occur.

Direct Questions to the [Title, e.g., Human Resources Manager]

IMPORTANT: Consideration or use of this document does not create an attorney-client relationship with Polsinelli. Similarly, this form document does not constitute the giving of legal advice, nor is it a substitute for specific legal advice as each employer must consider many different issues when drafting legal and other employment documents based on their unique circumstances and objectives. We accordingly strongly recommend that you contact a Polsinelli or other attorney to determine if this document, as drafted, is appropriate for your use.

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PURPOSE OF THIS POLICY MANUAL AND BUSINESS USER GUIDE

In order to successfully manage your business and retain good employees, it is imperative that you develop sound policies that are both compliant with both federal and state laws, and are consistently utilized and adhered to by the Company. As an employer, there are many things to consider when creating an employee policy manual; this manual will help you identify employment related topics that are required by federal and state law, those that are recommended and/or optional, as well as offer general tips valuable to customizing your manual.

It is important that you understand your legal obligations as an employer. This Employee Manual highlights topics that will require you to ensure compliance with employment related laws; however, as an employer, you should become acquainted with applicable laws (federal, state, and municipal laws, as state/municipal law may differ from federal statutes. Doing so may help reduce certain risks associated with being an employer. Please note, this Employee Manual does not include Healthcare or Home Health policies that are required under healthcare or homecare regulations, such as how to provide certain patient care, when/how to report patient abuse, etc. It is important to comply with such requirements, but they are outside the scope of this template.

This template is provided to offer general recommendations of topics to include in an employee manual and to provide a generic template to begin from. While the creation of an employee manual can be very involved and may even seem overwhelming at times, there are really two key guideposts to keep in mind: compliance with federal, state, and municipal law requirements, and consistency with administering the policies contained within.

This document is to serve as a general template for an employee manual. Anyone who utilizes this document to create a customized version is advised to seek legal counsel on the specific content of the manual. Information found in the Employee Manual should be verified for state and municipal specific legislation.

Author [A3]

NOTE FROM POLSINELLI: Review this important statement and delete it prior to finalizing and distributing the Manual to employees.

Author [A4]

NOTE FROM POLSINELLI: If the Company has federal contracts, there are additional policy requirements, which are not addressed in this template.

WELCOME

We are pleased to welcome you as an employee of [Legal Entity] serving [insert your territory]! [Legal Entity] is referred to throughout this Handbook as the “*Company*” or “*[INSERT]*.” Each [Legal Entity] office is independently owned and operated by a franchisee under a franchise agreement with the Franchisor. [Legal Entity] is the owner and operator of a franchise and you are employed by [Legal Entity] and not the Franchisor or any other entity.

The Company is pleased that you have become a member of our team. One of the keys to our success as a company is hiring good employees. You were hired because the Company management believes you have the skills and potential to help the Company succeed. The Company expects and depends upon you to perform the tasks assigned to the best of your abilities. The Company believes hard work and commitment will not only help the Company succeed, but will help give you a sense of pride and accomplishment.

You have joined an organization that has established a proud reputation in the home care profession. Credit for this goes to everyone in the organization. The Company hopes you, too, will find satisfaction and take pride in your work here. Everyone has an impact on the quality of work here at the Company (whether directly or indirectly), and the Company expects you to continue the tradition of offering top-notch home care services.

We are glad to have you as a member of the Company’s team! Company management hope your employment proves very satisfying and that you will make an important contribution to the Company’s future. Every person has an important role in our operations, and we value the abilities, experience, and background that you bring to the Company. It is the Company’s people who provide the services that the our clients rely upon and enable us to grow and create new opportunities in the years to come.

The Company’s management team intends to provide you with all the support and resources you will need to perform your job effectively. If, at any time, you need assistance or guidance, please do not hesitate to ask any of the members of the Company’s management team. They are here to help you perform to the best of your ability. Once again, welcome to [INSERT DEFINED COMPANY NAME]; we are glad to have you with us!

Sincerely,

[Owner’s Name, Title]

Author [A5]

NOTE FROM POLSINELLI: For franchisees, the content of this statement is to be left unaltered with the exception of inserting your Company’s name in place of “[Legal Entity].”

For companies that are not franchisees, this paragraph should be removed.

PURPOSE OF THE EMPLOYEE POLICY MANUAL

This Employee Policy Manual (“**Employee Manual**”) contains information about the employment policies and practices of the Company. These policies reflect the Company’s values, and the Company expects each employee to read this Employee Manual carefully, as it is a valuable reference for understanding your job and the Company.

This Employee Manual supersedes all previously issued employee manuals and handbooks. Except for the policy of at-will employment, the Company reserves the right to revise, delete, and add to the provisions of this Employee Manual and as such, this Employee Manual does not create an express or implied contract and does not guarantee specific terms and conditions of employment. All such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of this Employee Manual. Not all of the Company’s policies and procedures are set forth in this Employee Manual, however. The Company has summarized only some of the more important ones. If an employee has any questions or concerns about this Employee Manual or any other policy or procedure, they should contact their immediate supervisor, the Company’s Human Resources Department, or another member of Company management.

As stated, this Employee Manual does not constitute an express or implied contract guaranteeing continued employment for any employee. No Company manager or supervisor has any authority to enter into a contract of employment express or implied that changes or alters the fact that employment with the Company is at-will. Employees should refer to the At-Will Employment policy for additional information.

Nothing in this Employee Manual or in any other document or policy is intended to violate any municipal, state, or federal law. Nothing in this Employee Manual is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act (“**NLRA**”). Furthermore, nothing in this Employee Manual prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission (“**EEOC**”), National Labor Relations Board (“**NLRB**”), Securities and Exchange Commission (“**SEC**”), or any other federal, state, or municipal agency charged with the enforcement of any laws.

The Company complies with applicable state and municipal laws.

This Employee Manual may apply to employees who are subject to an employment agreement signed by the employee (or the employee’s representative) and the Company. In the event of a conflict between a binding employment agreement and this Employee Manual, the agreement will supersede and take precedence over the Employee Manual.

Author [A6]

NOTE FROM POLSINELLI:
References to a Human Resources Department should be modified for Company practice; for example, if no department exists, consider replacing with “the Office Administrator” or “Office Manager.”

Author [A7]

NOTE FROM POLSINELLI: The National Labor Relations Board’s (“**NLRB**”) position regarding handbook provisions/policies is constantly evolving. Consult legal counsel with questions.

Author [A8]

NOTE FROM POLSINELLI: Include this paragraph if your business will be providing employment agreements.

CONTACTS

Author [A9]

NOTE FROM POLSINELLI: This section titled "Contact Page" is optional. However, employees should be provided contact information for any department/person to whom an employee can complain of discrimination/harassment, etc. The contact information can be included directly in the applicable policies.

Contact	Address	Email	Telephone
Company Name			
CEO/President/Owner			
General Counsel/Legal			
Accounting Department			
Benefits Representative			
Employee Assistance Program (EAP)			
Hotline			
Human Resources Department			
Media Contact			
Security			
Travel Department			

AT-WILL EMPLOYMENT

Employment with the Company is at-will, unless state law provides otherwise. This means that employment may be terminated for any or no reason, with or without cause or notice, at any time by the employee or by the Company, excluding any reason expressly prohibited by applicable federal, state, and/or municipal law. Nothing in this Employee Manual or any oral statement shall limit the right to terminate the employment relationship at-will. This at-will employment policy is the sole and entire agreement between the employee and the Company regarding the fact that employment with the Company is at-will. No Company manager or supervisor has any authority to enter into a contract of employment express or implied that changes the fact that employment with the Company is at-will. Only an **[INSERT POSITION TITLE]** of the Company or that person's authorized representative has the authority to enter into an employment agreement that alters the fact that employment with the Company is at-will, and any such agreement must be in writing and signed by an **[INSERT POSITION TITLE]** of the Company or that person's authorized representative.

Author [A10]

NOTE FROM POLSINELLI: Those who have authority to enter into employment contracts that alter the at-will nature of employment should be listed. It may be just the Company President/CEO/Owner, Director of Human Resources, etc.

COMMITMENT TO DIVERSITY

Equal Employment Opportunity

The Company is an equal opportunity employer, and is committed to both equal employment opportunity and compliance with state and federal antidiscrimination laws for all employees and applicants for employment in all of its employment practices, including but not limited to selection, hiring, assignment, reassignment, promotion, transfer, compensation, administration of benefits, and all other conditions of employment. In accordance with applicable federal law, the Company prohibits discrimination against any applicant or employee based on any legally-recognized basis, including, but not limited to the following: race, color, religion, sex (including pregnancy, lactation, childbirth, or related medical conditions), sexual orientation, gender identity, age (40 and over), national origin or ancestry, citizenship status, physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal law. The Company's commitment to equal employment opportunity applies to all persons involved in the Company's our operations and prohibits unlawful discrimination by any employee, including supervisors and co-workers.

The Company also complies with Missouri state law and administrative regulations, which prohibit unlawful discrimination and harassment against any employees or applicants for employment based on race, color, religion, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), disability status, age (ages 40 to 69), genetic information, HIV/AIDS status, military status, and civil air patrol membership. The Company also does not discriminate on the basis of lawful use of tobacco or alcohol off company premises during non-work hours, so long as the use of alcohol or tobacco does not interfere with the duties and performance of the employee, co-workers or overall operations. The Company also complies with municipal employment protections, including for employees working in Kansas City, Missouri, which prohibit unlawful discrimination and harassment against any employees or

Author [A11]

NOTE FROM POLSINELLI: This should include the same positions listed earlier in this sentence.

Author [A12]

NOTE FROM POLSINELLI: Missouri law allows the use of cannabis for certain specified qualifying medical conditions (e.g., cancer, epilepsy, glaucoma, certain migraines, HIV/AIDS, or any terminal illness) as well as the recreational use. Individuals cannot bring claims of wrongful discharge, discrimination, or similar causes of action against current, former, or prospective employers for prohibitions against or employment actions based upon being under the influence of cannabis while at work or the possession of cannabis at the workplace. However, employers may not discriminate against an individual in hiring or any term or condition of employment if based on the person's status as having a valid medical cannabis card, the person's legal use of cannabis during nonworking hours, or a positive drug test for cannabis components or metabolites, unless the individual is excepted under a rare exception. Furthermore, employers may take adverse actions against employees using cannabis, including those using for medical purposes, if the failure to do so would cause the employer to lose a monetary or licensing related benefit under federal law.

applicants for employment on the basis of traits historically associated with race including, but not limited to, hair texture and protective hairstyles. For purposes of this policy, “protective hairstyles” include, but are not limited to braids, locks, and twists. The Company also complies with state and federal law, which expressly prohibits harassment against employees and applicants based on the aforementioned protected classifications, as well as retaliation for exercising rights under all applicable state and federal civil rights laws. The Company will not tolerate discrimination, harassment, or retaliation based upon these characteristics or any other characteristic protected by applicable federal, state, or municipal law. Violation of this policy will result in disciplinary action, up to and including immediate employment termination.

Complaint Procedure

Any employee who believes they have been the subject of unlawful harassment, discrimination, or retaliation by a co-worker, supervisor, agent, client, vendor, or customer of the Company, in violation of the foregoing policies, or who is aware of such harassment, discrimination, or retaliation against others, should immediately provide a written or verbal report to their immediate supervisor, any other member of Company management, or the Company’s **Human Resources Department [or insert name/contact details for appropriate Company representative or department]** to report such incidents. After a report is received, Company management will conduct a thorough and objective investigation. The investigation will be completed and a determination made and communicated to the employee as soon as practical. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of proscribed harassment, discrimination, or retaliation, or regarding the alleged violation of any other Company policies, and during the investigation, to keep matters related to the investigation confidential.

If the Company determines that this policy has been violated, the Company will take remedial action, commensurate with the severity of the offense. The Company will also take appropriate action to deter any future harassment or discrimination prohibited by this policy. If a complaint of prohibited harassment, discrimination, or retaliation is substantiated, the Company will take appropriate disciplinary action, up to and including employment termination.

The EEOC and equivalent state agencies will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party.

Protection Against Retaliation

As provided above, retaliation is prohibited against any person by another employee or by the Company for using this complaint procedure, reporting proscribed harassment, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, employment termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

An employee should report any retaliation prohibited by this policy to their immediate supervisor, any Company management team member, or to the Company's **Human Resources Department** **[or insert appropriate Company representative or department]**. The Company will investigate any report of retaliatory conduct in a thorough and objective manner. If a report of retaliation is substantiated, the Company will take appropriate disciplinary action, up to and including employment termination.

Respectful Workplace Policy

The Company is committed to providing a work environment that is free of prohibited harassment. As a result, the Company maintains a strict policy prohibiting sexual harassment and harassment against applicants and employees based on any legally-recognized status, including, but not limited to the following: race, color, religion, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), disability status, age (ages 40 to 69), genetic information, HIV/AIDS status, military status, civil air patrol membership, lawful use of tobacco or alcohol off company premises during non-work hours, so long as the use of alcohol or tobacco does not interfere with the duties and performance of the employee, co-workers or overall operations, or any other status protected by federal, state, or municipal law.

The Company's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of the Company, including Company supervisors, managers, and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers. If such harassment occurs in the workplace by someone not employed by the Company, the procedures in this policy should be followed. The workplace includes the following: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), Company-sponsored events, or Company-owned/controlled property.

Sexual Harassment Defined

Sexual harassment includes unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when one of the following conditions is met:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes various forms of offensive behavior based on sex. The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;

- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails, or text messages;
- Verbal conduct: making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress, whistling, or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets, or other social media postings;
- Physical conduct: touching, assault, or impeding or blocking normal movements; and
- Retaliation for making reports or threatening to report sexual harassment.

Other Types of Harassment

Harassment on the basis of any legally protected status is prohibited, including harassment based on the following: race, color, religion, sex, pregnancy (including lactation, childbirth or related medical conditions), sexual orientation, gender identity, age (40 and over), national origin or ancestry, physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, the refusal to submit to a genetic test, or any other status protected by federal, state, or municipal law. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. It also includes, but is not limited to the following:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status; and
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

Complaint Procedure

Any applicant or employee who believes they have been subjected to prohibited harassment or retaliation by a co-worker, supervisor, manager, client, visitor, vendor, customer, or temporary or seasonal worker of the Company, or who believes another individual has been subject to such conduct, should report it immediately. Applicants and employees are encouraged to report concerns, even if they relate to incidents in the past, involve individuals who are no longer affiliated with the Company, or concern conduct occurring outside of work if it impacts the individual at work.

Complaints can be made verbally, or in writing, to the highest-ranking on-site supervisor or Company manager or to the Company's **Human Resources Department [insert contact information]**. Employees are not required to report any prohibited conduct to a supervisor or manager who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in such conduct, or with whom the employee is uncomfortable

discussing such matters. **Complaints may also be made anonymously using the Company's toll-free hotline, or by contacting [insert ethics hotline or website].**

Author [A13]

NOTE FROM POLSINELLI: Include if applicable. Delete if inapplicable.

Employees are encouraged, but not required, to communicate to the offending person that the person's conduct is offensive and unwelcome. Any Company supervisor or manager who receives a complaint of harassment or retaliation must immediately report the allegation to the Company's **Human Resources Department**.

After a report is received, the Company will conduct a thorough and objective investigation. Confidentiality will be maintained to the extent practical and permitted by law. The Company will conduct investigations as confidentially as possible and only share related information with others on a need-to-know basis. The investigation will be completed, and a determination made and communicated to the employee as soon as practical. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of proscribed harassment, discrimination, or retaliation, or regarding the alleged violation of any other Company policies, and during the investigation, to keep matters related to the investigation confidential.

If a complaint of prohibited harassment or discrimination is substantiated, the Company will take appropriate disciplinary action, up to and including employment termination. If a complaint cannot be substantiated, the Company may take appropriate action to reinforce its commitment to providing a work environment free from harassment.

The EEOC and equivalent state agencies will accept and investigate charges of unlawful discrimination and harassment at no charge to the complaining party. The nearest office of the EEOC and equivalent state agencies can be found in the local telephone directory or online at www.eeoc.gov.

Manager's Responsibility

All Company supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the appropriate Human Resources personnel so that they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including employment termination.

Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by the Company for using this complaint procedure, reporting proscribed harassment, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation, or believe that another individual has been subjected to retaliation, should report this concern to the highest ranking on-site supervisor, Company manager, or to the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department]. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation prohibited by this policy is substantiated, the Company will take appropriate disciplinary action, up to and including employment termination. If a complaint cannot be substantiated, the Company may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including employment termination.

Disability Accommodation

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] to request such an accommodation. Human Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the Company receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The Company will evaluate information obtained

Author [A14]

NOTE FROM POLSINELLI:
For more comprehensive guidance on the obligations under the Family and Medical Leave Act and the Americans with Disabilities Act, employers can reference "The Employer's Guide to The Family and Medical Leave Act" provided by the United States Department of Labor, Wage and Hour Division, a copy of which can be located [here](#).

from the employee, and possibly the employee's health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the Company and/or a direct threat to the health and/or safety of the individual or others, the Company will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation, and being willing to consider alternative accommodations when applicable.

The Company will also consider requests for reasonable accommodations for medical conditions related to pregnancy, childbirth, and lactation as set forth in the Company's Reasonable Accommodation for Pregnancy, Childbirth, and Related Medical Conditions as well as Lactation Accommodation policies below, where supported by medical documentation, and/or as required by applicable federal, state, or municipal law.

Employees who wish to request unpaid time away from work to accommodate a disability should speak to the Company's **Human Resources Department**.

Reasonable Accommodation for Pregnancy, Childbirth and Related Medical Conditions

Any employee affected by pregnancy, childbirth, or a related medical condition who requires an accommodation to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact the Company's **Human Resources Department [or insert name/contact details for appropriate Company representative or department]** to request such an accommodation. **Human Resources** will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the Company receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform essential job functions.

Employees who believe they need an accommodation related to pregnancy, childbirth, or a related medical condition must specify, preferably in writing, what barriers or limitations prompted the request. The Company will evaluate information obtained from the employee, and possibly the employee's health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the Company and/or a direct threat to the health and/or safety of the individual or others, the Company will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation, and being willing to consider alternative accommodations when applicable.

Author [A15]

NOTE FROM POLSINELLI:
Effective June 27, 2023, the Pregnant Workers Fairness Act (PWFA) applies to private employers with 15 or more employees and is enforced by the EEOC. The PWFA requires reasonable accommodations for qualified employees (those who, with or without reasonable accommodation, can perform the essential functions of their position) affected by pregnancy, childbirth, or related medical conditions. The PWFA requires employers to engage in an interactive process following any request for accommodations regarding pregnancy, childbirth, or related medical conditions, and prohibits retaliation or discrimination against an employee for requesting accommodations or for making a charge, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing provided under the PWFA.

