

## **KBP Employee Handbook Addendum New York**

### **INTRODUCTION**

This Addendum is applicable only to **KBP** (“Company”) employees working in the State of New York. 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 race (including traits historically associated with race, including, but not limited to, hair texture and protected hairstyles, such as braids, locks and twists); ethnicity; religion (including clothing or facial hair worn in accordance with the religious tenets); color; sex; pregnancy, childbirth, or related medical conditions; breastfeeding; gender (including actual or perceived sex, gender identity, and gender expression including a person’s actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth); sexual orientation; sexual and reproductive health decisions; national origin; alienage or citizenship or immigration status; status as a veteran, active military service member, or uniform service member; marital or partnership status; familial status; caregiver status; age (18 or older); predisposing genetic characteristics; disability; creed; status as a victim of domestic violence; sexual violence or stalking; unemployment status; salary history; credit history; certain prior arrest or conviction records; lawful off-duty activities; an individual’s status as having a known relationship or association with a member or members of a protected category; 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.

#### **NO HARASSMENT**

##### **Purpose and Goals**

Our Company is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender; gender identity or expression (perceived or actual); and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Company recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex; sexual orientation; gender identity or expression; age; race; creed; color; national origin; military status; disability; pre-disposing genetic characteristics; familial status; marital status; criminal history; or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the

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workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Company's commitment to a discrimination-free work environment.

### **Goals of this Policy:**

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Company. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

### **Sexual Harassment and Discrimination Prevention Policy:**

1. The Company's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Company. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Company who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as

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explained below in the section on **Legal Protections**.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Company to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Company will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Company will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Company will act as required. In addition to any required discipline, the Company will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Human Resources.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

### **What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were

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assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Company's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or

- Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
    - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities:
    - Dress codes that place more emphasis on women's attire;
    - Leaving parents/caregivers out of meetings.

## **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

## **Where Can Sexual Harassment Occur?**

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

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

## **Retaliation**

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";

- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

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

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.** Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on **Legal Protections**.

### **Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Human Resources. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### **Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Company will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Company recognizes that participating in a harassment investigation can be uncomfortable and has the potential to re-traumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Human Resources:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the



investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Human Resources will prepare a complaint form or equivalent documentation based on the verbal reporting;

2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Company, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

### **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

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Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Company does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

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

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-

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669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

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

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

### **Conclusion**

The policy outlined above is aimed at providing employees at the Company and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

### **ACCOMMODATIONS FOR VICTIMS OF DOMESTIC VIOLENCE**

The Company will provide reasonable time off as a reasonable accommodation to employees who are victims of domestic violence, unless the employee's absence would cause an undue hardship to the Company. The time off may be used for the following reasons:

- To seek medical attention for injuries caused by domestic violence;
- To obtain services from a domestic violence shelter, program, or rape crisis center;
- To obtain psychological counseling related to an incident of domestic violence;
- To participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; or
- To obtain legal services, assist in the prosecution of the offense, or appear in court in relation to the incident of domestic violence.

The employee will be required to use any available paid time off for such absences; if no paid time off is available, the time off will be unpaid.

Employees who require time off as an accommodation in accordance with this policy must provide

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advance notice to the Company. If advance notice is not feasible, the employee will be required to provide a certification to the Company within a reasonable time after return to work.

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

### **ADOPTION PARITY**

The Company will provide adoption leave to the same extent it provides leave for the birth of a child. Leave will only be granted to employees who adopt children of preschool age or younger, or who adopt children under the age of eighteen (18) who are considered “hard to place” or handicapped under New York law.

### **BEREAVEMENT LEAVE**

Our Bereavement Leave policy set forth in the handbook is expanded to provide employees with leave for the death of their same-sex committed partner or the child, parent or other relative of the committed partner. “Same-sex, committed partners” are defined as those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

### **BLOOD DONATION LEAVE**

The Company provides eligible employees with up to three (3) hours of unpaid leave per twelve (12) month period to donate blood. The twelve (12)-month period is based on a rolling backward twelve (12) month period from the date the employee uses blood donation leave.

