

KBP Employee Handbook Addendum New Mexico

INTRODUCTION

This Addendum is applicable only to **KBP** (“Company”) employees working in the State of New Mexico. If any provision in this Addendum conflicts with language in the Employee Handbook (“Handbook”) and/or any other previous policy, this Addendum will control.

This Addendum is to be read in connection with the Handbook. Together, the Handbook and Addendum will provide you with information about your employment and serve as a guide to the Company’s current policies, practices, and procedures.

POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

We are an Equal Employment Opportunity employer committed to providing equal opportunity in all of our employment practices, including selection, hiring, assignment, re-assignment, promotion, transfer, compensation, discipline, and termination. The Company prohibits discrimination, harassment, and retaliation in employment based on race (including traits historically associated with race, such as hair texture and length, protective hairstyles or cultural and religious headdress, like braids, locks, twists, cornrows, bantu knots, afros, hijabs and head wraps); color; religion; genetic information; national origin; sex; pregnancy, childbirth, or related medical conditions; age; disability or handicap; citizenship status; service member status; ancestry; spousal affiliation; sexual orientation; gender identity and expression; status as a smoker or non-smoker; status as a medical marijuana user; or any other category protected by federal, state or local law. Violation of this policy will result in disciplinary action, up to and including immediate termination. Please see the legal postings on the bulletin board for a full list of state protected EEO categories.

DISASTER AND EMERGENCY SERVICES LEAVE

Employees who serve as a volunteer emergency responder will be provided with up to ten (10) days of unpaid time off each calendar year (consistent with state and federal law) to respond to an emergency or disaster declared by the Governor or the President of the United States.

For purposes of this leave, “volunteer emergency responder” includes any person who a member a volunteer fire department, emergency medical service, search and rescue team, law enforcement agency, or who is enrolled by the state or a political subdivision to assist with emergency and/or disaster relief response.

Employees seeking leave under this policy must make reasonable efforts to notify the Company of their service and must make reasonable efforts to keep the Company apprised of their leave of absence.

The Company may request employees taking leave under this policy to provide a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder to an emergency or disaster.

DOMESTIC VIOLENCE LEAVE

The Company will grant intermittent unpaid leave from work for up to fourteen (14) days in a calendar year (up to eight (8) hours per day), to employees who need leave in connection with domestic violence, including:

- To obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse;
- To meet with law enforcement officials;
- To consult with attorneys or district attorneys' victim advocates; or
- To attend court proceedings related to the domestic abuse of an employee or an employee's family member.

As used in this policy, the term "Family Member" means a minor child of the employee or a person for whom the employee is a legal guardian.

Employees may use any available paid time off to run concurrent with leave under this policy.

Employees seeking leave pursuant to this policy, must notify the Company at least twenty-four (24) hours in advance of the need for leave. Further, the Company may require you to provide documentation in support of the need for violence leave such as a police report, copy of an order of protection, or a written statement of an attorney representing the employee.

The Company will keep all information provided by an employee concerning leave under this policy confidential, except to the extent disclosure is required by law.

EMPLOYING MINORS – CHILD LABOR

KBP is committed to full compliance with the federal and state child labor laws. KBP has implemented various compliance and monitoring processes to ensure compliance with KBP's policies and the requirements of the law.

Due to the nature of KBP's business, the Company from time to time may hire minors to fill designated non-hazardous positions. KBP defines a minor as any employee between the ages of 15 and 17. KBP however, strictly prohibits hiring anyone under the age of 15, regardless of the position or location.

KBP also strictly prohibits minors working in any KBP position that is or may be dangerous, hazardous, or harmful in any way to their lives, health, safety, morals, or welfare, including any functions, activities, or occupation declared hazardous by applicable state or federal law. To ensure compliance with this policy, all KBP minor employment placements must be approved by the General Manager or Area Coach in your location. Placing a minor in a position prohibited by this policy is grounds for disciplinary action up to and including termination, which may be progressive or immediate. KBP will determine the appropriate level of discipline based upon the particular facts and circumstances.

In locations where federal and state child labor laws differ, KBP is required to follow the more restrictive rules as outlined below. If you are unsure about the child labor laws applicable to your location, please contact your HR Business Partner or KBP's HR Ethics Hotline at 888-971-2991.