Specifically, the PWFA declares that it is an unlawful employment practice to:

- Fail to make reasonable accommodations to known limitations of such employees unless the accommodation would impose an undue hardship on an entity's business operation;
- Require a qualified employee affected by such condition to accept an accommodation other than any reasonable accommodation arrived at through an interactive process;
- Deny employment opportunities based on the need of the entity to make such reasonable accommodations to a qualified employee;
- Require such employees to take paid or unpaid leave if another reasonable accommodation can be provided; or
- Take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations.

The terms "reasonable accommodation" and "undue hardship" are both adopted from the federal ADA.

For more comprehensive guidance on the Pregnancy Discrimination Act and the Family and Medical Leave Act, employers can reference "The Employer's Guide to The Family and Medical Leave Act" provided by

For employees working in a jurisdiction that has a pregnancy, childbirth or related medical condition accommodation law, the Company will comply with all legal requirements, including providing greater or different benefits than those indicated here.

The Company will not require any eligible employee to accept an accommodation other than any reasonable accommodation arrived at through the interactive process outlined above or require such employee to utilize paid or unpaid leave when another reasonable accommodation can be provided. The Company will further take no action to discriminate or retaliate against an employee affected by pregnancy, childbirth, or related medical condition with respect to the terms, conditions, or privileges of employment for requesting an accommodation or making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing provided under applicable law.

Missouri Disability/Pregnancy Accommodation Policy

The Company will provide reasonable accommodation for employees experiencing issues caused or contributed to by pregnancy, miscarriage, legal abortion, childbirth, and recovery. The Company will consider these conditions temporary disabilities, and they will be handled in the same manner as any other temporary disability.

Employees who wish to request unpaid time away from work to accommodate a disability should speak to the Company's **Human Resources Department**.

Religious Accommodation

The Company will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is an accommodation that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the Company.

The Company has developed an accommodation process to assist employees, Company management, **and the Company's Human Resources** personnel. Through this process, the Company establishes a system of open communication between employees and the Company to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and request for accommodation to the attention of the Company's **Human Resources Department [or insert name/contact details for appropriate Company representative or department]** to initiate the accommodation process. The Company requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

GENERAL EMPLOYMENT PRACTICES

Employee Classifications

Employees of the Company are classified as either exempt or nonexempt under federal and state wage and hour laws, and are further classified for administrative purposes. The following designations are used throughout this Employee Manual.

Exempt Employees

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (“*FLSA*”) and state law and who are exempt from minimum wage and overtime pay requirements. Exempt employees are compensated on a salary basis. Employees will be informed whether their status is exempt or nonexempt and should consult their supervisor [and/or insert name/contact details for appropriate Company representative or department] with any questions or concerns regarding this status.

Nonexempt Employees

Nonexempt employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are NOT exempt from minimum wage and overtime pay requirements. Nonexempt employees are eligible to receive overtime pay for hours worked in excess of 40 hours in a given week, or as otherwise required by applicable state law. Employees will be informed whether their status is exempt or nonexempt and should consult their supervisors [and/or insert name/contact details for appropriate Company representative or department] with any questions or concerns regarding this status.

Full-Time Employees

Full-time employees are those who are normally scheduled to work and who do work a schedule of [insert number] hours per week. Full-time employees are generally eligible for the employee benefits described in this Employee Manual and are provided with benefits required by applicable law.

Author [A16]

NOTE FROM POLSINELLI: This number should generally be between 30 and 40.

Part-Time Employees

Part-time employees are those who are normally scheduled to work and who do work less than [insert number] hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis. Part-time employees are eligible for some, but not all employee benefits described in this Employee Manual and are provided with benefits required by applicable law.

Temporary Employees

Temporary employees are those who are employed for short-term assignments. Temporary employees are generally hired to temporarily supplement the workforce or assist in the completion of a specific project. These temporary employment assignments are of limited duration. Temporary employees are not eligible for employee benefits, except as required by

applicable law, and may be classified as exempt or nonexempt on the basis of job duties and compensation.

Employee Eligibility and Work Authorization

The Federal Immigration Reform and Control Act of 1986 (the “*Act*”) requires employers to verify the legal working status of all employees hired on or after November 7, 1986. The Act makes it unlawful to hire anyone who is (a) not a U.S. citizen, or (b) an alien who does not have the legal right to be employed in the United States. All employees will be required to complete Form I-9 and provide current documentation from time to time, as required by federal law.

In accordance with federal law, the Company participates in the Electronic Verification System (“*E-Verify*”) to electronically verify the work authorization of newly-hired employees. E-Verify is an Internet-based program that compares information from an employee’s Form I-9 to data contained in the federal records of the Social Security Administration and the U.S. Department of Homeland Security to confirm employment eligibility.

The Company is committed to honoring all terms and conditions of E-Verify. Employees who do not contest a Tentative Non-confirmation, or who receive a Final Non-confirmation or No Show, are subject to immediate employment termination.

The Company will also not tolerate any form of discrimination or harassment prohibited by federal, state, or municipal law, including discriminatory treatment based on an employee’s or applicant’s national origin or citizenship status. Employees who believe they have been subject to discrimination or harassment, including during the Form I-9 and E-Verify process, should immediately report the matter as further outlined herein. The Company further prohibits retaliation against employees or applicants for employment for making such complaints.

Romantic and Family Relationships at Work

The Company will not take any adverse employment action against any employee for engaging in romantic relationships during nonworking hours away from Company premises. However, the Company will consider such relationships when they affect an employee’s job performance, occur during working time, or on Company premises, or pose a danger of a conflict of interest.

A familial or intimate relationship among employees can create an actual or at least potential or perceived conflict of interest in the employment setting, especially where a relative, spouse, partner, or member of such a relationship supervises another relative, spouse, partner, or member. To avoid this problem, the Company may refuse to hire or place a relative or other intimately associated individual in a position where the potential for favoritism or a conflict exists.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where either individual may affect the compensation or other terms or conditions of employment of the other individual. In other cases where a conflict or the danger of a conflict arises, even if there is no supervisory relationship

involved, the parties may be separated by reassignment or terminated from employment, at the discretion of the Company.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage (e.g., domestic partnership or civil union status).

Background Checks

The Company recognizes the importance of maintaining a safe, secure workplace with employees who are qualified, reliable, and nonviolent, and who do not present a risk of serious harm to their coworkers or others. To promote these concerns and interests, the Company reserves the right to investigate an individual's prior employment history, personal references, and educational background, as well as other relevant information to the extent permitted by applicable law. Consistent with legal or contractual requirements, the Company also reserves the right to obtain and to review an applicant's or an employee's criminal conviction record, and related information, and to use such information when making employment decisions, but only to the extent permissible under applicable law. A pending criminal matter may be considered in appropriate circumstances for business-related reasons, consistent with applicable law. All background checks will be conducted in strict conformity with the federal Fair Credit Reporting Act ("**FCRA**"), applicable state fair credit reporting laws, and state and federal anti-discrimination and privacy laws. The Company is an equal opportunity employer and will comply with applicable laws relating to the use of background checks for employment purposes.

Third-party services may be hired to perform these checks and the Company will ensure that all background checks are conducted and held in compliance with applicable laws. The Company reserves the right to make the sole determination concerning information or any employment decision arising out of the background check.

For Employees and Applicants in St. Louis, Missouri

For employees working in St. Louis, Missouri, and applicants for employment with the Company, the Company will not base any hiring determination or promotion decision on an employee or applicant's criminal history, and the Company will not inquire about an applicant for employment's criminal history until after a determination is made that an applicant with employment with the Company is otherwise qualified for the position, unless the Company demonstrates that its decision is based on consideration of the frequency, recentness, and severity of the criminal history and that history is reasonably related to or bears upon the duties and responsibilities of the position. With respect to all employees and applicants for employment with the Company in St. Louis, Missouri, the Company will not inquire about an applicant's criminal history until after a determination is made that the applicant is qualified for the position, and only after the Company has interviewed the applicant, except that the Company may make such inquiry of all applicants in the final selection pool from which a position will be filled. The Company will not publish any job advertisement excluding applicants for employment with the Company on the basis of criminal history, regardless of medium of communication; utilize application forms excluding applicants for employment with the Company on the basis of criminal history, regardless of whether such forms are electronic or hardcopy; inquire into, or

Author [A17]

NOTE FROM POLSINELLI: There are limits on a Company's ability to run credit checks and certain other types of background checks. There are required notices/disclosures forms that are required prior to running a check.

require applicants for employment with the Company to disclose their criminal history on application forms and other generated forms used in hiring; or seek to obtain publicly available information related to an applicant for employment with the Company's criminal history.

Personnel Files

Employees may inspect their own personnel file in the presence of a representative of the Company. Please contact the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] to schedule a time. Employees may not be allowed to view investigation records or any letters of reference that have been prepared or collected by management. Employees will be provided access to personnel records in accordance with applicable state law.

Only authorized members of the Company's management and Human Resources have access to an employee's personnel file. However, the Company will cooperate with—and provide access to an employee's personnel file to—law enforcement officials or municipal, state, or federal agencies in accordance with applicable law, or in response to a subpoena, in accordance with applicable law.

Personal Data Changes

To better assist employees and/or their families in the event of personal emergencies, the Company needs to maintain up-to-date contact information. Maintaining accurate information in the Company's files also is important for recordkeeping, payroll, and benefits related purposes.

Changes in name, address, telephone number, marital status, number of dependents, or changes in next of kin and/or beneficiaries should be given to the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] promptly.

Voluntary Open Door Policy

The Company recognizes that employees may have suggestions for improving the Company's workplace, as well as complaints about the workplace. The Company believes that the most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with an employee's immediate supervisor. Employees should feel free to contact their immediate supervisor, another member of Company management, the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] with any suggestions and/or complaints.

While the Company provides employees with this opportunity to communicate their views, please understand that not every complaint can be resolved to the employee's satisfaction. Even so, the Company believes that open communication is essential to a successful work environment, and all employees should feel free to raise issues of concern without fear of reprisal.

Author [A18]

NOTE FROM POLSINELLI: This policy is optional. Missouri does not have any law requiring private employers provide access to personnel files to their workforce.

Please note that some Company policies contain specific reporting procedures that should be followed. Employees should utilize this Voluntary Open Door policy for reports and ideas that are not addressed through the Company's specific reporting procedures.

WORKPLACE CONDUCT

Standards of Conduct

To ensure safety and security and provide the best possible work environment, the Company expects employees to follow basic, common-sense rules of conduct that will protect everyone's interests and safety. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension, demotion, or termination of employment:

- Falsification of employment records, employment information, or other records;
- Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any time card, whether the employee's or another employee's;
- Theft or the deliberate or careless damage of any Company property or the property of any employee or client;
- Use of Company materials, supplies, tools, or products for personal reasons without advanced permission from Company management;
- Abuse of the Company's electronic resources, including sending personal emails during working time or in a manner that interferes with the employee's work performance;
- Possessing, distributing, selling, transferring, or using or being under the influence of alcohol or illegal drugs in the workplace;
- Provoking a physical fight or engaging in physical fighting during working hours or on premises owned or occupied by the Company;
- Carrying firearms, weapons, or dangerous substances at any time, on premises owned or occupied by the Company, unless state law provides otherwise.
- Using abusive, violent, threatening or vulgar language at any time during working hours or while on premises owned or occupied by the Company;
- Absence of **[insert number]** consecutive scheduled workdays without prior notice to the Company;
- Failing to obtain permission to leave work during normal working hours;
- Failing to observe working schedules, including meal and rest breaks;
- Abusing or misusing paid sick leave (note: for employees subject to mandatory sick leave laws, the provisions of the applicable policy govern sick leave issues);
- Failing to provide a certificate from a health care provider when requested or required to do so in accordance with applicable law;
- Working overtime without authorization or refusing to work assigned hours;
- Violating any safety, health or security policy, rule, or procedure of the Company;
- Committing a fraudulent act or intentional breach of trust under any circumstances; and

Author [A19]

NOTE FROM POLSINELLI: Proceed with caution when adding to the list of "don't do this" and "don't do that" so as to not infringe upon employee rights under Section 7 of the NLRA.

Complying with standards of conduct should not prevent an employee from raising complaints or concerns about, for example, wages or discussing those concerns with co-workers. The NLRB has found general prohibitions against discourteous or disrespectful conduct to be unlawful because they could be interpreted as prohibiting potentially disruptive complaints about wages and other terms and conditions of employment. Consult legal counsel with questions about what employee conduct can and cannot be prohibited.

Author [A20]

NOTE FROM POLSINELLI: This prohibition applies only to the extent allowed by applicable state law. In those states that specifically give the employee the right to maintain a lawfully possessed firearm in a locked vehicle in the employer's parking lot, employees will be permitted to maintain a firearm in their own locked vehicle in compliance with the law. Under those circumstances, employees are strictly prohibited from removing the firearm from their vehicle or carrying it on their person or into a building.

- Abuse or neglect of a client, including (but not limited to), withholding necessities; ignoring or not assisting the client; physical, verbal, or sexual abuse; and/or financial abuse, such as theft.

Although employment may be terminated at-will by either the employee or the Company at any time, without following any formal system of discipline or warning, excluding any reason prohibited by applicable federal, state, or municipal law, the Company may exercise discretion to utilize forms of discipline that are less severe than employment termination. Examples of less severe forms of discipline include verbal warnings, written warnings, demotions, and suspensions. Although one or more of these forms of discipline may be taken, no formal order or procedures are necessary. The Company reserves the right to determine which type of disciplinary action to issue in response to any type of performance issue or rule violation.

This statement of prohibited conduct does not alter or limit the policy of at-will employment. Either the employee or the Company may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice, except as otherwise prohibited by applicable federal, state, or municipal law. As previously set forth in this Employee Manual, only the **[INSERT POSITION TITLE]** of the Company or that person's authorized representative has the authority to enter into an employment agreement that alters the fact that the employment relationship is at-will, and any such agreement must be in writing and signed by the **[INSERT POSITION TITLE]** of the Company or an authorized representative.

Author [A21]

NOTE FROM POLSINELLI: This should match what is included in the At-Will Employment policy.

Author [A22]

NOTE FROM POLSINELLI: This should match what is included in the At-Will Employment policy.

Scope of Practice Policy

For caregiving employees, there are several factors that determine the scope of care the employee can provide on an assignment, including the following:

- What state and federal regulations will allow;
- What the Company office is licensed to provide; and
- What the client has requested.

When an employee is assigned to a client, the employee's **[immediate supervisor]** will discuss the skill level of care that employee can provide.

Reporting and Anti-Retaliation Policy

The Company is deeply committed to promoting a culture of ethical conduct and compliance with the laws and regulations that govern our business and the Company expects all employees, officers, directors, and agents to follow this commitment in all aspects of their work.

Consistent with the Company's commitment to ethics, compliance, and the law, the Company welcomes all employees' good faith questions and concerns about any conduct they believe may violate a law or regulation or Company policies, and the Company encourages reporting of conduct that may be illegal, fraudulent, unethical, or retaliatory. Choosing to speak up about workplace concerns helps builds a healthy, ethical, and compliant company and is part of the Company's culture.

The Company promotes an environment that fosters honest, good faith communications about matters of conduct related to the Company's business activities, whether that conduct occurs within the Company, involves one of the Company's contractors, suppliers, consultants, or clients, or involves any other party with a business relationship to the Company.

The Company Does Not Tolerate Retaliation

Coming forward with questions or concerns may sometimes feel like a difficult decision, but the Company is committed to fostering an environment that does not deter individuals from speaking up when they observe conduct that may violate the Company's Code. For that reason, the Company will not tolerate retaliation of any kind because an employee in good faith raises a question or concern about a violation or suspected violation of the Company's Code, the Company's policies, or the laws and regulations under which the Company does business, or because the employee participates in or cooperates with an investigation of such concerns.

Retaliation is any conduct that would reasonably dissuade an employee from raising, reporting or communicating about good faith concerns through our internal reporting channels or with any governmental authority or from participating in or cooperating with an investigation or legal proceeding raising such concerns. Retaliation may occur through conduct or written communication and may take many forms, including actual or implied threats, verbal or nonverbal behaviors, changes to the terms or conditions of employment, coercion, bullying, intimidation, or deliberate exclusionary behaviors.

The following are examples of potential retaliation the Company prohibits:

- Adverse employment action affecting an employee's salary or compensation;
- Demotion, suspension, or termination of employment;
- Taking away opportunities for advancement;
- Excluding an employee from important meetings;
- Threatening an employee who has made a report;
- Directing an employee who has made a report not to report to outside regulators;
- Deliberately rude or hostile behaviors or speech; and
- Creating or allowing the creation of a work atmosphere that is hostile toward an employee who has reported a concern.

It is the Company's policy to adhere to all applicable laws protecting the Company's employees against unlawful retaliation or discrimination as a result of their raising good faith questions or concerns. If an employee is ever aware of an instance or threat of retaliation, they should immediately report it to the Company.

How to Raise Questions and Concerns

Employees can submit their good faith questions or concerns about conduct they believe may violate the Company's policies or the laws and regulations under which the Company does business to the following:

- Their supervisor or manager

- Any [Company] leader
- The Company's Human Resources Department
- Legal / Compliance
- The Chief Compliance Officer / General Counsel
- Our [Company]'s anonymous and confidential Ethics Hotline

Author [A23]

NOTE FROM POLSINELLI: This section will need to be customized based on business operations.

When an employee raises a concern, the Company will maintain confidentiality to the fullest extent possible, consistent with applicable legal requirements and the need to conduct an adequate investigation or review. Please note that employees can submit concerns anonymously and confidentially through our [Company's Ethics Hotline].

Author [A24]

NOTE FROM POLSINELLI: Include only if applicable. Delete if inapplicable.

When raising concerns, we ask that employees provide as much detailed information as possible, including the background and history of the concern, names, dates, and places where possible, and the reasons why the situation is cause for concern. This is especially important for concerns raised anonymously, so that the Company may conduct an appropriate review and if necessary, begin an investigation.

The Company is committed to reviewing all reported concerns, conducting proper, fair, and thorough investigations tailored to the circumstances, and taking appropriate remedial and concluding steps as warranted. All action taken by the Company in response to a concern will necessarily depend on the nature and severity of the concern. This may include initial inquiries and fact-gathering to decide whether an investigation is appropriate and, if so, the form and scope of the investigation. Note that an investigation into concerns raised is not an indication that they have either been confirmed or rejected. The Company complies with the law in conducting investigations and expects that employees will cooperate with an investigation, except when voluntary compliance with an investigation is being requested. The Company also expects that employees will provide truthful information when participating in an investigation and, during the investigation, will keep matters related to the investigation confidential. Remember, all good faith concerns and reports raised under this policy will be taken seriously.