To be eligible, employees must work an average of twenty (20) or more hours per week. Employees seeking leave pursuant to this policy must provide notice as far in advance as possible of their need for leave.

The Company will not retaliate or tolerate retaliation against an employee for requesting or taking blood donor leave.

### **BONE MARROW DONATION LEAVE**

The Company provides eligible employees with up to twenty-four (24) hours of unpaid leave per year to donate bone marrow.

To be eligible, employees must work an average of twenty (20) or more hours per week.

Employees seeking leave pursuant to this policy must provide notice as far in advance as possible of their need for leave. The Company may require a written physician’s certificate supporting the need for leave.

The Company will not retaliate or tolerate retaliation against an employee for requesting or taking bone marrow donor leave.

### **Prenatal Leave**

Effective January 1, 2025, employees will be provided with twenty (20) hours of paid prenatal leave each calendar year. Prenatal leave may be used to attend health care services received by you during your pregnancy or related to your pregnancy, including physical examinations, medical

procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. Prenatal leave may be used in hourly increments. Unused prenatal leave does not carry over from year to year and will not be paid out upon separation from employment for any reason.

### **Lactation Accommodation**

The Company provides reasonable accommodations for employees' pregnancy, childbirth, or related medical conditions, including accommodations for lactation.

The Company will provide up to thirty minutes (30) of paid break time to accommodate an employee desiring to express breast milk, each time the employee has reasonable need to express breast milk. The Company will not unreasonably limit the amount of time or the frequency that an employee expresses breast milk. Any break time in excess of thirty (30) minutes per break will be unpaid, but the employee can elect to take such additional time during their regularly scheduled meal and rest breaks and the employee will be compensated to the same extent and in the same way that other employees are compensated for that time. Employees should work with their supervisor regarding scheduling.

We will provide this break time for up to three years following the birth of a child.

The Company has designated the store's office as a lactation room when employees are using the room to express breast milk. The Company will notify other employees that the room will be prioritized as a lactation room and may only be used for expressing breast milk during the time[s] when employees need the space and will post proper signage to ensure that it is free from intrusion and shielded from view of others while being used as a lactation room. The employees who need the room for pumping will be given priority use of the room and their pumping needs will determine the availability of the room for other purposes. The Company will ensure that the room is clean, free from intrusion and meets as many of the following requirements as possible: contains at least one electrical outlet, a surface to place a pump and other personal items, and a chair; and is near running water. When more than one employee needs to use the room to express breast milk, the Company will discuss alternative options with all employees who use the shared space to determine what arrangement addresses their needs. Options may include: finding an alternative space; sharing the space among multiple users with screens, curtains, or other privacy measures; or creating a schedule for use. If the multi-purpose room is unavailable for use as a lactation room when an employee needs it, the Company will provide a curtained space for temporary use as a lactation room. Even if the multi-purpose room is available, an employee who wishes to pump at their usual workspace will be permitted to do this so long as it does not create an undue hardship for the Company.

The Company does not have a refrigerator to store breast milk. The Company will discuss alternative options with the employee for where the employee may store their breast milk.

Before an employee returns from parental leave, the Company will seek to discuss with the employee whether the employee needs a reasonable accommodation to express breast milk at work. Employees may also request a lactation accommodation by contacting the store manager, Area Coach, and HR Business Partner. The request may be made orally or in writing to and should indicate that the employee will need accommodations for expressing breast milk at work. The Company will respond to a request for a lactation accommodation as quickly as possible. Under no circumstances will this amount of time exceed five (5) business days. The Company recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

If the Company believes that the lactation accommodation requested poses an undue hardship on the Company, the Company will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue as quickly as possible, but absolutely no later than five (5) business days from the date of the request. The conversation between the Company and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of the accommodation granted or denied. This process gives the employee an opportunity to have an open discussion with the Company about their needs, and the Company an opportunity to hear its employee and work with them to come up with an appropriate accommodation for the employee.