US DOL: <https://www.dol.gov/agencies/whd/child-labor>

New Mexico Department of Workforce Services: <https://www.dws.state.nm.us/Child-Labor>

Hazardous Functions, Activities, Occupations

Federal and state law prohibits minors from working in positions or occupations that are declared hazardous. Minors employed by KBP are **strictly prohibited** from performing any of the following activities:

Minors under 18:

- use, set up, adjusting, cleaning of commercial mixers and power-driven bakery machines;
- working in freezers and coolers, except to momentarily retrieve permitted items;
- loading and unloading from motor vehicles.

Minors Age 15 (in addition to those listed above also are prohibited from the following):

- cooking duties over open flame;
- use of deep fat fryers unless it has devices that automatically raise and lower the baskets;
- operating broilers, rotisseries, pressure cookers, high-speed ovens or rapid toasters;
- performing any baking activities;
- and using any slicers, grinders, or processors.

Minors Age 15 – Permissible Job Functions at KBP:

KBP has outlined a non-exhaustive list of common job functions performed at its locations that 15-year-olds are permitted to perform as listed below. If you have questions about a particular job function or equipment that may or may not be listed below, contact your HR Business Partner prior to the 15-year-old commencing the work.

Acceptable KBP Job Functions for 15-year-old employees

- Greet customers and obtain orders;
- Perform cashiering duties;
- Provide drive-thru support;
- Make beverages;
- Pack orders;
- Bag and carry out customer orders;
- Clean up work (wiping tables, sweeping floors, cleaning restrooms, picking up trash in parking lot, washing dishes);
- Prep in the kitchen area (not in the cooler and/or freezer); and
- Prep sides by using the microwave.

Employment Certificates/Work Permits

Minors must present KBP documents as evidence of their age. The original documents KBP obtains for certifying the age of minor employees should be kept on site at the work location and a copy uploaded to KBP's Workday system, by the hiring manager.

New Mexico - Employment Certificates/Work Permits

Any minor under 18 *must* obtain and present a **work permit** to KBP during the recruiting process prior to being hired.

After employing a minor with a work permit, KBP must keep the minor's work permit in compliance with state law. **Managers are required to keep the original work permits on-site at the work location and upload a copy to KBP's Workday system.** This document is to be kept available for review by any inspector or officer who enforces the child labor laws. The Company will also post, in a conspicuous place on the premises where minors are employed, a list of all minors who work there as authorized by work permits.

Uniforms for 15-Year-Old Workers

All KBP employees are required to adhere to the Company's uniform, appearance and hygiene standards. Employees 15-years old are required to wear specialized hat colors (color dependent upon brand and location) at all times during their shift. The hat colors provide managers a monitoring system to be easily alerted to the employee's specific work limitations and restrictions.

Hours of Work

Once KBP hires a minor, the Company will strictly comply with the hours of work limitations for minors. In areas where the state and federal laws differ, KBP follows the more restrictive hours limitations for minors. Minors may only be scheduled as follows:

KBP Scheduling Minors Age 15:

Minors Age 15 (Federal):

- **When school is in session**, may only work between the hours of 7 a.m. to 7 p.m., and
 - May not be scheduled or work more than 3 hours on any school day, including Fridays;
 - May not be scheduled more than 8 hours on any non-school day; and
 - May not work more than 18 hours total in any school week.
- Between June 1 and Labor Day, 15-year-olds may work between the hours of 7 a.m. and 9 p.m., but may not be scheduled or work more than 40 hours per week.

Minors Age 16 & 17:

- Other than the hazardous functions or occupations that 16 and 17 year-olds may not perform (see above), these individuals may be scheduled and work unlimited hours in compliance with the generally applicable wage and hour laws.

Poster

The Company will post, in a conspicuous place on the premises where minors are employed, a list of all minors who work there as authorized by work permits.

Questions/Reporting

Employees with questions concerning the application of this child labor policy, must consult with Human Resources immediately. Any employee who knows or suspects that this policy is being violated is required immediately to report this information to Human Resources. Any questions or reports relating to child labor should be made to KBP's Ethics Hotline at 888-971-2991.

JURY DUTY

If you receive a call to jury duty, please notify your manager immediately so that we can plan our work with as little disruption as possible. Jury duty leave is unpaid.

Employees with jury duty must provide their manager with a copy of the subpoena. Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their manager as soon as possible and report to work if necessary.

KIN CARE LEAVE

Any available sick leave may be used for the care of a family member on the same terms as used by the employee for personal illness or injury. "Family Member" includes an employee's spouse, domestic partner, parent, grandparent, great-grandparent, child, foster child, grandchild, great-grandchild, sibling, niece, nephew, aunt or uncle.

The Company will not discriminate or retaliate against any employee because of their use of leave under this policy. Please see our sick leave policy for additional information regarding requesting leave.