Please note as well that the Company does not prohibit anyone from electing to report concerns to, make lawful disclosures to, provide documents or other information to or communicate with the EEOC, National Labor Relations Board ("**NLRB**"), SEC, or any other federal, state, or municipal agency about conduct believed to violate laws or regulations. The Company also does not prohibit employees from participating in an investigation or proceeding conducted by any of these agencies.

Employees who believe that they have been subjected to any conduct that violates this policy may register a complaint using the procedures outlined above. Any employee who unlawfully discriminates or retaliates against another employee as a result of the employee's protected actions as described in this policy may be subject to corrective action, up to and including employment termination.

Confidentiality

Employees must always respect the privacy of our clients, families, and residents. The rule of thumb to remember is that all information gathered by, retained, or generated by the Company

regarding its clients and their families is confidential. The Company will not disclose any Confidential Information to anyone outside the Company without the appropriate authorization.

Employees must safeguard all confidential information. This includes the dissemination of information by any available means, including but not limited to telephone, fax and email.

Confidential information shall be disclosed and/or discussed only on a need-to-know basis with Company administrative personnel for the purpose of improving Company services. Conversation of a confidential nature must never be held within earshot of the public or clients.

“Confidential Information” refers to a piece of information, or a compilation of information, in any form (on paper, in an electronic file, or otherwise), related to the Company’s business that the Company has not made public or authorized to be made public, and that is not generally known to the public through proper means.

By way of example, confidential or proprietary information includes, but is not limited to, nonpublic information regarding the Company’s business methods and plans, databases, systems, technology, intellectual property, know-how, marketing plans, business development, products, services, research, development, inventions, financial statements, financial projections, financing methods, pricing strategies, client sources, employee health/medical records, system designs, client lists, and methods of competing. Additionally, employees who by virtue of their performance of their job responsibilities have the following information, should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: social security numbers, driver’s license or resident identification numbers, financial account, credit or debit card numbers, security and access codes, or passwords that would permit access to medical, financial, or other legally protected information.

Confidential Information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by Section 7 of the NLRA such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection. Nothing in this Employee Manual prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing Confidential Information which the employee acquired through lawful means in the course of their employment to a governmental authority in connection with any communication or report, or from filing, testifying, or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law or regulation to the SEC, the U.S. Department of Labor (“**DOL**”), or any other appropriate government authority. To the extent an employee discloses any Confidential Information in connection with communicating with a governmental authority, the employee will honor the other confidentiality obligations in this Employee Manual and will only share such Confidential Information with their attorney, or with the government agency or entity. Nothing in this Employee Manual shall be construed to permit or condone unlawful conduct, including but not limited to the theft or misappropriation of Company property, trade secrets, or information.

Recording in the Workplace/Client's Home

Employee caregivers perform their work and services for a client at the client's home, whether that be a residential facility, a private residence, or other establishment. As such, clients and their family members have the right to set up and utilize cameras or other recording devices in their own home which may capture the employee caregivers in the performance of their job duties. Employees should have NO EXPECTATION OF PRIVACY from recording while they are performing their services in a client's home.

That being said, no still or video cameras (including camera phones) are to be used in restrooms or anywhere else in the workplace where privacy would be expected. Should an employee caregiver suspect that they are being recorded in a place where privacy would be expected, they should notify their immediate supervisor immediately.

Notwithstanding the client's right to record anything in their own home, while caregivers are acting in the performance of their job duties, employees may not record, photograph, or film clients or their confidential medical or personal information without their express permission. If an employee suspects elder abuse or neglect or has any other concerns which the employee believes requires photographic documentation of evidence, please call the Company's Human Resources Department [or insert appropriate Company representative or department] immediately and a staff member will assist.

Violations of this policy will result in discipline, up to and including employment termination. However, this policy is not intended to restrict, and will not be enforced in a manner which restricts, the rights of statutory employees under the NLRA to document their terms and conditions of employment.

Personal Appearance

The image the Company projects to the public is reflected in the appearance of our employees. Simply stated, employees should look well-groomed and should be dressed appropriately for their specific duties. Employees are expected to use good judgment in their appearance and grooming, keeping in mind the nature of the work, their own safety and the safety of co-workers, and their need to interact with the.

Below are a few guidelines for professional appearance:

- Clothing should not constitute a safety hazard.
- All employees should practice commonsense rules of cleanliness and comfort.
- When jeans are appropriate for the position, the jeans must be in good condition.
- Tank tops, tee-shirts, jogging suits, tennis shoes, flip-flops, slippers, sandals, garments that are unnecessarily revealing, sweatpants, and other similar apparel are generally not permitted.
- Personal appearance should include cleanliness. If an employee shaves, then the employee's facial hair should be clean-shaven or trimmed. If an employee does not shave, facial hair should be clean.
- Jewelry may be restricted for safety reasons, based on the position.

Author [A25]

NOTE FROM POLSINELLI: If employees are required to wear a uniform or safety equipment, the employer will be required to pay non-exempt employees for changing into and out of uniforms/safety gear if they are changing at work. Employers may also have uniform maintenance obligations. Consult legal counsel with questions.

Author [A26]

NOTE FROM POLSINELLI: This section is optional to include but is a legally compliant list of guidelines that you may want to utilize.

The Company encourages employees to seek the advice of their immediate supervisor or the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] if they have questions regarding appropriate dress or appearance at work. Employees who report to work improperly dressed or groomed may be instructed by their supervisor to return home to change. The time that nonexempt employees are absent for this purpose will be unpaid unless state law requires otherwise.

Nothing in this policy is intended to prevent employees from wearing a hair or facial hair style that is consistent with their cultural, ethnic, or racial heritage or identity. This policy will be interpreted to comply with applicable municipal, state, or federal law.

The Company will reasonably accommodate exceptions to this policy if required due to an employee's religious beliefs, medical condition, or disability. Employees who need such an accommodation should contact their immediate supervisor or the Company's Human Resources Department [or insert appropriate Company representative or department].

Attendance and Punctuality

Employees are expected to be regular in attendance and to be punctual. If employees are absent, their work generally must be performed by others or go undone. To limit problems caused by employees' unapproved absences, the Company has adopted the following policy.

Employees are expected to report to work as scheduled, be on time, and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for meal or break periods, or when required to leave on authorized Company business or other authorized reason. Unapproved late arrivals, early departures or other absences from scheduled hours are disruptive and must be avoided.

If an employee is unable to report for work on any particular day, they must call their immediate supervisor at least one hour in advance of the time the employee is scheduled to begin working for that day (unless it is impossible to do so, in which case the employee must call as soon as possible thereafter). Employees who need to leave early must notify their immediate supervisor as soon as they learn that they will not be able to complete their scheduled shift. The Company may inquire about the general reason for an absence, tardiness, or early departure. Unless extenuating circumstances exist, employees must call in on each and every scheduled day on which they will not report to work, unless they are on an approved leave of absence.

Excessive absenteeism or tardiness may result in disciplinary action up to and including termination of employment, unless the absence or tardiness is excused or approved. The following are examples of types of time off that will not be considered grounds for disciplinary action under this policy:

- Time off that was previously approved, including vacation;
- Paid sick and safe time provided under a mandatory sick and safe time leave law;
- Approved state and federal leaves of absence, including but not limited to jury duty leave, military leave, leave protected under the Family and Medical Leave Act ("*FMLA*") or

Author [A27]

NOTE FROM POLSINELLI: Legally protected absences should never be the subject of disciplinary action.

Author [A28]

NOTE FROM POLSINELLI: To be customized per business operations and policy.

similar state laws, and time off or leave specifically approved by the Company as an accommodation under the Americans with Disabilities Act (“**ADA**”) or similar state laws; and/or

- Time off due to a work-related injury that is covered by workers’ compensation.

Each situation of absenteeism, tardiness, or early departure will be evaluated on a case-by-case basis. Even one unexcused absence or tardiness may be considered excessive, depending upon the circumstances. However, the Company will not subject employees to disciplinary action or retaliation for an absence, tardiness or early departure for which discipline may not be imposed under applicable law. If the employee believes that an absence, tardiness or early departure is (or should be) excused pursuant to applicable law, the employee should notify their manager of this fact as soon as possible, but no later than at the time of the absence, tardiness or early departure. (For the required timing of an employee’s notice of the need for a foreseeable leave of absence, see the applicable leave policy). If an employee believes they have mistakenly been subject to disciplinary action for an absence, tardiness or early departure that the employee believes is or should be excused/approved, the employee should promptly discuss the matter with the Company’s Human Resources Department [or insert name/contact details for appropriate Company representative or department]. The Company will investigate the situation and any errors will be corrected.

Employees who fail to report for work without any notification to their immediate supervisor and whose absence continues for a period of [three] days (No Call / No Show) will be considered to have abandoned and voluntarily terminated their employment, absent extraordinary circumstances.

Author [A29]

NOTE FROM POLSINELLI: This should be consistent with the duration listed in the Standards of Conduct.

Personal Devices

Although the Company permits employees to bring personal electronic devices, including cellular phones, smartphones, and PDAs, into the workplace, employees are expected to remember that working time is for work.

Therefore, employees should only engage in personal phone calls and communications and other use of personal electronic devices during nonworking time, including breaks and meal periods. Outside of this time, personal phone calls and other personal device use should be kept to a minimum and for emergency use only.

Author [A30]

NOTE FROM POLSINELLI: This is optional.

Personal Calls

While employees are at work, they are expected to perform their job duties and responsibilities. Personal calls should be made primarily outside of working time.

The Company may monitor the frequency and duration of an employee’s usage of its telephones. In the event it is necessary to make a personal long-distance call, employees may be asked to reimburse the Company for the cost, when applicable. Abuse of the Company’s telephones and/or long-distance service may result in discipline, up to and including employment.

Author [A31]

NOTE FROM POLSINELLI: This paragraph is optional. Delete if inapplicable.

Contact with the Media

To ensure that the Company communicates with the media in a consistent, timely, and professional manner about matters related to the Company, employees should notify their immediate supervisor or the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] that they have been contacted by the media whenever employees are asked to speak on behalf of the Company so that the Company knows that a media inquiry has been made. Employees should not respond to media inquiries on the Company's behalf without authorization. This rule does not prevent employees from speaking with the media, but employees should not attempt to speak on behalf of the Company unless the employee has specifically been authorized to do so by an officer of the Company.

Conflicts of Interest

All employees must conduct themselves in such a way as to avoid actual or potential conflicts of interest during their employment with the Company. The following are examples of prohibited conflicts of interest in any aspect of their jobs:

- Acting as a director, officer, consultant, agent, or employee of a supplier, customer, competitor, or any entity that engages in business with the Company;
- Owning a material interest in or being a creditor of or having other financial interest in a supplier, customer, competitor, or any entity that engages in business with the Company;
- Receiving from or giving to any supplier, customer, or competitor gifts, gratuities, special allowances, discounts, or other advantages not generally available to employees of the Company;
- Having any significant direct or indirect personal interest in a business transaction involving the Company;
- Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's job duties for the Company;
- Influencing commercial transactions involving purchases, contracts, or leases in a way that would have a negative impact on the Company or its business.

If an employee has, or is considering the assumption of, a financial interest or outside employment relationship that might involve a conflict of interest, or if the employee is in doubt concerning the proper application of this policy, they should promptly discuss the matter with the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] and refrain from exercising responsibility on the Company's behalf in any manner that might reasonably be considered to be affected by any adverse interest.

Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

This policy in no way prohibits employee affiliations or activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under

Section 7 of the NLRA, which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

Business Gifts, Tips, and Gratuities

It is the express policy of the Company that employees are prohibited from, either directly or indirectly, asking, demanding, exacting, soliciting, or seeking, anything of value for themselves or for any other person or entity.

It is the express policy of the Company that employees are prohibited from, either directly or indirectly, accepting, receiving, or agreeing to receive anything of value for themselves or for any other person or entity (other than your paycheck from the Company) for or in connection with any transaction or business of the Company. Acceptance of money or other valuable gifts directly from clients, family of clients, facilities, family residents, and vendors, suppliers, are strictly prohibited. This includes borrowing of money or personal effects. This action is considered a violation of patient's rights and can lead to elder abuse charges. For licensed personnel, this can mean suspension or complete loss of licensure. For all personnel, this can mean criminal prosecution. This is for the protection of the client and the employee.

Employees must also refrain from the selling or purchasing of items to/from a client. This could lead to allegations of theft and/or inappropriate payment amounts for items.

If employees are promised, offered, or given anything of value from any client, family member, or perspective client for or in connection with any transaction or business of the Company, they are to advise their **Office Administrator [or insert title of appropriate Company representative or department]** at once. Similarly, if employees are asked to buy anything of value from any client, family member, or perspective client for or in connection with any transaction or business of the Company, they are to advise the Company's **Human Resources Department [or insert title of appropriate Company representative or department]** at once.

Social Media

The Company respects the legal rights of its employees and understands that employees' time outside of work is their own. However, employees should be mindful that their social media activity, even if done off premises and while off-duty, could affect the Company's legitimate business interests. "Social media activity" includes all types of posts and other communications on the Internet, including but not limited to, posts on social networking or affinity sites (such as Facebook, LinkedIn, TikTok, and YouTube); blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter; and posts of video or audio on media-sharing sites. "Social media activity" also includes permitting, or failing to remove, posts by others where the employee can control the content of posts, such as on a personal page or blog. This policy applies to social media activity when on or off duty, while using the Company's or personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym.

The Company values its established brand reputation and goodwill relationships. These are important corporate assets. When employees engage in social media activity that identifies them

as a Company employee, or in any way relates to the Company, employees should bear that in mind and follow the guidelines listed below:

- Social media activity is subject to all pertinent Company policies, including the Sexual and Other Unlawful Harassment and Confidentiality policies.
- Unless an employee has received prior authorization from **[insert position title]**, the employee may not represent or suggest in any social media content that they are authorized to speak on the Company's behalf, or that the Company has reviewed or approved the content. If that will not be obvious from the content, the employee should specifically state the following: "The views expressed in this post are my own. They have not been reviewed or approved by the Company."
- The Federal Trade Commission ("**FTC**") requires that endorsements be truthful and not deceptive. If social media activity endorses the Company's products or services, i.e., expresses opinions, beliefs, findings, or experiences concerning the Company's products or services, employees must disclose their name and position with the Company.
- Employees should consider using available privacy filters or settings to block from others, including clients, colleagues, vendors or competitors who may have access to your social media activity any overly personal information.
- Employees should not post content about the Company, management, co-workers, or clients that is obscene, threatening, intimidating, defamatory, harassing, or a violation of the Company's policies against discrimination, harassment, or hostility on account of any protected characteristics.
- Employees should not use the Company's logo, trademark, or proprietary graphics in violation of applicable laws, in a way which suggests that they are representing the Company or while engaging in conduct that violates Company policy.
- Employees should not disclose, or post images or video of, any of the Company's trade secrets or confidential business information (for example, information regarding the development of systems, processes, products, know-how and technology, business plans; health/financial information of clients; the Company's attorney-client communications or other internal business-related confidential communications).
- Employees should not post images or video of the Company's employees, clients, vendors, or competitors that would be discriminatory, harassing, threatening, obscene, or similarly inappropriate.

Author [A32]

NOTE FROM POLSINELLI: It may be possible to craft a more restrictive prohibition on recording in the workplace. The law is constantly evolving, and the Company should seek legal advice before modifying this policy.

Do not post any photos or client information to the internet in any form, including but not limited to any social media platforms, as this is in violation of the Health Insurance Portability and Accountability Act of 1996 ("**HIPAA**").

Do not use Company email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Outside Employment

The Company respects each employee's right to engage in activities outside of employment such as those that are of a personal or private nature, to the extent that such activities do not create a conflict of interest as described in the Conflicts of Interest policy set forth in this Employee

Manual or adversely affect the employee's ability to perform their job. Under certain circumstances, however, if an employee's personal conduct adversely affects performance on the job or makes it impossible for the employee to carry out any or all job duties while at work, appropriate disciplinary action up to and including termination of employment may be appropriate.

An example of an activity that might adversely affect an employee's ability to perform their job duties is outside employment. While the Company does not prohibit employees from holding other jobs, the following types of outside employment are generally prohibited (to the extent allowed under applicable law):

- Employment that conflicts with the employee's work schedule, duties, and responsibilities or creates an actual conflict of interest;
- Employment that impairs or has a detrimental effect on the employee's work performance with the Company; and
- Employment that requires employees to conduct work or related activities during working times or using any of the Company's tools, materials, or equipment.

For the purposes of this policy, self-employment is considered outside employment.

The Company will not assume any responsibility for employees' outside employment. Specifically, the Company will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment.

PAY PRACTICES

Performance Reviews

Performance evaluations are generally scheduled after **the first 90 days** of employment and **once a year or upon a change in assignments**, however, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

A positive performance review does not guarantee a salary increase or a promotion. These decisions are made at the discretion of the Company and depend on a number of factors, in addition to an employee's individual performance.

The Company reserves the right to make any personnel changes (including employment termination) before or after performance evaluations.

Payment of Wages

Employees will be paid **[Insert frequency—e.g., weekly, biweekly]** on **[Insert payday(s)]** by check or direct deposit. Each pay period covers **[insert the period of time covered by the pay period]**.

Author [A33]

NOTE FROM POLSINELLI: This language should only be used if the employer in fact does comply with providing performance reviews. Otherwise, the language can state as follows: "Performance reviews may or may not be scheduled in the Company's sole discretion. The Company reserves the right to issue disciplinary action before or after a performance review. Employees are not entitled to a performance review at any specific interval."

Author [A34]

NOTE FROM POLSINELLI: This should be modified in compliance with Company practice.

If the regular payday falls on a company-recognized holiday, then employees will be paid on the work day before the regular payday. Employees who enjoy the benefit of electronic direct deposit will receive deposit advice on each payday.

Paycheck Deductions

The Company is required by federal and some state laws to make certain deductions from your paycheck each pay period. Such deductions typically include taxes and Social Security. Depending on state law and the benefits an employee chooses, additional deductions may occur.

The pay of some nonexempt employees may be subject to additional deductions. Such deductions will be made in accordance with state and federal law and will require written authorization from the employee.

The amount of all deductions will be listed on the employee's pay stub.

Reporting Errors and Obtaining More Information

The Company works hard to ensure that all employees are paid correctly, but mistakes can happen. When mistakes do occur and are brought to the Company's attention, the Company will promptly make any corrections necessary. All employees should review each paycheck and pay stub when they receive it to make sure their pay and reported hours are correct.

If any employee, exempt or nonexempt, has questions about deductions from their pay, believes they have been subjected to improper deductions, or believes that the amount paid does not accurately reflect the employee's total hours worked or salary, that employee should promptly contact **the Company's Human Resources Department, their immediate supervisor, or Company payroll personnel**. If an employee's Office Administrator, immediate supervisor, or the Company's payroll personnel are unavailable, if they believe it would be inappropriate to contact those persons, or if they have not received a prompt and acceptable reply from them, they should immediately contact **[person or position(s)]**.

Every report will be fully investigated, and the Company will provide the employee with any compensation to which the employee is entitled in a timely fashion.

The Company complies with all applicable laws, including the FLSA, and will not allow any form of retaliation against individuals who make good faith reports of alleged violations of this policy, or who cooperate in an investigation by the Company, even if the reports do not reveal any errors or wrongdoing. The Company will investigate all claims of retaliation promptly and, to the extent reasonably possible consistent with a thorough investigation, on a confidential basis. If the Company concludes that an employee has violated this policy, corrective action will be taken, where appropriate, up to and including employment termination. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including employment termination. Any employee who believes they have been subjected to retaliation should **contact the Company's Human Resources Department [or insert appropriate Company contact or department]**.

Work Schedules

The Company's office is normally open for business from **[Insert days of operation, i.e., Monday through Friday], [__ A.M. TO __ P.M.]** Caregiving services are provided around the clock. Employee supervisors will assign each employee's work schedule.

All employees are expected to be ready to perform their work at the start of their shift. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in total hours that may be scheduled each day and week.

Employees Working 24-Hour Shifts

Unless applicable state law requires otherwise, if a non-exempt employee works a shift of 24 hours or longer, up to eight hours of sleeping time may be excluded from compensable working time if all of the following apply:

- A voluntary agreement excluding sleeping time exists between the Company and the employee;
- Adequate sleeping facilities for an uninterrupted night's sleep are provided;
- At least five hours of uninterrupted sleep is possible during a scheduled sleeping period; and
- Interruptions to perform duties are considered hours worked.

In addition, the following will be adhered to:

- Even if the sleeping period is longer than eight hours, only eight hours will be credited.
- The five hours of sleep time do not have to be consecutive; however, if the sleep period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted as working time.
- Sleep time does not necessarily have to be at night.
- The deduction of sleep time is prohibited where the demands of the job have seriously interfered with the employee's ability to sleep, or the sleeping facilities have been minimal.

Live In Care

Employees are not permitted to reside permanently on a client's premises. Employees who work for five days and nights (and 120 hours or more) or for five consecutive days (regardless of the number of hours) are considered live-in staff. Unless applicable state law requires otherwise, employees who qualify as live-in staff may agree to exclude *bona fide* sleep time (pursuant to the same rules expressed in the Employees Working 24-Hour Shifts Policy), *bona fide* meal time, and other off-duty time. Such exclusions from compensable working time will be set forth in a written agreement. Any agreement for the treatment of compensable time for live-in employees must meet the requirements of federal and applicable state law and be an employer-employee agreement, not a unilateral decision by the employer. This agreement must be in writing.

Author [A35]

NOTE FROM POLSINELLI: Please note that if the business does not provide 24-7 care, this should be modified to the times it does offer caregiving services.

Author [A36]

NOTE FROM POLSINELLI: Delete if inapplicable to business operations.

Author [A37]

NOTE FROM POLSINELLI: Delete if this type of care is not provided.

Meal and Rest Breaks

It is the Company's policy to comply with any applicable federal, state, and municipal laws regarding meal and rest breaks.

The state in which you work has no applicable meal or rest break requirements. Accordingly, the Company does not provide any meal or break time for nonexempt employees in this state. The Company may in its discretion provide nonexempt employees with break time as appropriate, but any such breaks are not guaranteed.

Any rest breaks that last 20 minutes or less will be counted as work hours, and the Company will pay nonexempt employees for the same.

If the Company in its discretion provides nonexempt employees with a duty-free meal break that lasts at least 30 consecutive minutes, that meal break time does not constitute hours worked for purposes of federal law and will be unpaid. If the Company in its discretion provides nonexempt employees with a duty-free meal break that lasts at least 30 consecutive minutes, the Company requires that nonexempt employee record the start and end times of their meal breaks utilizing the Company's timekeeping system.

Federal Lactation Accommodation

Lactation Breaks

The Company will provide a reasonable amount of break time to accommodate both an exempt and non-exempt employee desiring to express breast milk for the employee's infant child for up to one year following the birth of the covered employee's child during the workday. Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to an employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for all non-exempt employees, provided the employee is completely relieved of all work-related duties as provided below. Exempt employees will be paid their full weekly salary as required by federal, state, and local law, regardless of whether they take breaks to express breast milk.

Non-exempt employees will be relieved of all work-related duties during any unpaid break. For non-exempt employees, where unpaid breaks or additional time are required, employees should work with their supervisor or the Company's **Human Resources Department [or insert name/contact details for appropriate company representative or department]** regarding scheduling and reporting the extra break time. Where state or municipal law imposes more specific requirements regarding the break time or lactation accommodation, the Company will comply with those requirements.

Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

Author [A38]

NOTE FROM POLSINELLI: Effective December 29, 2022, the Providing Urgent Maternal Protections for Nursing Mothers Act (or "PUMP for Nursing Mothers Act") applies to all private employers subject to the FLSA. This law requires employers to provide reasonable break time for all employees for one year following the birth of a covered employee's child for the expression of breast milk during the workday. Employers also must provide a private and clean space, free from view and intrusion by co-workers, other than a restroom for pregnant workers to express breast milk. Employers should note that this equally applies to employees who work remotely who must also be free from any employer-provided or required video system, including computer camera, security camera, or web conferencing platform, while expressing breast milk. Employers with fewer than 50 employees may avoid this obligation if it would impose an undue hardship, meaning that adherence to the law would inflict an undue hardship on the employer's business operations due to the expense and difficulty in relation to the employer's resources or nature of the business operations. Pursuant to PUMP for Nursing Mothers Act, while exempt employees must be paid their salary regardless of if they use a break period to express breast milk, such breaks need not be paid for non-exempt employees, unless the non-exempt employee is still on the clock or "not completely relieved from duty" during those breaks. Please note, however, that other municipal ordinance or state or federal law may require the time be paid.

[ENTER IF FEWER THAN 50 EMPLOYEES: The Company reserves the right to deny lactation breaks to the extent such breaks would impose an undue hardship on the Company's business operations due to the expense and difficulty in relation to the Company's overall resources and nature of its business operations.]

Lactation Facilities

The Company will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. The Company will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

[ENTER IF FEWER THAN 50 EMPLOYEES: The Company reserves the right to deny lactation facilities to the extent such facilities would impose an undue hardship on the Company's business operations due to the expense and difficulty in relation to the Company's overall resources and nature of its business operations.]

Employees should discuss with their supervisor or the Company's **Human Resources Department [or insert name/contact details for appropriate company representative or department]** the location for storage of expressed milk. In addition, employees should contact **[insert name/contact details for appropriate company representative or department]** during their pregnancy or before their return to work to identify the need for a lactation area.

The Company will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules, and other requested accommodations. Furthermore, the Company strictly prohibits retaliation against an employee for exercising any rights under the Providing Urgent Maternal Protections for Nursing Mothers Act.

Missouri Lactation Accommodation

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. Non-exempt employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break time when needed and if provided. If possible and if applicable, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. For non-exempt employees, if the lactation break time cannot run concurrently with any meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for non-exempt employees.

Non-exempt employees will be relieved of all work-related duties during any unpaid break. Where unpaid breaks or additional time are required, non-exempt employees should work with their immediate supervisor **[or insert name/contact details for appropriate Company representative or department]** regarding scheduling and reporting the extra break time.

Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as “unpaid.”

The Company will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. The Company will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee’s private office, if applicable.

The Company will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules, and other requested accommodations.

Employees should discuss with their immediate supervisor or the Company’s Human Resources Department **[insert name/contact details for appropriate Company representative or department]** the location for storage of expressed milk. In addition, employees should contact **[insert name/contact details for appropriate Company representative or department]** during their pregnancy or before their return to work to identify the need for a lactation area.

Travel Time

The Company will compensate employees for time spent traveling for purposes of conducting the Company’s business in compliance with applicable state and federal law. This compensation is for the time the non-exempt employee spends traveling and does not include mileage, which may be compensated separately, if so required.

Compensable travel time includes a non-exempt employee’s business travel between work sites during the workday, but does not apply to time spent in the non-exempt employee’s regular commute to work, which includes travel from home to the first work site at the beginning of the workday and travel from the last work site to home at the end of the workday, unless applicable law requires otherwise.

Non-exempt employees are not expected to accept or make calls or complete any paperwork before they begin their commute or after they finish their commute. Any work that is approved for non-exempt employees to do at home can be done on their own schedules. There is no work that non-exempt employees will be asked to do immediately before or immediately after their commute.

Travel between Work Sites

Non-exempt employees must accurately record as time worked all time spent traveling between work sites during the workday. For non-exempt employees, time spent traveling between work sites during the workday is counted as hours worked for purposes of calculating hours of work and overtime premiums and eligible non-exempt employees will be paid overtime in accordance with applicable federal and state law.

Special Commute to Work Sites

If traveling to a particular work site at the start of the workday or from a work site at the end of the workday extends a non-exempt employee's day past the employee's normal commute time, the additional travel time will be compensated. On these occasions, non-exempt employees must report the extraordinary commuting time to their immediate supervisor and record as time worked the extra time spent commuting to and from a client site that exceeds their regular commute time.

Failure to adhere to this policy, including failure to record all compensable travel time and failure to record all work will be addressed as a performance issue and the employee will be subject to discipline, up to and including employment termination.

Any questions about this policy, or any associated procedures, should be directed to the Company's **Human Resources Department [or insert appropriate Company representative or department]**.

Mileage

The Company's policy is to reimburse exempt and non-exempt employees for all necessary and reasonable travel-related business expenses they incur when using their personal vehicle for official Company business. When using their personal vehicle for official Company business, the Company's policy is to reimburse non-exempt caregivers for all necessary and reasonable travel-related business expenses they incur for client transport and for traveling to and from a client's location, or as otherwise required by applicable law. Travel-related business expenses include mileage reimbursement when employees use their personal vehicle to conduct necessary Company business.

Examples of personal vehicle use eligible for mileage reimbursement include travel mileage from one client site to the next client site, transporting clients, running errands for a client, or doing other work-related errands. The Company will not reimburse employees for travel expenses, including mileage incurred, in connection with their normal commute to and from work or for the use of a client's vehicle.

The reimbursement rate covers all vehicle operating costs incurred by the employee in the operation of the personal vehicle, including, but not limited to, fuel, maintenance, repair, depreciation, and insurance. Employees can obtain the current, applicable mileage reimbursement rates from the **Company's Human Resources Department [or insert appropriate Company representative or department]**.

Employee caregivers are required to record reimbursable client-related mileage using **[INSERT]** and record any other reimbursable mileage using the **[FILL IN]**.

Personal Vehicle Use and Driving Record

Certain employees may drive their own personal vehicles while conducting Company business. These employees must maintain adequate personal automobile liability insurance. Employees

Author [A39]

NOTE FROM POLSINELLI: In Missouri, mileage reimbursement is a matter of federal law and Company policy. Federal law requires mileage reimbursement if the cost of travel would reduce pay below minimum wage.

Author [A40]

NOTE FROM POLSINELLI: Please insert.

doing so should promptly submit an expense report detailing the number of miles driven on Company business.

All employees are required to keep a clean and safe driving record to maintain employment with the Company. During the initial hiring process, the Company may run a Department of Motor Vehicles (“**DMV**”) check (as applicable) to determine eligibility for the employee to be hired for driving positions.

The Company retains the right to prohibit any employee from driving clients if the employee’s driving record is not compliant with standards set by the Company’s insurance provider.

In the event that a license is suspended, prior to hiring, it will be the sole discretion of the Company as to whether or not the employee will be offered a position or not. In the event that a license is suspended, during employment with the Company, it will be the sole discretion of the Company as to whether or not the employee will receive disciplinary action up to and including termination.

In accordance with applicable law, the Company will run DMV checks periodically to determine the status of current employees driving records. It is in the best interest of the employee to report any added points to a driver’s license prior to a random check. Prior notice to the Company of any additional license issues will allow the Company to make the needed adjustments. Not informing the Company is in a sense withholding vital information and will be considered for disciplinary action up to and including the possibility of employment termination.

DMV/BMV/MVR checks will be completed on all employees at least every other year, but also may be completed randomly or for just cause, throughout the course of employment to ensure the employee remains eligible for employment unless otherwise prohibited by state law. Employment may be terminated due to changes in an employee’s driving record that no longer meets the eligibility requirements for employment.

Timekeeping

Non-exempt Employees

Employees who are classified as non-exempt must accurately record the time they work each day, including arrival, departure, and meal break times.

When employees receive their paychecks, they should verify immediately that their working time was recorded accurately and that they were paid correctly for all hours worked.

[TELEPHONY OPTION]: The Company primarily uses a timekeeping system called Telephony that requires employees to clock in and out of shifts by telephone. To clock in, caregivers must dial a toll-free number from the client’s home telephone upon arrival, enter an assigned code, and wait for confirmation. This process is basically repeated to clock out when leaving the client’s home. Non-exempt employees must clock in via the Telephony system before performing any work-related activity at their assignment and must complete all work-related activities at the assignment before clocking out using Telephony. This technology mostly eliminates time-slips for timekeeping and allows the office to know when employees arrive at

Author [A41]

NOTE FROM POLSINELLI: This timekeeping policy gives options for a telephone and mobile device timekeeping system, with a paper time card backup system, but can be customized based on the methods actually used.

and leave a client's home. If an employee cannot call from the client's phone because it is in use, call as soon as the phone is free, and then call **their immediate supervisor** who will speak with the client to verify the actual arrival time. It is important that all non-exempt employees timely report any working time not otherwise captured via the Telephony system.]

[MOBILE DEVICE OPTION: The Company primarily uses a timekeeping technology called **[NAME]** that enables employees to clock in and out using their mobile devices. Caregivers must use their mobile devices to clock in at the client location upon arrival, enter an assigned code, and wait for confirmation. The process is basically repeated to clock out when leaving the client's home. Non-exempt employees must clock-in using their mobile devices before performing any work-related activity at their assignment and must complete all work-related activities at the assignment before clocking out using their mobile devices. This technology mostly eliminates time-slips for timekeeping and allows the office to know when employees arrive at and leave a client's home. If an employee cannot use their mobile device for any reason at the client location, call **their supervisor** using the mobile device or client's home telephone as soon as possible, and the employee's **supervisor** will speak with the client to verify the arrival time. It is important that all non-exempt employees timely report any working time not otherwise captured via the **[NAME].]**

In some cases, the **[Telephony/Name of Mobile System]** timekeeping system is not used or does not work, and employees must record their working time on paper time slips as a substitute. Any working time that is not reported via **[telephony/mobile device]** must be accurately recorded on a paper time slip and timely submitted to the Company for processing. This may include, but is not limited to, compensable travel time, telephone or in-person case conferences, time calling the Company office for information that must be obtained by telephone, time working in the Company office, and time working at the employee's own home.

Travel client errands and any other compensable travel time must be reported in writing and must state the destination and purpose of travel and must be signed by the client or client's family member or power of attorney for each entry.

Nonexempt employees must report all time worked and not work any time that is not authorized by their supervisors. This means nonexempt employees must not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless directed to do so. Employees who have questions about when or how many hours they are expected to work should contact their immediate supervisor.

It is a violation of the Company's policy for anyone to instruct or encourage another employee to work "off-the-clock," to incorrectly report hours worked, or to alter another employee's time records. If any employee is directed or encouraged to incorrectly report hours worked, or to alter another employee's time records, they should report the incident immediately to their immediate supervisor.

Exempt Employees

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence or vacation.

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. However, an exempt employee will not be paid for days not worked in the following circumstances:

- When an exempt employee takes one or more full days off for personal reasons other than sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available **[insert vacation or paid time off (PTO)]** to make up for the reduction in salary;
- When an exempt employee takes one or more full days off from work due to sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available sick time to make up for the reduction in salary;
- When an exempt employee works only part of the week during their first and last week with the Company, the employee will be paid only for the days actually worked;
- When an exempt employee takes unpaid leave under the FMLA or corresponding laws, the Company will not pay for such days/hours of absence; and
- When an exempt employee receives an unpaid disciplinary suspension of one or more full days, imposed in good faith for workplace conduct rule infraction, the Company will not pay for such days of suspension.

Author [A42]

NOTE FROM POLSINELLI: Please customize to the verbiage your business uses – either, “vacation” or “paid time off.”

The Company may require an exempt employee to use available **[vacation or PTO]** as a replacement for salary, when the employee takes less than a full-day off from work.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror, witness or in the military or for lack of work, though deductions may be made to offset amounts an employee receives as jury or witness fees, or for military pay. The Company may also make lawful deductions from an employee's salary for penalties imposed in good faith for infractions of safety rules of major significance.

It is company policy to comply with the salary basis requirements of the FLSA and applicable state law. The Company prohibits any deductions from pay that violate the FLSA or applicable state law.

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to their immediate supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Prohibition of Off-the-Clock Work

The Company is committed to compensating every employee for all work performed in accordance with all applicable laws. The Company prohibits all “off-the-clock” work, and employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work

Author [A43]

NOTE FROM POLSINELLI: Please customize to the verbiage your business uses – either, “vacation” or “paid time off.”

means work you perform but fail to report to the Company. Non-exempt employees may not perform any work without compensation.

Examples of prohibited off-the-clock work include but are not limited to the following:

- Performing work-related activities before a non-exempt employee has started recording work time or after an employee has stopped recording work time;
- Completing work-related paperwork at home without recording or reporting the time;
- Performing work during the employee's meal period and not reporting the missed or interrupted meal period; and
- Sending or responding to work-related emails or making or responding to phone calls without reporting the time worked.

Employees are prohibited from traveling to and visiting a client's home or location during unscheduled hours for any reason without the advance permission of their **immediate supervisor**. Although any unauthorized work performed will be compensated appropriately, any employee who violates this prohibition may be subject to disciplinary action, up to and including employment termination.

It is a violation of the Company's policy for anyone to instruct or encourage another employee to work "off-the-clock," to incorrectly report hours worked, or to alter another employee's time records. Any changes to an employee's reported time must be discussed with the employee and documented. If the employee does not agree with the change, the Company supervisor must notify the appropriate payroll personnel. Employees must always be paid for all time worked, whether or not authorized, and whether or not the time worked falls within the employee's scheduled shift.