MEAL AND REST BREAKS

KBP is committed to full compliance with federal and state wage and hour laws regarding employee break and mealtimes. Employee break schedules, when applicable, are set by store management based upon the business needs and in compliance with any legally required breaktimes. Generally, for our hourly employees, a duty-free meal period of 20 minutes or longer will be unpaid and break period(s) under 20 minutes will be paid. Hourly employees should remember to clock-in/out for all duty-free meal and break period(s) and should not perform any work during these break times. KBP prohibits employees from working off-the-clock under any circumstances including during break/mealtimes. Employees should not perform work unless you are "on the clock." Violations of this policy will result in disciplinary action up to and including termination.

New Mexico

New Mexico employees are not permitted to work more than sixteen (16) hours within a 24-hour period except in emergency situations.

PAID SICK LEAVE

We recognize the need for employees to be away from work due to illness or injury, to care for the illness or injury of a family member, or to facilitate the safety of the employee or their family members.

Eligible Employees

All employees are eligible for paid sick leave.

Accrual Rate

At the start of employment, eligible employees begin accruing paid sick leave at a rate of one (1) hour for every thirty (30) hours worked.

Benefit Year

Sick leave is calculated based on the anniversary year. ("Benefit Year").

Use of Paid Sick Leave

Employees may begin using paid sick leave as soon as it is accrued. Employees may use up to sixty-four (64) hours of paid sick leave per Benefit Year. Leave may be taken in the smaller of hourly increments or the smallest increment that the Company's payroll system uses to account for absences or use of other time.

The Company will not require an employee to use other paid leave before the employee uses sick leave pursuant to this policy.

Purposes for Paid Sick Leave

Paid sick leave may be used for any of the following purposes:

1. For the employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee;
2. Where the employee needs to care for a family member due to the family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's family member's mental or physical illness, injury, or health condition; or preventative medical care;
3. For meetings at the employee's child's school or place of care related to the child's health or disability;
4. If the employee or the employee's family member is a victim of domestic abuse, sexual assault, or stalking, to obtain medical or psychological treatment or other counseling; to relocate; to prepare for or participate in legal proceedings; or obtain services or assist a family member of the employee with any of the activities set forth in this paragraph; or
5. Any other reason allowed by law.

As used in this policy, "family members" include an employee's spouse, domestic partner or person related to an employee or an employee's spouse or domestic partner as: a biological, adopted or foster child, a stepchild or legal ward, or a child to whom the employee stands *in loco parentis*; a biological, foster, step or adoptive parent or legal guardian, or a person who stood *in loco parentis* when the employee was a minor child; a grandparent; a grandchild; a biological, foster, step or adopted sibling; a spouse or domestic partner of a family member; or an individual whose close association with the employee or the employee's spouse or domestic partner is the equivalent of a family relationship. "Domestic partner" includes individuals with whom another individual maintains a household and a mutual committed relationship without a legally recognized marriage.

Carry Over

Employees may carry over up to sixty-four (64) hours of paid sick leave from one Benefit Year to the next. Any unused paid sick leave in excess of sixty-four (64) hours will be forfeited at the end of the year. Employees may not use more than sixty-four (64) hours of paid sick leave in any Benefit Year.

Notice and Scheduling Leave

Where the need for leave is foreseeable, the employee must make a reasonable effort to provide notice of their need for leave as far in advance as possible and must make reasonable effort to

schedule the use of leave in a manner that does not unduly disrupt the operations of the Company. When the use of leave is not foreseeable, the employee must notify the Company as soon as practicable. Requests for leave may be made orally or in writing.

The Company will not require an employee to search for or find a replacement worker as a condition of using earned leave.

Certification

For paid sick leave of two (2) or more consecutive workdays, the Company may require reasonable documentation supporting the need for sick leave. The Company, however, will not delay the commencement of leave on the basis that it has not yet received documentation.

Reasonable documentation may include a signed statement by a health care professional indicating the amount of sick leave necessary; or in cases of domestic abuse, sexual assault or stalking, reasonable documentation may include: a police report, court-issued document or a signed statement from a victim services organization, clergy member, attorney, advocate, the employee or a family member, affirming that leave was taken for one of the purposes specified under applicable law. The Company will not require any documentation to explain the nature of any medical condition or the details of the domestic abuse, sexual assault or stalking.

Payment of Sick Leave

Leave will be paid at the employee's same hour rate and with the same benefits as the employee normally earns during work hours. Please consult Human Resources for detailed information on how the dollar amount of your sick pay is calculated and the amount you are entitled to receive; the actual dollar amount may vary according to your pay plan.