Author [A44]

NOTE FROM POLSINELLI: The Company should modify as needed per office and Company policy.

If any employee is directed or encouraged to incorrectly report hours worked, or to alter another employee's time records, they should report the incident immediately to their **immediate supervisor** **[or insert name/contact details for appropriate Company representative or department]**.

Work Outside of Scheduled Shifts

The Company is committed to compensating non-exempt employees for all work performed in accordance with all applicable state and federal laws.

Non-exempt employees are expected to work schedules and hours reflective of their assignments. Managers must approve hours of work in excess of a non-exempt employee's work schedule and/or assignment in advance of a non-exempt employee actually working any time in addition to their scheduled shift or scheduled assignment. For example, if a client requests that an employee caregiver stay later than scheduled, the employee caregivers' manager must be contacted for prior approval. If an employee caregiver wants to clock in earlier than 10 minutes prior to the start of the employee caregiver's scheduled shift time, the employee caregivers' **immediate supervisor** must be contacted for prior approval. Non-exempt employees must report and will be paid for all work in excess of a non-exempt employees' scheduled shift and/or assignment, but may be subject to discipline up to and including employment termination if the

work was not pre-authorized by their **immediate supervisor or a member of Company management.**

After Hours Policy for Non-Exempt Employees Using Computers Or Communications Devices

This policy applies to non-exempt employees who have been granted remote network access by the Company. These employees are given remote access to the Company's computer network in order to conduct work and/or provide services while out of the office or outside of normal working hours.

During normal working hours, employees are permitted to use communications devices on a regular and frequent basis and in accordance with their immediate supervisor's instructions to stay in contact and stay informed of any work assignments or needs of the Company.

Non-exempt employees are not expected to review emails, accept or make work-related calls, connect to the Company's network, or do any other work outside of normal working hours, except as provided in this policy, or as otherwise authorized by Company management. All time spent working outside an employee's previously scheduled work time must be previously authorized by Company management and reported by the employee as working time. Non-exempt employees will be compensated for all time worked and will be paid overtime where required by applicable law. Employees are considered to be working while responding to a call or email.

Connecting to the Company's computer network for specifically authorized business purposes and performing authorized computer-based tasks for the Company is also working time. Non-exempt employees are not otherwise expected to work outside of normal working hours, except for authorized overtime.

If a non-exempt employee, outside of normal work hours, responds to or initiates work-related emails or phone calls, works on Company matters on a computer, or connects to the Company's computer network, the employee will be compensated for the time spent doing so and that time must be recorded using the standard method for recording time work.

Non-exempt employees asked to return to a worksite will be compensated for all time spent traveling to work and returning to the place where they were alerted of the need for their work.

Failure to adhere to this policy, including the performance of unauthorized overtime work or work outside of a scheduled shift, failure to record all work-related communications and failure to record all work (whether authorized or unauthorized), will be addressed as a performance issue and could lead to discipline, up to and including employment termination.

Minimum Wage

It is the policy of the Company to compensate employees at a rate equal to or greater than the established federal minimum wage. The Company will also comply with and compensate employees in accordance with Missouri's minimum wage laws, ~~currently \$12.00~~ \$12.30 per hour for non-exempt employees effective January 1, 2024. If municipal law requires a minimum wage

Author [A45]

NOTE FROM POLSINELLI:
Among other exceptions,
Missouri's minimum wage does
not apply to individuals
employed on or about a private
residence on an occasional basis
for six (6) hours or less on each
occasion; and individuals
employed by a retail or services
business whose annual gross
volume sales made or business
done is less than \$500,000.

greater than the federal or state minimum wage, the Company will compensate employees in compliance with municipal law.

Overtime

All non-exempt employees are eligible for overtime pay. When operating requirements or other work needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime. Nonexempt employees will be paid one and one-half times their regular rate of pay for all hours worked in excess of 40 in one workweek and as otherwise required by applicable state and federal law. Non-exempt employees are responsible for accurately reporting all time worked, including overtime hours.

Paid time off such as sick pay, holiday pay, vacation pay and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay, with the exception of periods of time during these categories of time when the non-exempt employee performed actual work on behalf of the Company. If daily overtime is required, daily and weekly overtime pay may not be pyramided or duplicated. Accordingly, non-exempt employees are not eligible to receive both daily and weekly overtime pay; only one overtime premium will apply.

All overtime work must be authorized in advance by the employee's immediate supervisor [or insert name/contact details for appropriate Company representative or department]. Non-exempt employees will be paid for all overtime work, but may be subject to discipline up to and including termination of employment if the overtime work was not pre-authorized.

Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees. If an employee is unclear as to whether or not they qualify for overtime pay, the employee should speak to the Company's Human Resources Department or [insert appropriate Company representative or department].

Training Time

The Company is committed to compensating every employee for all work performed in accordance with all applicable state and federal laws. From time-to-time, nonexempt employees may participate in training opportunities. If the Company requires a non-exempt employee to attend or complete training, the training time is considered work time.

The training time is not work time if the meeting or training is outside of the employee's regular working hours, is voluntary, is not directly related to the employee's job, and the employee does no work during it.

If an employee on their own initiative attends an independent lecture, meeting, training program or similar activity after hours unrelated to the Company, the time is not considered hours worked even if the courses are related to their job.

Employees utilizing remote training modules must complete the module within the time period specified by the Company. If an employee requires additional time to complete a remote training

module, the employee should seek approval from their immediate supervisor and that additional time may be paid.

An employee who engages in unauthorized training time will be subject to disciplinary action, up to and including separation of employment.

As stated in the Off-the-Clock Work Policy, the Company prohibits all “off-the-clock” work, and employees are prohibited from performing any “off-the-clock” work. As such, all time spent in Company-required training will be compensated. For non-exempt employees, the Company will notify you of the hourly rate that will apply to time spent completing training. That hourly rate may be less than an employee’s regular rate, but will in no circumstance be less than the applicable minimum wage.

For non-exempt employees, mandatory training time is counted as hours worked for purposes of calculating hours of work and overtime premiums and eligible non-exempt employees will be paid overtime in accordance with applicable laws. Non-exempt employees must accurately record and report all mandatory training time.

It is a violation of the Company’s policy for any employee to falsify a time record. Non-exempt employees are responsible for ensuring that their reported time is correct. If non-exempt employees under-report or over-report hours worked, they will be subject to disciplinary action, up to and including separation of employment.

On-Call Pay – Non-Exempt Employees

Non-exempt employees may be required to perform on-call duties from time to time. To ensure that non-exempt employees will be available to address and resolve issues that may arise, the Company has instituted this on-call compensation policy to cover those non-exempt employees who may be required to be on-call and/or come back into work following their regularly scheduled shift.

During the on-call period, non-exempt employees will not be required to report to work and may perform on-call work remotely. Employees are free and encouraged to engage in personal activities during the on-call period. However, the Company asks that the non-exempt employees refrain from the use of alcohol to ensure soundness of judgment. On-call employees are expected to keep their cell phone or other mobile device, and, if applicable, laptop accessible during all on-call hours, and are also expected to respond to a call or text within **[45 minutes]** of receipt.

Non-exempt employees will be compensated for their on-call/call-in time. Failure to respond to a call or text during the non-exempt employee’s designated on-call time may result in discipline.

Non-exempt on-call employees will be paid at their normal rate of pay for any time actually worked while on-call, as specified in this policy. Non-exempt employees will be paid any applicable overtime rate if the time actually spent carrying out assigned duties during the call-in time qualifies as overtime hours.

Employees who are not required to perform any work during their on-call shift will be paid for “uncontrolled” on-call time that an employee can spend primarily for their own benefit. Because

Author [A46]

NOTE FROM POLSINELLI: This may need to be customized. This should not be so short of a period of time that it renders it unlikely that an employee cannot use their time freely while on call. As restrictions in ability to use time for one’s own personal pursuits, it becomes more likely that the entire on-call period is compensable, rather than just the time spent performing actual work (responding to a call, etc.).

this premium payment is not for work actually performed, the on-call hours will not count as hours worked for the purpose of determining overtime pay.

Non-exempt on-call employees are required to report their on-call shifts and any work performed during their on-call shift by **[Fill In]**.

This policy will be applied and interpreted in accordance with applicable municipal, state, and federal legal requirements.

On-Call Pay – Exempt Employees

Exempt employees may be required to perform on-call duties from time to time. The Company has instituted this on-call policy to cover exempt employees who may be required to be on-call following their regularly scheduled work day, on a scheduled day off, or after they have left their last job site at the end of their regular work day.

An exempt employee's salary covers any time worked while on-call. **Nevertheless, the Company will pay exempt employees a premium to be on-call for their inconvenience.**

This policy will be applied and interpreted in accordance with applicable municipal, state, and federal legal.

TIME OFF AND LEAVES OF ABSENCE

Time Off and Leaves of Absence

The Company recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees.

Holidays

[Fill In – e.g., full-time/part-time/temporary employees] are eligible for holiday pay pursuant to this policy. Due to the nature of our business it is possible you may be required to work an assignment that falls on a holiday. **Employees will receive pay at time and a half of their regular rate of pay when scheduled to work on the following holidays observed by the Company: [insert holidays such as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Fourth of July, Labor Day, Thanksgiving, the day after Thanksgiving and Christmas].** No holiday pay will be paid to an employee who is on an unpaid status, on a continuous leave of absence, or not assigned to work on a holiday.

Vacation

The Company provides paid vacation benefits to its regular full-time employees **[or customize to reflect Company eligibility requirements].**

Eligible employees accrue vacation as follows **[insert schedule of how vacation days will accrue and/or maximum accrual amount]:**

Author [A47]

NOTE FROM POLSINELLI: Confirm that paying for time spent being on call (not working) is consistent with business operations. If not, please

Author [A48]

NOTE FROM POLSINELLI: Please customize.

Author [A49]

NOTE FROM POLSINELLI: This language is optional.

Author [A50]

NOTE FROM POLSINELLI: This area to be customized per company policy. We provide a sample policy which may need further customization depending on actual practice. The Company should consider whether it will provide office staff with paid time off for holidays.

Author [A51]

NOTE FROM POLSINELLI: In Missouri, no specific holidays are required to be paid at a premium.

Author [A52]

POLSINELLI NOTE: In Missouri, no specific holidays are required to be paid at a premium.

Author [A53]

NOTE FROM POLSINELLI: The Company should consider whether it wishes to offer a separate Sick and Vacation plan or a combined Paid Time Off ("PTO") plan.

Ensure any Sick Leave, Vacation or PTO plans address who is eligible to participate such as full-time vs. part-time employees.

Consider offering vacation for temporary staff by allowing them to accrue one or two days of vacation time after completing X amount of hours of work for you. Often organizations will set this at successful completion of 480 hours in a 12 month period. This can be used as a vacation day with pay or cashed out at the equivalent of an eight hour day – either way at their average hourly rate of pay. You may require the staff person to track their total hours worked and when they feel they have earned this "vacation" pay you can then verify their hours worked through payroll records.

Vacation accrues as service is performed. Once the maximum accrual amount has been reached, no additional vacation will accrue until previously accrued vacation is used. Employees will not be given retroactive credit for any period of time in which they do not accrue vacation because they were at the maximum. At year end, unused vacation at or below the maximum accrual amount will carry over to the subsequent year **[or customize with regard to carryover and treatment of maximum accrual amount]**.

Author [A54]

NOTE FROM POLSINELLI:
Employers should ensure compliance with state law when crafting provisions on maximum accrual, carryover, and payout upon termination.

Employees should request to schedule vacation time off as far in advance as possible. Vacations will be scheduled so as to provide adequate coverage of jobs and staff requirements. The Company will make the final determination in this regard.

Vacation pay is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums. Moreover, vacation does not accrue during unpaid leaves of absence or other periods of inactive service.

Vacation must be taken in full day increments **[or indicate the minimum increment of time]**.

Accrued but unused vacation benefits will not be paid upon termination of employment unless state law requires otherwise. **[OPTIONAL ALTERNATIVE: Upon termination of employment, employees will be paid for all vacation time that has accrued but remains unused through the last day of work. Vacation will be paid at the employee's regular rate of pay at the time of termination of employment.]**

Author [A55]

NOTE FROM POLSINELLI: This area to be customized per Company policy.

Personal Leave

If employees are ineligible for any other Company-provided or statutory leave of absence, the Company, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal FMLA or any applicable leave law, medical certification also must be submitted. Other supporting documentation may also be required to support the need for a personal leave.

A leave request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as employee performance.

During the leave, employees will not earn **[insert applicable time off policies]**. The Company will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the Company in a timely manner, subject to the terms of the plan documents and applicable law.

Author [A56]

NOTE FROM POLSINELLI:
Continuation of healthcare coverage is optional. The Company should confirm with its plan documents that continuation of coverage does not violate plan terms.

When the employees anticipate returning to work, they should notify management of the expected return date. This notification should be made at least one week before the end of the leave. Upon completion of the personal leave of absence, the Company will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the Company may be considered a voluntary resignation of employment.

Family and Medical Leave

The Company will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. Although the federal and state laws sometimes have different names, the Company refers to these types of leaves collectively as “FMLA Leave.” In any case, employees will be eligible for the most generous benefits available under applicable law.

Employee Eligibility

To be eligible for FMLA Leave benefits, employees must: (a) have worked for the Company for a total of at least 12 months; (b) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (c) work at a location where at least 50 employees are employed by the Company within 75 miles, as of the date the leave is requested. Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify, they should contact the Company’s **Human Resources Department [or insert name/contact details for appropriate Company representative or department]**.

Reasons for Leave

Federal and state laws allow FMLA Leave for various reasons. Because employees’ legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. FMLA Leave may be used for one of the following reasons, in addition to any reason covered by an applicable state family/medical leave law:

- The birth, adoption, or foster care of an employee’s child within 12 months following birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, child, or parent with a serious health condition (Family Care Leave);
- An employee’s inability to work because of a serious health condition (Serious Health Condition Leave);
- A “qualifying exigency,” as defined under the FMLA, arising from a spouse’s, child’s, or parent’s “Covered Active Duty” (as defined below) as a member of the military reserves, National Guard or Armed Forces (Military Emergency Leave); or
- To care for a spouse, child, parent, or next of kin (nearest blood relative) who is a “Covered Servicemember,” as defined below (Military Caregiver Leave).

Definitions

“Child” for purposes of Bonding Leave and Family Care Leave, means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Family and Medical Leave is to commence. Child, for purposes of

Author [A57]

NOTE FROM POLSINELLI:

Employers who employ 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce are covered under the Family and Medical Leave Act (“**FMLA**”) and should include this statement in their handbook if they have one. The 20 or more workweeks can be consecutive or nonconsecutive.

Generally, employees who appear on an employer’s payroll are considered to be employed even if the employee does not receive pay for the calendar week(s), so long as the employer has a reasonable expectation that the employee will later return to active employment. This includes full and part-time employees, seasonal employees, and employees on a temporary leave of absence.

Employers should only count employees who are employed in the United States, the District of Columbia, or any U.S. territory or possession.

Employees jointly employed by two employers must be counted by both employers, whether or not maintained on an employer’s payroll, in determining employer coverage and employee eligibility.

Employers must post general notices of FMLA rights (i.e. the FMLA poster) where it can readily be seen by employees and applicants for employment. Additionally, the general notice must be published in the employee handbook or other written benefits communication, or, if such material does not exist, given to each new employee upon hire. The general notice may be posted electronically, as long as employees have access to information in electronic form. 29 C.F.R. § 825.300.

You can access the FMLA poster here: <https://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

For more comprehensive guidance on the Family and Medical Leave Act, eligibility for the same, and employer obligations under the same, employers can reference “The Employer’s Guide to The Family and Medical Leave Act” provided by the United States

Military Emergency Leave and Military Caregiver Leave, means a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the person stood *in loco parentis*, and who is of any age.

“Parent” for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the person. This term does not include parents-in-law. For Military Emergency leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.

“Covered Active Duty” means (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

“Covered Servicemember” means (a) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform their military duties, or (b) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a veteran as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran.

“Spouse” means the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This includes common law marriage and same sex marriage in places where these marriages are recognized.

“Key employee” means a salaried FMLA-eligible employee who is among the highest paid 10% of all the employees employed by the employer within 75 miles of the employee’s worksite.

Length of Leave

The maximum amount of FMLA Leave will be 12 workweeks in any 12-month period when the leave is taken for: (a) Bonding Leave; (b) Family Care Leave; (c) Serious Health Condition Leave; and/or (d) Military Emergency Leave. However, if both spouses work for the Company and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave or to care for a parent using Family Care Leave. The applicable “12-month period” utilized by the Company is the **insert method for determining 12-month period: i.e., the calendar year; a fixed 12-month leave year (such as a fiscal year); a 12-month period measured forward from the start date of the employee’s**

first FMLA leave; a rolling 12-month period measured backward from the date an employee uses their FMLA leave; other]. Under this method **[insert this language if using the rolling backward method]**: the 12-month period is measured backward from the day the employee uses any FMLA leave]; **[insert this language if using the rolling forward method]**: the 12-month period is measured from the date the employee first uses any FMLA leave]; **[insert this language if using the calendar year method]**: the 12-month period begins each January, and ends each December]; **[insert this language if using the fixed year method]**: the 12-month period begins each [insert fiscal year state date here, or each year on the employee's anniversary date or the like]].

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of 26 workweeks in a single 12-month period. A single 12-month period begins on the date of the employee's first use of such leave and ends 12 months after that date.

If both spouses work for the Company and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Bonding Leave, and/or Family Care Leave taken to care for a parent.

To the extent required by law, some extensions to leave beyond an employee's FMLA entitlement may be granted when the leave is necessitated by an employee's work-related injury or illness or by a disability as defined under the ADA and/or applicable state or municipal law. Certain restrictions on these benefits may apply.

Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time, or by reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Leave taken intermittently may be taken in increments of no less than **[insert the shortest increment of time used to account for leaves]**. Employees who take leave intermittently or on a reduced work schedule basis for a planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations. Please contact the Company's Human Resources Department **[or insert name/contact details for appropriate Company representative or department]** prior to scheduling planned medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to foreseeable planned medical treatment, we may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA leave at the time they call off.

Author [A58]

NOTE FROM POLSINELLI: Use the shortest increment of time that the company uses to account for the use of any other non-FMLA leave; in any case, increment cannot be greater than one hour for FMLA leave. The employer can voluntarily permit smaller increments for FMLA than for other types of leave, but is not required to do so.

Author [A59]

NOTE FROM POLSINELLI: This provision is optional. The paragraph must be removed if employer does not require employees who are not on FMLA to state the reason they are absent when they call off; if this paragraph is permitted, it's advisable to also include such language in call-off/absence reporting policy itself.

If an employee's request for intermittent leave is approved, the Company may later require employees to obtain recertification of their need for leave. For example, the Company may request recertification if it receives information that casts doubt on an employee's report that an absence qualifies for FMLA Leave.

To the extent required by law, some extensions to leave beyond an employee's FMLA entitlement may be granted when the leave is necessitated by an employee's work-related injury/illness or a "disability" as defined under the federal ADA and/or applicable state or municipal law. Certain restrictions on these benefits may apply.

Author [A60]

NOTE FROM POLSINELLI: This provision is optional outside of California, and we typically do not include such language, since neither the ADA, FMLA, nor workers' compensation statutes require such a provision. However, it is important to be aware of potential extended leave obligations, especially in light of the EEOC's enhanced scrutiny of such obligations under the ADA.

Notice and Certification

i. Bonding, Family Care, Serious Health Condition, and Military Caregiver Leave Requirements

Employees are required to provide the following:

- When the need for the leave is foreseeable, 30 days advance notice or such notice as is both possible and practical if the leave must begin in less than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the Company's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
- When the leave relates to medical issues, a completed Certification of Health-Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health-Care Provider form);
- Periodic recertification (upon request); and
- Periodic reports during the leave.

Certification forms are available from the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department]. At the Company's expense, the Company may require a second or third medical opinion regarding the employee's own serious health condition or the serious health condition of the employee's family member. In some cases, we may require a second or third opinion regarding the injury or illness of a Covered Service Member. Employees are expected to cooperate with the Company in obtaining additional medical opinions that we may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the Company's operation. Please contact the Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] prior to scheduling planned medical treatment.

ii. Recertification After Grant of Leave

In addition to the requirements listed above, if an employee's Family and Medical Leave is certified, the Company may later require medical recertification in connection with an absence that the employee reports as qualifying for Family and Medical Leave to the fullest extent permitted by law. For example, the Company may request recertification if (a) the employee requests an extension of leave; (b) the circumstances of the employee's condition as described by the previous certification change significantly (e.g., employee absences deviate from the duration or frequency set forth in the previous certification; employee's condition becomes more severe than indicated in the original certification; employee's encounter complications); or (c) the Company receives information that casts doubt upon the employee's stated reason for the absence. In addition, the Company may request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the Company will be at the employee's expense.

iii. Military Emergency Leave Requirements

Employees are required to provide the following:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered military member's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the military member's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from the Company's **Human Resources** [or insert name/contact details for appropriate Company representative or department].

iv. Failure to Provide Certification and to Return from Leave

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

Compensation During Leave

Generally, FMLA Leave is unpaid. However, employees may be eligible to receive benefits through state-sponsored programs or the Company's sponsored wage-replacement benefit programs. Employees may also choose to use accrued vacation and sick leave, to the extent permitted by law and the Company's policy. All payments of wage-replacement benefits and accrued paid leave will be integrated so that employees will receive no greater compensation than their regular compensation during this period. **The Company may require employees to use accrued vacation and sick leave to cover some or all of the FMLA Leave.** The use of paid benefits will not extend the length of a FMLA Leave.

Author [A61]

NOTE FROM POLSINELLI:

Customize this paragraph based on whether you want to require use of PTO or other leave concurrently with FMLA, and/or terms under which an employee may elect to use paid time off that you do not require to be used (i.e., requirement of 2-week advance notice to use vacation time); also need to customize based on the types of leave the company uses (i.e., vacation; sick leave, generic paid time off, etc.);

Your policy on requiring use of paid time off must apply equally to non-FMLA leaves, but you can choose to be more lenient with employees on FMLA leave regarding situations under which employees can voluntarily use paid time off (i.e., excusing two-week advance notice requirement for vacation);

This provision contemplates that employees may be able to supplement partial wage replacement benefits (i.e., STD) with partial paid time off (i.e., sick pay) up to the employee's regular compensation. This cannot be required by employers or demanded by employees, but the employer and employee can agree to it. If you do not wish to agree as a matter of policy, this reference can be removed.

Benefits During Leave

The Company will continue making contributions to employee group health benefits during their leave on the same terms as if employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave, and Military Emergency Leave will generally be provided with group health benefits for a 12-workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the Company may recover premiums it paid on the employee's behalf to maintain health coverage if the employee fails to return to work following a FMLA Leave.

The employee's length of service as of the leave will remain intact, but accrued benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

Job Reinstatement

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, employees have no greater right to reinstatement than if they had been continuously employed rather than on leave. For example, if an employee would have been laid off if they had not gone on leave or, if the employee's position was eliminated during the leave, then the employee will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent FMLA leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent leave.

Key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence.

Confidentiality

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

Author [A62]

NOTE FROM POLSINELLI: Need to customize based on the types of leave a company uses (i.e., vacation, sick leave, generic paid time off, etc.); an employer's policy providing for no accrual while on FMLA must apply equally to non-FMLA leaves.

Author [A63]

NOTE FROM POLSINELLI: This paragraph is optional and may need to be customized if these types of releases are not required of employees out on similar non-FMLA medical leaves of absence. Also, the employer must provide with the FMLA designation notice a list of the employee's essential functions in order to require the employee to provide the more detailed release described in this template provision. An employer also has option of choosing to require only a simple statement of ability to return to work (again, as long as this is also required of employees out on non-FMLA medical leaves), in which case the list of essential functions need not be provided with the designation notice.

Fraudulent Use of FMLA Prohibited

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

Nondiscrimination

The Company takes its FMLA obligations very seriously and will not interfere, restrain, or deny the exercise of any rights provided by the FMLA. The Company will not terminate or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to the FMLA. If an employee believes their FMLA rights have been violated in any way, they should immediately report the matter to the Company's **Human Resources Department [or insert name/contact details for appropriate Company representative or department]**.

Additional Information

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this Employee Manual.

A number of states have family leave laws that provide leave benefits which exceed those available to employees under the FMLA.

Employees should contact the Company's **Human Resources Department [or insert name/contact details for appropriate Company representative or department]** for additional information.

Military Leave

Eligibility

The Company will grant all employees working in the State of Missouri who are duly qualified members of the Missouri National Guard or Missouri military forces, employees serving as members of another state's National Guard if residing in the State of Missouri, or other members of any reserve component of the U.S. armed forces called to active duty by the Missouri Governor, the governor of another state if serving in another state's National Guard, or otherwise called to active duty leave to perform active state duty or active duty in any reserve component of the U.S. armed forces. Leave under this policy will be unpaid to the extent permitted by applicable law.

For purposes of this policy, "active state duty" shall include inactive duty training; active duty for training; and governor-ordered active state duty, including travel time to and from such duty.

Author [A64]

NOTE FROM POLSINELLI:
Employers must post general notices of FMLA rights (i.e., the FMLA poster) where it can readily be seen by employees and applicants for employment. Additionally, the general notice must be published in the employee handbook or other written benefits communication, or, if such material does not exist, given to each new employee upon hire. The general notice may be posted electronically, as long as employees have access to information in electronic form. 29 C.F.R. § 825.300.

Employers can access the FMLA poster here:

<https://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

Author [A65]

NOTE FROM POLSINELLI:
Employers must provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers. The notice requirement may be met by posting the notice where employers customarily place notices for employees.

For more comprehensive guidance on the Military Family Leave required under the Family and Medical Leave Act, eligibility for the same, and employer obligations under the same, employers can reference "The Employer's Guide to The Family and Medical Leave Act" provided by the United States Department of Labor, Wage and Hour Division, a copy of which can be located [here](#).

Leave Duration

Eligible employees may take up to five years of cumulative unpaid leave for the initial term of military service.

Notice Requirement

The Company may require eligible employees seeing leave under the policy to provide their supervisor or the Company's Human Resource Department [or insert appropriate Company representative or department] with advance notice of their need for military leave under this policy as soon as reasonably practicable prior to the commencement of leave to avoid operational disruptions to the Company.

Reinstatement

Eligible employees are entitled to the re-employment rights under applicable state law and as set forth in the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA"), once relieved from active state duty or active duty in any reserve component of the U.S. armed forces.

Employees may not be entitled to their previous position or a similar one with the same pay and benefits with the Company if the circumstances of the Company have changed, making reemployment unreasonable, impossible, or capable of imposing undue hardship upon the Company. Full details regarding reemployment are available from the Company's Human Resource Department [or insert name/contact details for appropriate Company representative or department].

Protected Rights

The Company will not discipline, threaten to discipline, or otherwise discriminate against an eligible employee or applicant for employment with the Company on account of membership in the organized militia or U.S. armed forces; terminate the employment of eligible employees for membership in the Missouri organized militia, and/or take any action to hinder, prevent, or dissuade an eligible employee or applicant for employment with the Company from enlisting in the Missouri organized militia, including any threat or harm with respect to any term and condition of employment.

Jury Duty Leave

The Company will grant all exempt and non-exempt employees working in the State of Missouri leave to respond to a jury summons for jury duty, to participate in the juror selection process, or serve on a jury. Leave provided under this policy may be unpaid to the extent permitted under applicable law.

The Company will not require eligible employees to use or exhaust any accrued, paid vacation, personal, annual, or sick leave in lieu of taking leave under this policy, to the extent provided by the Company.

Author [A66]

NOTE FROM POLSINELLI: This section is not required by applicable law, but it is recommended for best practices and tracking employee leave.

Author [A67]

NOTE FROM POLSINELLI: This policy can be customized to provide paid time off for jury duty. For example, you could add the following: "The Company will provide employees absent for jury duty with pay for up to five days, or as otherwise required by law. Exempt employees will not incur any reduction in pay for a partial week of absence due to jury or witness duty."

Notice Requirements

The Company may require eligible employees seeking leave under this policy to provide their supervisor or the Company's Human Resources Department [or insert appropriate Company representative or department] with notice of the need for leave under this policy within a reasonable amount of time prior to their participation in jury duty.

Protected Rights

The Company will not threaten, discipline, terminate the employment of, or take other adverse employment action against eligible employees for exercising or seeking to exercise rights to leave under this policy.

Witness Duty Leave

The Company will grant all exempt and non-exempt employees working in the State of Missouri leave to respond to a subpoena to testify as a witness in any criminal proceeding or other court process, to assist and/or participate in the preparations for any criminal proceeding, and to attend any criminal proceeding. Upon written request of an employee working in the State of Missouri, the rights to attend, testify, or assist in the preparation of criminal proceedings outlined herein will be afforded to employees who witness criminal offenses in the State of Missouri. Leave provided under this policy may be unpaid to the extent permitted under applicable law.

The Company will not require eligible employees to use or exhaust any accrued, paid vacation, personal, annual, or sick leave in lieu of taking unpaid leave under this policy to respond to a subpoena, to the extent provided by the Company.

For purposes of this policy, "witnesses" mean persons who have been or are expected to be summoned to provide testimony for prosecuting attorneys in any criminal proceeding, without regard to whether any criminal action or proceeding has yet commenced.

For purposes of this policy, "crime" means any voluntary act that violates any criminal statute, which include action that may result in adjudication of delinquency.

Notice Requirements

The Company may require eligible employees seeking leave under this policy to provide their supervisor or the Company's Human Resources Department [or insert appropriate Company representative or department] with notice of the need for leave under this policy within a reasonable amount of time prior to court attendance as a witness.

Protected Rights

The Company will not discipline, terminate the employment of, or otherwise penalize eligible employees for exercising or seeking to exercise rights to leave under this policy in responding to a subpoena to testify in a criminal proceeding, assisting in the preparations for a criminal proceeding, or attending a criminal proceeding.

Author [A68]

NOTE FROM POLSINELLI: This term is not required under Missouri law, but is recommended as a best practice to track absences and reasons for leave.

Author [A69]

NOTE FROM POLSINELLI: This term is not required under Missouri law, but is recommended as a best practice to track absences and reasons for leave.

Day of Worship Policy

In accordance with Missouri law, no person will be denied employment or advancement in employment because of their refusal to work on their normal day of worship.

Time Off to Vote

The Company will permit all exempt and non-exempt employees working in the State of Missouri who are entitled to vote in any election held within the State of Missouri, and who lack three consecutive hours while polls are open during which they are not otherwise providing services to the Company, to take up to three hours between the time polls open and close to vote. The Company reserves the right to designate any three consecutive hours during the workday while polls remain open for eligible employees to be absent from the workplace for the purposes of voting.

The Company will not make any deductions from an eligible employee's wages for taking voting leave under this policy, provided the eligible employee casts a ballot in any applicable election.

Notice Requirements

Eligible employees seeking voting leave must provide their supervisor or the Company's Human Resources Department **[or insert appropriate Company representative or contact]** notice of the need for in advance of any applicable election day during which they seek to be absent from the workplace for the purposes of voting.

Protected Rights

The Company will take no action to threaten, discipline, penalize, or otherwise terminate the employment of eligible employees for exercising rights to voting leave.

Political Activities Policy

The Company will take no action to prevent or infringe on any employee working in the State of Missouri from engaging in political activities; accepting a nomination to, being elected to, or holding political office in the State of Missouri; being a member of a political committee; soliciting or receiving funds for political reasons; engaging in a political campaign for public office; signing any initiative, referendum, recall petition, or other petition circulated in accordance with applicable law; or serving as a chair or participating in political conventions.

Crime Victim Leave

Eligibility

The Company will permit all exempt and non-exempt employees working in the State of Missouri who are crime victims, or whose immediate family member is a crime victim, leave to attend, participate in, or to provide testimony in any criminal proceeding in response to a subpoena.

Leave under this policy is applicable to employees who are victims of the following crimes, as defined by applicable state law:

- Dangerous felony;
- First-degree murder;
- Voluntary manslaughter;
- Any sexual offense defined in Mo. Rev. Stat. § 566.010;
- Any attempt to commit any of the above crimes; and
- Domestic assault.

Leave under this policy may be unpaid to the extent permitted by applicable law, except exempt employees will not incur any reduction in pay for a partial week of absence due to crime victim leave. The Company will not require an eligible employee to exhaust any earned vacation, personal, or sick leave to the extent provided by the Company in advance of exercising rights to leave under this policy.

For purposes of this policy, “victim” means an individual who suffers direct or threatened physical, emotional, or financial harm as a result of a crime or attempted crime, including family members of a victim who is a minor, legally incompetent or a homicide victim.

For purposes of this policy, “crime” means acts that violate any criminal statute, including acts that may result in delinquency adjudication.

Protected Rights

The Company may not terminate the employment of, or otherwise discipline eligible employees who are either victims of crimes or the immediate family member of a person who is a crime victim who exercises rights to leave under this policy to attend, participate in or provide testimony in any criminal proceeding in response to a subpoena.

Domestic Violence Leave

Eligibility

The Company will permit all exempt and non-exempt employees working in the State of Missouri who are the victim of domestic or sexual violence, or whose immediate family or household member is the victim of domestic or sexual violence, leave as set forth herein. For purposes of this policy “victim of domestic or sexual violence” means any person subject to domestic violence, sexual violence, including sexual assault or trafficking for sexual exploitation, or abuse, as defined by applicable state law.

Qualifying Reasons for Leave

Eligible employees may utilize leave under this policy for the following qualifying reasons, except in circumstances where the otherwise eligible employee’s family or household member’s interests are adverse to the employee’s as they pertain to such domestic or sexual violence:

Author [A70]

NOTE FROM POLSINELLI: In accordance with Missouri law, the Company must deliver notice of Missouri’s domestic violence leave law to each employee working in the State of Missouri no later than October 27, 2021. For employees hired after October 27, 2021, notice must be provided upon the commencement of employment.

A sample notice form can be accessed here:

https://labor.mo.gov/sites/labor/files/DLS/LS_112_Poster_f_0.pdf

- To seek or obtain medical or psychological care or attention for an eligible employee's or their family or household member's injuries sustained from, or to recover from such injuries caused by, domestic or sexual violence;
- To obtain services from a victim services organization for the eligible employee of the eligible employee's family or household member;
- To seek medical treatment or psychological counselling for the eligible employee or the eligible employee's family or household member;
- To participate in safety planning, seeking new, temporary or permanent housing, or take other actions necessary to secure the health and safety of the eligible employee or their family or household member from prospective domestic or sexual violence;
- To obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the eligible employee or their family or household members; or
- To prepare and appear in any related civil or criminal, judicial proceeding following domestic or sexual violence.

For purposes of this policy, "family or household members" means the spouse, biological, adopted or foster child, stepchild or legal ward, biological parents, a person who is related in the first degree to the eligible employee, who they share a child with, as well as a person who resides with eligible employee in the same household.

Duration of Leave

Eligible employees may take up to one work week of unpaid leave during a 12 month period. Leave available under this policy can be taken intermittently or on a reduced work schedule. However, unpaid leave under this policy will not be permitted if an otherwise eligible employee has already exercised all available leave provided under the federal Family and Medical Leave Act ("**FMLA**").

Compensation and Benefits

Leave under this policy may be unpaid to the extent permitted by applicable law, except exempt employees will not incur any reduction in pay for a partial week of absence due to domestic victim leave. Exercising rights to leave under this policy will not result in loss of any employment benefits accrued prior to the commencement of leave. Eligible employees exercising rights to leave under this policy are further not entitled to the accrue of any seniority or employment benefits during the leave period or to any right, benefit, or position other than those the eligible employee would have earned in the absence of leave.

For purposes of this policy "benefits" include any benefits offered by the Company to employees, including but not limited to any life, health, or disability insurance, sick/annual leave, pensions, and profit-sharing benefits.

Certification Requirements

The Company may require eligible employees utilizing or attempting to utilize leave under this policy to provide their supervisor or the Company's **Human Resource Department** **for insert**

Author [A71]

NOTE FROM POLSINELLI: This duration is only applicable to employers operating in the State of Missouri who employ between 20 and 49 employees.

If employers employ more than 50 employees then an employee may take up to two weeks of unpaid leave during a 12 month period.

appropriate Company representative or department] with written documentation certifying that they, their family, or household member is a qualified victim of domestic or sexual violence under applicable law, and thus are permitted to exercise leave under this policy. Such certifying documentation may include an eligible employee's own affidavit along with any of the following:

- Documentation from an employee, agent, or volunteer of a victim services organization, from which the eligible employee or their family or household member sought aid in addressing impacts of domestic or sexual violence;
- Documentation from an attorney, clergy member, medical professional, or other professional who has provided an eligible employee or their family or household member with support or assistance because of the effects of domestic or sexual violence;
- A police report or court record; or
- Other corroborating, written documentation.

For purposes of this policy, a "victim services organization" means any non-profit, non-governmental organization providing aid to domestic violence victims or their advocates, including rape crisis or child advocacy centers; providers of domestic violence programs, shelters, or counseling services; or any legal services other organization providing legal aid to victims and their families.