At the End of Employment

Unused sick leave will not be paid out at the end of employment. Any employee who separates from employment and is rehired within twelve (12) months of separation will have any previously accrued earned sick leave reinstated.

Confidentiality

All information the Company obtains related to the employee's reasons for taking leave will be treated as confidential and not disclosed except with the permission of the employee or as necessary for validation purposes for insurance disability claims, reasonable accommodations, and as required by applicable law or court order.

Interaction with Other Leaves

Leave may run concurrent with the Federal Family and Medical Leave Act and/or any other leave, permitted by law.

Discrimination and Retaliation Prohibited

The Company will not discriminate or retaliate against any employee for requesting or using leave provided under this policy or exercising any right allowed under applicable law. Any employee who feels that they have been discriminated or retaliated against in violation of this policy, should notify Human Resources immediately. If after consulting Human Resources, the employee still believes

they were unlawfully denied paid sick leave or is retaliated against for exercising their rights, the employee may file a complaint or bring civil action.

An employee who believes that the Company has violated New Mexico paid sick and safe leave laws may file a written complaint with the Workforce Solutions Department, Labor Relations Division or bring civil suit pursuant to New Mexico law.

Enforcement

This policy will be interpreted and enforced consistent with applicable law. In the event a different entity succeeds or takes the place of the Company (e.g., the Company is purchased or acquired by another entity), all employees who remain employed by the successor entity will remain entitled to all earned sick leave earned while employed with the Company. Employee benefits and protections under applicable law are not waivable.

Questions

If you have any questions regarding leave under this policy, please contact Human Resources.

PREGNANCY ACCOMMODATION

The Company provides reasonable accommodations to female employees related to pregnancy, childbirth or condition related to pregnancy or childbirth to the extent an accommodation can be made without imposing an undue hardship on our business. When an employee requests a reasonable accommodation, the Company will explore with the employee the possible means of providing the reasonable accommodation, which may include, but are not limited to:

- more frequent or longer breaks;
- time off to recover from childbirth;
- acquisition or modification of equipment;
- seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- light duty;
- break time and private non-bathroom space for expressing breast milk;
- assistance with manual labor; or
- modified work schedules.

The Company will not require any employee to accept an accommodation that is unnecessary to performing the essential functions of their job. Further, the Company will not require any employee to take leave if another reasonable accommodation is available, unless the employee voluntarily requests to be placed on leave or the employee is placed on leave pursuant to federal law.

The Company may require the employee to provide medical certification in connection with any request for a reasonable accommodation. If leave is provided as a reasonable accommodation, such leave may run concurrent with the Federal Family and Medical Leave Act and/or any other leave permitted by law.

For more information, or if you require an accommodation, please speak with your supervisor.

SMOKING IN THE WORKPLACE

Use of tobacco in any form is permitted only in designated outdoor places at Company facilities.

Smoking is prohibited by law in any area where paint or other flammable materials may be present. This policy also applies to electronic cigarettes, also known as e-cigarettes, e-cigs, e-smoke, digital cigarettes, alternative cigarettes and "vaping." In cases of excessive time spent smoking, managers may restrict or curtail smoking privileges during the work day.

VOTING LEAVE

Our Company believes that every employee should have the opportunity to vote in any state or federal election, general primary or special primary. Any employee whose work schedule does not provide him or her either two (2) consecutive hours between the opening of the polls and the beginning of his or her shift or three (3) consecutive hours between the end of his/her shift and the close of the polls will be granted up to two (2) hours of paid leave to vote on election day.

Please notify your supervisor if you need voting leave as far in advance as possible. The Company may select the hours you are excused to vote. When you return from voting leave, you must present a voter's receipt to your supervisor.

WAGE PAYMENT

The Company pays wages biweekly.

Exempt employees may be provided time off with pay for any of the above leaves when necessary to comply with state and federal wage and hour laws.

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK ADDENDUM

I acknowledge that I have received a copy of the **KBP** (“Company”) Employee Handbook and Employee Handbook Addendum for New Mexico (“Addendum”). I will familiarize myself with the Handbook (including the Addendum) and all of its contents.

I understand that the Handbook (including the Addendum) represents only current policies and benefits and that it does not create a contract of employment. The Company may change these policies and benefits at any time, without advance notice, as it deems appropriate.

I understand that I have the right to terminate my employment at any time, for any reason, with or without advance notice, and that the Company has a similar right. I further understand that my status as an at-will employee may not be changed except in writing, signed by the Company’s CPO.