Confidentiality

The Company will maintain the confidentiality of all supporting documentation provided by an eligible employee associated with certifying leave taken under this policy, including the fact that an eligible employee is not returning to the workplace for reasons outlined herein, unless disclosure is expressly requested or consented by an affected eligible employee or otherwise required by applicable law.

Volunteer Emergency Responder Leave

The Company will provide all non-exempt and exempt employees working in the State of Missouri who are duly qualified to serve as emergency responders and called to service before their regularly scheduled work hours, job-protected leave to respond to an emergency.

Leave under this policy may be unpaid to the extent permitted by applicable law. The Company may charge against employees' regular pay for time spent away from work due to their response to an emergency.

For purposes of this policy, "emergency responders" means volunteer firefighters, members of the Missouri Task Force One, Missouri-1 Disaster Medical Assistance Team, an Urban Search and Rescue Team, or other employees called to respond to a natural disaster by the Federal Emergency Management Agency.

Notice Requirements

Eligible employees seeking leave under this policy must make reasonable efforts to provide their supervisor or the Company's **Human Resource Department [or insert appropriate Company representative or department]** with advance notice to the extent practicable that the eligible employee seeking leave will be absent or late for their shift due to their response to an emergency during regularly scheduled work hours.

Certification Requirements

The Company may request that eligible employees exercising or seeking leave under this policy provide their supervisor or the Company's **Human Resource Department [or insert appropriate Company representative or department]** with written verification from the leader of the emergency response organization, or another alternative relevant authority in charge, detailing that the employee had been involved in the emergency response, including the date and time of service.

Protected Rights

The Company will not terminate the employment of any eligible employee for absence from or tardiness during their regularly scheduled shift due to their response to an emergency occurring prior to the commencement of the eligible employee's regularly scheduled shift. The Company will further not terminate the employment of any eligible employee for affiliation with any fire department of fire protection district as a volunteer, or membership on a Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team.

Civil Air Patrol Leave

Eligibility

The **Company** will grant any exempt and non-exempt employees working in the State of Missouri, who are or who become, qualified volunteer members of the Missouri Civil Air Patrol and have qualified for a Civil Air Patrol emergency service specialty, or who are certified to fly counter narcotics missions, up to 15 days of leave in a single calendar year to engage in the performance of civil air patrol emergency services or assist a counter narcotics mission. In circumstances of leave taken to respond to a state or nationally declared emergency in Missouri, the Company will permit employee extended leave, without regard to length of time, to complete their duties.

Author [A72]

NOTES FROM POLSINELLI: This policy is applicable to employers who employ more than 50 employees.

Leave provided under this policy may be unpaid to the extent permissible by applicable law.

Notice Requirements

The Company may require eligible employees seeking leave under this policy to provide their supervisor or the **Human Resources Department [or insert appropriate Company representative or department]** with reasonable advance notice of the need to take leave under this policy to respond to an emergency.

Author [A73]

NOTE FROM POLSINELLI: This section is not required by applicable law, but it is recommended for best practices and tracking employee leave.

Protected Rights

The Company will not discriminate against or terminate the employment of any eligible employee for membership in the Missouri Civil Air Patrol or holding a Civil Air Patrol emergency services specialty rating. The Company will also take no action to discriminate against or dissuade an eligible employee from joining or continuing service in the Missouri Air Patrol, including threats or adverse action with respect to the eligible employee's terms and condition of employment.

Eligible employees will also not lose any regular, accrued leave (to the extent provided by the Company), time, or other rights or benefits because of exercising rights to leave under this policy. The Company reserves the right to request that an eligible employee be exempted from responding to a specific mission from the Missouri wing commander.

Minor Work Scheduling

The Company will not require or otherwise schedule any minor employee, under age 16, to work more than three hours on any day during a workweek in which school is in session, and eight hours on any day in a workweek in which school is not in session. The Company will not schedule employees under age 16 to work more than six days or 40 hours in any workweek. While school is in session, minor employees under age 16 may be scheduled to work between the hours of 7:00 A.M. and 7:00 P.M.; while school is not in session, minor employees under age 16 may be scheduled to work between the hours of 7:00 A.M. and 9:00 P.M.

For purposes of this policy, "school is in session" means any week in which the eligible employee's school convenes for educational instruction, even if the eligible employee's school meets for a part of a day or a portion of the workweek. Pertinent school hours and school weeks are determined by the local public school where the minor employee attends, if they attended public school.

Bereavement Leave

All **[FILL IN e.g., regular full-time/part time/temporary]** employees are eligible for bereavement leave under this policy. Employees may take up to **[FILL IN]** days of paid time off to attend the funeral and make any necessary arrangements due to the death of an immediate family member, except where allowed additional time off for bereavement under applicable state law. "Immediate family" consists of the employee's spouse, domestic partner, child, sibling, parents, grandparents, grandchildren, or the child, sibling, or parents of the employee's spouse or domestic partner.

Employees must notify their supervisor as soon as possible if they need to take bereavement leave. Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with their immediate supervisor's approval **[or insert name/contact details for appropriate Company representative or department]**, use any available paid leave for additional time off beyond **[FILL IN]** days as necessary.

Author [A74]

NOTE FROM POLSINELLI: This policy may be deleted if the business does not employ minors.

Author [A75]

NOTE FROM POLSINELLI: This policy is optional under applicable law in Missouri. Delete if inapplicable to business operations.

WORKPLACE SAFETY AND SECURITY

Workplace Violence

The safety and security of employees is of vital importance to the Company. Therefore, the Company has adopted a zero-tolerance policy concerning workplace violence. Threats or acts of violence—including intimidation, bullying, physical or mental abuse, and/or coercion—that involve or affect company employees or that occur on the Company's premises, will not be tolerated.

The prohibition against threats and acts of violence applies to all persons involved in the operation of the Company, including, but not limited to, Company employees and other personnel, contract and temporary workers, consultants, contractors, customers, vendors, visitors and anyone else on the Company's premises.

Violations of this policy by an employee will result in disciplinary action, up to and including termination from employment.

It is the Company's goal to have a workplace free from acts or threats of violence and to respond effectively in the event that such acts or threats of violence do occur.

Workplace violence is any intentional conduct that is sufficiently severe, abusive, or intimidating to cause an individual to reasonably fear for their own personal safety or the safety of their family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or several employees.

Examples of workplace violence include, but are not limited to the following:

- Threats or acts of violence occurring on Company premises, regardless of the relationship between the parties involved in the incident;
- Threats or acts of violence occurring off Company premises involving someone who is acting in the capacity of a representative of the Company;
- Threats or acts of violence occurring off Company premises involving an employee if the threats or acts affect the business interests of the Company;
- All threats or acts of violence occurring off Company premises, of which an employee is a victim, if we determine that the incident may lead to an incident of violence on Company premises; and
- Threats or acts of violence resulting in the conviction of an employee or agent of the Company, or an individual performing services for the Company on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence when that act or the conviction adversely affect the legitimate business interests of the Company.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- Threatening physical contact directed toward another individual;

- Threatening an individual or the individual’s family, friends, associates or property with harm;
- The intentional destruction or threat of destruction of Company or another’s property;
- Menacing or threatening phone calls;
- Stalking;
- Veiled threats of physical harm or similar intimidation; and/or
- Communicating an endorsement of the inappropriate use of firearms or weapons.

Workplace violence does not refer to workplace arguments or debates that are zealous or impassioned, provided there is no resort to any form of coercion. Discussions about sporting activities, popular entertainment, or current events are not considered workplace violence when there is no threat of violence being directed to the workplace or any individual connected with it. Rather, workplace violence refers to behavior that demonstrates an intention to engage in violence, condones violence in the Company’s workplace, or targets any individual with acts or threats of violence.

Employees should help maintain a violence-free workplace. To that end, employees are encouraged to immediately report any incident that violates this policy to their **immediate supervisor or the Company’s Human Resources Department [or insert name/contact details for appropriate Company representative or department].**

Weapons in the Workplace

The Company strives to provide a safe work environment for all employees working in the State of Missouri and recognizes the inherent risks associated with possessing weapons in the workplace. Accordingly, the Company prohibits employees, who have a valid Missouri lifetime or extended concealed carry permit from carrying concealed firearms on Company Property or in a Company-owned vehicle, unless prior authorization is provided by the Company.

For purposes of this policy, “Company Property” means any private property owned by the Company or which the Company maintains legal control through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access, including any Company-owned vehicle.

Workplace Bullying

The Company does not tolerate bullying behavior. The Company may discipline individuals who engage in workplace bullying, up to and including employment termination.

Workplace bullying is the use of force, threats, or coercion to abuse, intimidate, or humiliate another employee. Workplace bullying includes, but certainly is not limited to, the following:

- Verbal abuse, such as the use of patently offensive, demeaning, and harmful derogatory remarks, insults, and epithets;
- Verbal or physical conduct that is threatening, intimidating, or obscene;
- Pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault, or intentionally damaging a person’s work area or property; or

Author [A76]

NOTE FROM POLSINELLI: Missouri law does not ban weapons, but rather gives employers the right to prohibit weapons on the Company’s premises. The Company may also prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the Company. This term should be modified for Company practice.

- Sabotage, or deliberately subverting, obstructing, or disrupting another person's work performance.

Cyberbullying refers to bullying, as defined above that occurs through the use of a computer, cell phone, smartphone, tablet, pager, or other device that transmits electronic information, regardless of whether the device is owned by or located at the Company or connected to the Company network. Cyberbullying is also prohibited.

This policy in no way prohibits employees from engaging in activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the NLRA, which includes the right of employees to speak with others, engage in workplace debates and protest about their terms and conditions of employment.

Reporting and Response

Employees who are subject to, or witness, workplace bullying are encouraged to notify the Company's Human Resources Department **[insert contact information, including phone number, and/or email address if appropriate]** immediately. The Company will promptly investigate the complaint. The Company will maintain confidentiality to the extent possible, consistent with its commitment to investigating the complaint promptly and thoroughly.

If the complaint is verified, the Company will take appropriate remedial and disciplinary action, which may include, but is not limited to, verbal or written warnings, suspension, termination of employment, counseling, and other actions. The Company will also report to law enforcement, if appropriate. The complaining party will be advised of the results of the investigation.

Anti-Retaliation

The Company strictly prohibits retaliation against an employee for making a good faith claim of bullying or for participating in good faith in an investigation of bullying.

Work-Related Injuries

An employee who sustains a work-related injury or illness should inform their **immediate supervisor or the Company's Human Resources Department** immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

Employees who sustain work-related injuries may receive workers' compensation benefits. See the Company's Workers' Compensation Insurance policy for more information. Employees who need to take time off from work due to a workers' compensation illness or injury may also be eligible for a leave of absence under the Company's leaves of absence or reasonable accommodation policies. Employees should consult with the Company's Human Resources Department **[insert contact information, including phone number and/or email address if appropriate]** for additional information.

Smoke-Free Workplace

The Company does not discriminate against individuals based on the off duty use of tobacco, provided such use does not interfere with any person's job performance. The Company does, however, prohibit smoking ((including the use of electronic smoking devices, e-cigarettes, cigars, pipes, hookahs, etc.) in the workplace. To the extent any person wishes to smoke, that person may do so only off-duty, or while taking a scheduled work break, outside our workplace **[OPTIONAL: or specify designated smoking areas]**.

Employees may report violations of this policy to their immediate supervisor or another member of the Company's management **[or insert name of appropriate Company representative or department]** without fear of discipline or retaliation. Violations of this policy may result in disciplinary action up to and including discharge.

Drug-Free Workplace

The Company strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and the public to deliver services in a safe and conscientious manner. Continuing research and practical experience have proven that even limited quantities of illegal drugs, abused prescription drugs, or alcohol can impair reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic consequences. Moreover, studies have shown that impairment by controlled substances may last long after the user believes the effects to have worn off. For these reasons, the Company has adopted a policy that all employees must report to work and remain completely free of illegal drugs, abused or nonprescribed prescription drugs, and alcohol.

Drug Use/Distribution/Possession/Impairment

The Company strictly prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation, and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by federal, state, or municipal law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription. Cannabis remains illegal as a matter of federal law and therefore the use of cannabis and cannabis products is prohibited by this policy. The Company will accommodate individuals who are medically certified to use cannabis by their home state where required to do so by law, but in no case may an employee use or possess cannabis or cannabis products at work or during work time or work while impaired.

Included within this prohibition are lawful controlled substances that have been illegally or improperly obtained.

Alcohol Use/Distribution/Possession/Impairment

All employees are prohibited from distributing, dispensing, possessing, or using any beverage or medicine containing alcohol while at work or on duty and from coming onto company premises, reporting to work, or working with alcohol in their systems. Furthermore, lawful off-duty alcohol

Author [A77]

NOTE FROM POLSINELLI:

Regarding drug testing, many state laws limit whom an employer may test, and some require detailed drug testing policies that are beyond the scope of this manual.

In addition, in most states it remains an open question whether requirements to accommodate medical cannabis use outside the workplace will survive legal challenge.

Missouri law allows the use of cannabis for certain specified qualifying medical conditions (e.g., cancer, epilepsy, glaucoma, certain migraines, HIV/AIDS, or any terminal illness) as well as the recreational use. Individuals cannot bring claims of wrongful discharge, discrimination, or similar causes of action against current, former, or prospective employers for prohibitions against or employment actions based upon being under the influence of cannabis while at work or the possession of cannabis at the workplace. However, employers may not discriminate against an individual in hiring or any term or condition of employment if based on the person's status as having a valid medical cannabis card, the person's legal use of cannabis during nonworking hours, or a positive drug test for cannabis components or metabolites, unless the individual is excepted under a rare exception. Furthermore, employers may take adverse actions against employees using cannabis, including those using for medical purposes, if the failure to do so would cause the employer to lose a monetary or licensing related benefit under federal law.

Author [A78]

NOTE FROM POLSINELLI:

Employers may not discriminate against an individual in hiring or any term or condition of employment if based on the person's status as having a valid medical cannabis card, the person's legal use of cannabis during nonworking hours, or a positive drug test for cannabis components or metabolites, unless the individual is excepted under a rare exception.

use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

Prescription and Over-the-Counter Drugs

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to their immediate supervisor or the Company's **Human Resources Department [or insert name/contact details for appropriate Company representative or department]**. Employees are not required to reveal the name of the medication or the underlying medical condition.

The Company reserves the right to transfer, reassign, place on leave of absence, or take other appropriate action regarding any employee during the time the employee uses medication that may affect the ability to perform safely. The Company will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

Cannabis remains illegal as a matter of federal law and therefore its use or possession violates this policy. The Company will endeavor to accommodate individuals with disabilities but will not accommodate the use of medical cannabis at work or excuse other policy violations related to medical cannabis.

Counseling and Rehabilitation

Employees who voluntarily seek help for substance abuse (self-referral) by contacting the Company will be provided an opportunity to pursue counseling and rehabilitation. The Company will make available to these employees information about counseling and rehabilitation services. An employee who is receiving counseling and/or treatment for substance abuse may use available vacation, sick leave, or, if eligible, family and medical leave. Health insurance often covers the costs of such services, but costs not covered must be paid by the employee. The employee cannot return to work until released by a treatment provider to do so, and upon receiving a negative result on a return-to-work drug and/or alcohol test (as appropriate for that individual). In addition, the employee may be asked to submit to follow-up testing for a period following the return to work.

An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions, or placed on leave, as appropriate. A request for help is considered voluntary only if it is made before the employee is asked to submit to any drug or alcohol test or is discovered to have otherwise violated this policy.

Company's Right to Search

The Company wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Company prohibits the control, possession, transfer, sale, or use of such materials on its premises to the extent permitted

Author [A79]

NOTE FROM POLSINELLI: Missouri law allows the use of cannabis for certain specified qualifying medical conditions (e.g., cancer, epilepsy, glaucoma, certain migraines, HIV/AIDS, or any terminal illness) as well as the recreational use. Individuals cannot bring claims of wrongful discharge, discrimination, or similar causes of action against current, former, or prospective employers for prohibitions against or employment actions based upon being under the influence of cannabis while at work or the possession of cannabis at the workplace. However, employers may not discriminate against an individual in hiring or any term or condition of employment if based on the person's status as having a valid medical cannabis card, the person's legal use of cannabis during nonworking hours, or a positive drug test for cannabis components or metabolites, unless the individual is excepted under a rare exception. Furthermore, employers may take adverse actions against employees using cannabis, including those using for medical purposes, if the failure to do so would cause the employer to lose a monetary or licensing related benefit under federal law.

Author [A80]

NOTE FROM POLSINELLI: Employers may not discriminate against an individual in hiring or any term or condition of employment if based on the person's status as having a valid medical cannabis card, the person's legal use of cannabis during nonworking hours, or a positive drug test for cannabis components or metabolites, unless the individual is excepted under a rare exception.

by applicable law. The Company requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices are provided for the convenience of employees but remain the sole property of the Company. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Company at any time, either with or without prior notice.

In addition, to ensure the safety and security of employees and customers, and to protect the Company's legitimate business interests, the Company reserves the right to question and inspect or search any employee or other individual entering or leaving Company premises or job sites. The inspection or search may include any packages or items that the individual may be carrying, including briefcases, handbags, knapsacks, shopping bags, etc. If a non-exempt employee is present during any search or inspection, the employee must report the time spent during the search or inspection as working time.

These items are subject to inspection and search at any time, with or without prior notice. The Company also may require employees to agree to reasonable inspection of their personal property and/or person while on the job or on the Company's premises. The individual may be requested to self-inspect their personal property or person by displaying the contents of any packages and/or turning out their pockets, etc., in the presence of a representative of the Company, typically a management employee of the same gender. The Company will not tolerate any employee's refusal to submit to a search.

Cameras and Video Surveillance

For purposes of workplace safety and security and to prevent theft and other misconduct the Company has installed video surveillance cameras in work areas. The Company may actively monitor, through its surveillance cameras, any areas for safety reasons (to protect against equipment failure, breakage, or accident), confidentiality reasons (to protect documents or other proprietary information), or any other lawfully permitted purpose.

Although the video surveillance described in this policy is intended to monitor for security incidents and other safety reasons at the Company, it is possible that such surveillance may monitor activities not related to the Company's business.

The Company respects the privacy of its employees. Accordingly, no video cameras will be installed in the Company's restrooms or in any lactation or changing areas.

The surveillance video cameras and any video footage from the surveillance are to be used solely for the purposes of this video surveillance policy. Any unauthorized use of these video cameras and/or videotapes is strictly forbidden and may result in discipline, up to and including termination of employment.

Visitors

Restricting access to Company premises helps maintain safety standards, protect against theft, ensure security of equipment, protect confidential information, safeguard employee welfare, and

avoid potential distractions and disturbances. For this reason, only authorized visitors are allowed in the workplace and all authorized visitors, including friends, family, and former associates, must register with **[insert name/contact details for appropriate Company representative or department]**. All visitors must be escorted at all times by an employee.

Employees are not allowed to have visitors at a client's home.

Employees being visited are responsible for the actions of their guest(s). Should a guest of an employee act in such a manner that disrupts the normal working conditions of the Company or threatens the security of the Company and/or its employees, the employee accompanying the guest may be held responsible for the guest's actions and subject to disciplinary action up to and including termination of employment.

The Company reserves the right to verify the contents of packages and briefcases brought onto Company premises by visitors.

If an employee suspects or becomes aware of any unusual situation, they should immediately notify **the Company's Human Resources Department and/or the Office Administrator [or insert name/contact details for appropriate Company representative or department]**.

Use of Company Equipment and Resources

Company Equipment

maintain the property in safe working order, and follow all operating instructions, safety standards and guidelines.

Employees should notify their immediate supervisors if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employees who have questions about their responsibility for maintenance and care of equipment or vehicles used on the job should consult their **immediate supervisor [or insert name/contact details for appropriate Company representative or department]**.

All employees are expected to comply with all municipal, state, and federal laws while operating Company vehicles and other equipment. The Company may discipline employees who engage in unlawful conduct.

Company Resources

The Company has significantly invested in telephone lines, fax machines, photocopiers and other types of business equipment, Internet access, and software that are vital to keeping its operations flowing smoothly and effectively. The Company's resources are limited and, except as provided in the Electronic Resources policy in this Employee Manual, should be used for business transactions only and not for personal use, unless explicitly authorized by an **immediate supervisor or the Company's Human Resources Department**.

Electronic Resources

This policy describes the Company's general guidelines for using its electronic resources, including electronic mail (email), voicemail, Internet access, and computer systems.

Employees should use the Company's electronic resources with the understanding that these resources are provided for the benefit of the Company's business. Employees should never use the Company's electronic resources for personal use in a manner that interferes with their work duties or any responsibilities to customers.

Sending, saving, accessing, or viewing obscene, uncivil, or otherwise inappropriate material on the Company's electronic resources is prohibited. Messages stored and/or transmitted by the Company's electronic resources, including the computer, voicemail, email, or the telephone system, must not contain content that may reasonably be considered to be obscene or other patently offensive material. Prohibited material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would discriminate against or harass someone on the basis of their race, color, sex, age, national origin or ancestry, disability, or any other category protected by federal, state, or municipal law. Likewise, any use of the Internet, email, or any other electronic resource to engage in harassment or discrimination prohibited by Company policies is unlawful and strictly prohibited. Violators may be subject to discipline, up to and including employment termination.

Unless otherwise noted, all software on the internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

The Company's electronic resources must not be used for solicitation purposes during working time. The Company's no solicitation rule applies to the use of electronic resources.

Employee Responsibility

Employees may not duplicate any licenses, software, or related documentation for use either on the Company's premises or elsewhere unless the Company is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or the Company to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to any outsiders including contractors, customers, or others. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements. Employees may not download software from the Internet and install it on their computers. The Company reserves the right to audit any Company computer to determine what software is installed on the local drive(s).

Each employee is responsible for the content of all text, audio, or images that they place or send using the Company's electronic resources. The same standards should be utilized for the creation of email messages in connection with an employee's work as would be utilized for other Company correspondence or memoranda.

Computer and Systems Security

All computers and the data stored on them are, and remain at all times, the property of the Company. As such, all messages created, sent, or retrieved over the internet or the Company's electronic mail systems are the property of the Company, and should be considered company information. The Company reserves the right to retrieve and read any message composed, sent or received using the Company's electronic resources, including all computer equipment and the electronic mail system, for any business reason, including but not limited to, ensuring compliance with this and all company policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, internet and email messages are not private. Furthermore, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email transmitted through a personal, web-based email account using Company equipment could be stored on that equipment; likewise, information regarding Internet sites that an employee has accessed may also be stored.

Email Content Screening

The Company maintains the right to screen all inbound and outbound email content. Email messages or attachments that contain obscene, uncivil, or otherwise inappropriate material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work related.

The Company may, in its discretion, review communications to and from a personal account, subject to state laws regarding attorney-client communications.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that they do not want the Company to monitor, the employee should consider using a personal email address and personal computer equipment. If an employee does use company equipment, the employee consents to any monitoring by the Company and should understand that there is no right to privacy with respect to such communications, to the extent permissible under applicable law.

To prevent computer viruses from being transmitted through the system, employees are not authorized to download any software from the Internet onto their computer or any drive in that computer.

Motor Vehicle Safety Policy

To ensure the safe operation of Company owned vehicles, personally owned vehicles used for Company business, and vehicles rented at the Company expense, employees are to adhere to the following policy. Failure to do so may result in immediate employment termination.

- a. Compliance with Applicable Laws. All employees operating a motor vehicle while on Company business are expected to comply with all traffic laws. Further, all employees operating a Company owned vehicle or vehicle rented at Company expense, while off or on duty, must comply with all traffic laws. Employees should drive in a courteous manner and at speeds appropriate to the road, traffic, and weather conditions.
- b. Cell Phone Use/Texting While Driving. The Company prohibits employees from using cellular phones for business reasons while driving or for any reason while driving or for any reason while driving for work-related purposes or driving a Company-owned vehicle. Employees should also be aware that using a cell phone to write, send, or read a text message while driving is a violation of Missouri law, in addition to being a violation of Company policy.
- c. Unauthorized Use of Company Vehicle. An employee, while off or on duty, shall not permit a Company vehicle to be operated by any person not authorized by the Company to operate the Company vehicle.
- d. Safety Belts. All vehicles used for Company business will be equipped with a shoulder and seatbelt combination. The seatbelt/shoulder harness shall be worn by all occupants of the vehicles at all times. All occupants in the vehicle must be asked to wear the seatbelt/shoulder harness.
- e. Inspection of Vehicles/Maintenance. Employees are to conduct visual inspections of the Company vehicles, before operation. Any premature replacement of vehicles due to neglect causes an unnecessary cost burden. Cooperation is expected in maintenance of all Company vehicles and employees are expected to report any maintenance problems promptly so that repairs can be arranged.
- f. Intoxication. All employees are expected to be medically and physically fit when operating any vehicle for Company business and any Company vehicle, whether off or on duty. Specifically, no employee may be under the influence of drugs or alcohol while operating any vehicle on Company business, while operating any Company owned vehicle (whether off or on duty), or while operating any vehicle rented at the Company's expense (whether off or on duty).
- g. Insurance. Employees are to obtain auto insurance to cover the operation of their private vehicles while on Company business. The policy is to be in accordance with applicable state law, and to have policy limits of at least bodily injury of \$100,000 for each person, \$300,000 in the aggregate and \$25,000 for property damage. The Company may increase the minimum required amounts from time to time in its discretion. Proof of insurance must be submitted at the time of each policy renewal and upon request at any other time. Employees must inform the Company if there is a change of insurance coverage or carrier. Employees may not cancel their automobile insurance or lower coverage limits below the required minimums, in whole or in part, while employed by the Company in a position requiring the employee to drive their private motor vehicle. Employees who fail to provide the minimum coverage required are subject to immediate termination. The auto liability insurance limits are the minimum the Company requires employees to

Author [A81]

NOTE FROM POLSINELLI: This can be customized to list the business' non-owned automobile coverage requirement amounts.

maintain, however these limits of protection may or may not be adequate to cover the full extent of auto liability claims made against an employee. The Company encourages employees to consult with their agent or insurer about adequate liability protection and physical damage protection for their vehicle. Also, the Company prohibits employees from excluding the Company from their personal vehicle insurance and requires employees to notify their vehicle insurance providers of the use of their personal vehicle for business purposes.

- h. Valid Operator's License. All employees operating a vehicle on Company business or operating a vehicle owned by the Company or rented on behalf of the Company are to have a current, valid operator's license at all times.
- i. Accident Report. Any employee involved in an accident as the driver or passenger in a motor vehicle used on Company business or in a Company owned vehicle or vehicle rented at Company expense, while off or on duty, must submit an accurate, written report within 24 hours of the accident or at the beginning of the employee's next scheduled shift.
- j. Reporting Traffic Violations. All employees who operate a Company vehicle on Company business, while off or on duty, shall report all traffic violations to the Company within 24 hours of being issued a ticket or citation.
- k. Caregivers are never permitted to ride as passengers in a vehicle with a client.
- l. Employees are prohibited from the transportation of hitchhikers or any stranger in a Company vehicle or while driving on Company business. This includes operating as a ride share vehicle.
- m. Driver's License History. At any time, in its discretion, the Company reserves the right to review the motor vehicle records of each employee driving a Company vehicle or any vehicle on Company business. Depending on the results of the review of the employee's driving record, their job duties may be changed, or they may be barred from driving a Company vehicle or be terminated from employment.
- n. Coordination with Other Policies. This Motor Vehicle Safety Policy will be coordinated with other Company policies including, but not limited to, the Company's drug and alcohol policy and safety policy.
- o. Policy Compliance with Applicable Law. This policy will be interpreted and applied in accordance with applicable law. If at any time, any provision of it is at variance with applicable law, applicable law will govern.

No Solicitation/Distribution of Literature

The Company has established the following rules applicable to all employees and nonemployees that govern solicitation, distribution of written material and access to Company property:

- Employees may engage in solicitation activities only during nonworking times. No employee may engage in solicitation during their own working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed material only in non-work areas, during nonworking times. No employee may distribute or circulate any written or printed material in work areas at any time, or during their own working time or the working time of the employee or employees at whom such activity is directed;
- Nonemployees are not permitted to solicit or to distribute written material for any purpose on Company property; and
- Off-duty employees are not permitted in work areas.

Strict compliance with these rules is required.

As used in this policy, “working time” includes all time for which an employee is paid and/or is scheduled to be performing services for the Company; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Company.

EMPLOYEE BENEFITS

Benefits Overview

Upon becoming eligible to participate in insurance plans, employees will receive summary plan descriptions (“**SPDs**”) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Please note, benefit plans offered by the Company, are defined in legal documents such as insurance contracts and summary plan descriptions. If employees are offered benefits, and if a question arises about the nature and extent of plan benefits or if there is a conflict in language, the formal language of the Plan documents govern, not the informal wording of this Employee Manual. Plan documents, if applicable, are available for your inspection. The Company and its designated benefit-plan administrators reserve the right to determine eligibility, interpretation, and administration of issues related to benefits offered by the Company.

Employment benefits vary according to the position and employment status of the employee.

Full-time employees are eligible to receive all employment benefits offered by the Company. Part-time employees are eligible to receive all employment benefits offered by the Company, [OPTIONAL: except Life Insurance, Long-Term Disability (“**LTD**”) and Accidental Death & Dismemberment (“**AD&D**”) insurance,] on a pro-rated basis. Temporary employees are not entitled to any Company benefits [OPTIONAL: other than holiday pay]. To receive certain benefits, eligible employees may be required to meet participation requirements and pay required premiums and other contributions.

To receive certain benefits, eligible employees may be required to meet participation requirements and pay required premiums and other contributions. Employees should contact the

Author [A82]

NOTE FROM POLSINELLI: Policy statements in this section are brief samples only. Employers should consult with their broker or regarding compliance with the federal Affordable Care Act (“**ACA**”) and other state-specific laws pertaining to providing eligible employees with health insurance benefits.

Company's Human Resources Department [or insert name/contact details for appropriate Company representative or department] for detailed benefits information.

Author [A83]

NOTE FROM POLSINELLI: This should be modified to comply with Company policy and practice. Delete if inapplicable or not offered.

Workers' Compensation

When work-related accidents, injuries or illnesses occur, employees may be eligible for workers' compensation insurance benefits. The Company provides a comprehensive workers' compensation insurance program at no cost to employees and in accordance with applicable state law. This program covers most injuries or illnesses, sustained in the course of employment, that require medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits or, if the employee is hospitalized, treatment immediately.

Reporting Work-Related Injury or Illness

Employees who sustain a work-related injury or illness should inform their immediate supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage.

Leaves of Absence/Accommodation

Employees who need to take time off from work due to a workers' compensation illness or injury may also be eligible for a leave of absence under the Company's leaves of absence or reasonable accommodation policies. Employees should consult with the Company's Human Resources Department [insert name/contact details for appropriate Company representative or department] for additional information.

Return to Work

Employees who are ready to return to work following a workers' compensation-related leave of absence must supply a certification from a health care provider confirming the employee's ability to return to work.

Fraud

The Company will notify the workers' compensation insurance company if we have reason to believe an employee has supplied false or misleading information in connection with a claim and/or has filed a fraudulent claim. Workers' compensation fraud is a crime and may also be grounds for disciplinary action, up to and including termination of employment.

Author [A84]

NOTE FROM POLSINELLI: Delete if inapplicable. This policy term is not required, but recommended.

Employee Assistance Program

The Company provides an employee assistance program ("EAP") at no cost to employees and their families. This counseling program is available 24 hours a day, seven days a week. It is a confidential, safe, and easy-to-use resource. EAP counselors will help employees clarify their concerns, assess their situation, and identify options to help them resolve problems.

Employee Referral Program

The Company encourages all employees to refer qualified job applicants for available job openings. Other than **[FILL IN, for example, managers in the line of authority and all Office Administrators]**, all employees are eligible to receive employee referral awards. When making referrals, instruct the applicant to list the employee's name on their employment application as the referral source. If the referral is hired and completes **[zero]** months of service and the employee is still the employee of the Company, the employee is eligible to receive a monetary award. The reward is currently a gross amount of **[\$0]** for regular part-time hires and **[\$0]** for regular full-time hires. A referring employee who resigns or is terminated from the Company prior to the bonus payment date is not eligible for a referral bonus.

Author [A85]

NOTE FROM POLSINELLI: Delete if inapplicable. This policy term is not required, but recommended.

This should be customized per Company practice.

LEAVING THE COMPANY

Separation from Employment

Employees are employed on an at-will basis. Employees may leave the Company for a variety of reasons, including on a voluntary or involuntary basis. Regardless of the reason, we strive to ensure that all separations from employment are handled fairly, efficiently, and in compliance with applicable federal and state laws.

Employees who voluntarily leave the Company are encouraged to provide their supervisor with written notice in order to allow a reasonable amount of time to transfer ongoing work. Upon resignation, an employee must return all keys, uniforms, credit cards or other Company-issued property. Employees in good standing who retire or resign from their positions may be eligible for re-hire.

Final wages will be paid in accordance with applicable law. In accordance with Company policy, vacation, sick leave, and floating holidays will not be paid upon termination unless otherwise required by law.

Return of Company Property

Employees are required to return all company property (e.g., computers, vehicles, passwords, uniforms, ID badges, credit cards) that is in their possession or control in the event of termination of employment, resignation, retirement, or layoff or immediately upon request. No information belonging to the Company can be copied for the employee's use. We may also take all action deemed appropriate to recover or protect Company property.

References/Verifications of Employment

So that the Company can handle requests for job references in a consistent, fair, and lawful manner, all requests for official job references on behalf of the Company should be forwarded to the Company's **Human Resources Department [or insert title of appropriate Company representative]**. No other Company manager or supervisor is authorized to release references on the Company's behalf for current or former employees. The Company's policy concerning references for former employees is to disclose only the dates of employment and the title of the

last position held. If an employee authorizes disclosure in writing, we will also provide a prospective employer with information on the amount of the salary or wage last earned.

Exit Interviews

Before leaving the Company, employees may be asked to participate in a voluntary exit interview. This will provide closure to the employee's employment with the Company and will allow the Company to ensure that it has resolved various administrative matters, answered any questions about continuation of benefits, and listened to any of the employee's comments or ideas about improving the Company's operations.

ACKNOWLEDGEMENT AND RECEIPT

I acknowledge that my employer is [Legal Name] (“[Defined Company Name]” or the “Company”). I understand that each Franchisee office is independently owned and operated by a franchisee under a franchise agreement with the Franchisor. The Company is the owner and operator of a franchise and I understand that I am employed by the Company and not the Franchisor or any other entity. The business relationship between the Company and any other business such as the franchisor does not alter or impact the fact that I am solely employed by the Company and that the Company controls, directly and indirectly, all of my terms and conditions of employment.

I acknowledge that I have received and read a copy of the Company’s Employee Policy Manual. I understand that the Company is responsible for this Employee Manual (“*Employee Manual*”), the policies within it, and all other terms and conditions of my employment. I agree to abide by and be bound by the rules, policies and standards specified in the Employee Manual. I further acknowledge that the Company reserves the right to revise, delete and add to the provisions of the Employee Manual, but that all such revisions, deletions or additions must be in writing. No oral statements or representations can change the provisions of the Employee Manual.

I understand that the Company has provided me various alternative channels [including anonymous and confidential channels,] to raise concerns of violations of this Employee Manual and company policies and encourages me to do so promptly so that it may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, file a charge, make lawful disclosures, participate in an investigation or hearing or communicate with any governmental authority regarding potential violations of laws or regulations, including the Equal Employment Opportunity Commission (“*EEOC*”), the National Labor Relations Board (“*NLRB*”), the Securities and Exchange Commission (“*SEC*”), or any other federal, state, or municipal agency charged with the enforcement of any laws. I also understand and acknowledge that nothing about the policies and procedures set forth in this Employee Manual should be construed to interfere with any employee rights provided under state or federal law, including Section 7 of the National Labor Relations Act (“*NLRA*”).

I acknowledge that, except where required otherwise by applicable law, my employment with the Company is at-will, meaning that it is not for a specified period of time and that the employment relationship may be terminated at any time for any reason, with or without cause or notice, by me or the Company. I further acknowledge that only an [INSERT POSITION TITLE] or that person’s authorized representative has the authority to enter into an agreement that alters fact that my employment is at-will and any such agreement must be in writing and signed by an [INSERT POSITION TITLE] or that person’s representative.

[Signature Page Follows]

Author [A86]

NOTE FROM POLSINELLI: For franchisees, the content of this statement is to be left unaltered with the exception of inserting your Company’s name in place of “[Legal Entity].”

For companies that are not franchisees, this paragraph should be removed.

I have read and understand the above statements.

[PARTY DEFINED NAME]

Signature

Printed Name

Title

Date

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



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;
- 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.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer 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.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WH1420 REV 04/16

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Description	Missouri Handbook Template
Rendering set	Standard

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<u>Insertion</u>	
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Moved deletion	
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Padding cell	

Statistics:	
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