The Company will not tolerate discrimination or harassment against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to the Employee Service Center at [hrsupport@kbpbrands.com](mailto:hrsupport@kbpbrands.com).

## **CONFIDENTIAL EMPLOYEE INFORMATION**

We are required to keep all personal identifying information of all employees confidential. Personal identifying information includes Social Security numbers, addresses, telephone numbers, personal e-mail addresses, internet identification names or passwords, email address in combination with password or security answer, parent's surname prior to marriage, drivers' license numbers, account numbers, credit or debit card numbers or biometric information. Employees with access to personal identifying information will be required to comply with the Company's data security measures to ensure that such information is safeguarded and protected from unauthorized access.

With respect to Social Security numbers employees must not:

- Publicly post or display an employee's Social Security number;
- Visibly print a Social Security number of any identification badge or card;
- Place a Social Security number in files with unrestricted access; or
- Communicate an employee's personal identifying information to the general public.

Employees must immediately report to Human Resources any violation of this policy. If a violation of this policy occurs, we will notify the affected employees in compliance with the applicable laws.

To protect the security, confidentiality and integrity of our systems and personal information maintained on our systems, as well as to protect against anticipate threats, hazards or breaches of our security systems, the Company maintains a written data security program. Detailed information regarding our program will be provided to employees separate from this handbook. Employees are expected to comply with all requirements of our program. Please see Human Resources if you have any questions or if you do not receive a copy of our written cybersecurity program.

## **ELECTRONIC MONITORING**

Any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee using any Company electronic device or through any Company system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems, may be subject to monitoring by the Company, at any and all times, and by any lawful means.

Employees have no expectation of privacy regarding use of Company equipment or systems, regardless of whether the device is used outside of the physical worksite (e.g. remote work) and

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regardless of whether the employee uses a password on such device. Employee communications and use of Company equipment and systems are not private and may be accessed and monitored at any time.

## **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.

For your reference, links to the federal and state child labor laws are provided below:

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

**New York DOL:** <https://dol.ny.gov/employment-minors>

### **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; and
- 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.

#### ***New York - Hazardous Functions, Activities, Occupations***

In addition to the federal rules listed above, New York law places *further restrictions* on minors. New York prohibits any minor under 18 years of age, from being employed at any time in any occupation or trade that is dangerous or harmful to their health.

**New York Minors under 18 (in addition to the federal rules listed above) may not:**

- clean, oil, or wipe machinery.

**New York Minors Age 15 (in addition to the rules listed above) may not:**

- operate washing, pressing, or mixing machinery.

**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 uploaded to KBP's Workday system, by the hiring manager.

***New York - Employment Certificates/Proof of Age***

Any minor under 18 years old *must* obtain and present an **employment certificate** to KBP during the recruiting process prior to being hired.

If an applicant claims to be age 18 to 25 without presenting a valid employment certificate, the Company will require them to provide proof of their age through a driver's license or other documentation issued by the federal or any state government or through an age certificate issued to them by an official who issues employment certificates.

After employing a minor with an employment certificate, KBP must keep the employment certificate in compliance with state law. **Managers are required to keep the original work permits on-site at the work location and a copy uploaded 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.



## **Uniforms for 15-Year-Old Workers**

All KBP employees are required to adhere to the Company's uniform, appearance and hygiene standards. Employees who are 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 and Scheduling of Minors:**

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. Generally, minors may only be scheduled as follows:

### **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 under 18 (New York):**

- May not be employed when school attendance is required;
- When school is in session, minors:
  - May not be employed for more than 4 hours preceding a school day, excluding Sunday and holidays;
  - May not be employed for more than 8 hours on a Friday, Saturday, Sunday, or holiday;
  - May not be employed for more than 28 hours in a week;
  - May not be employed for more than 6 days in a week;
  - May not work before 6 a.m.;
  - May not work after 10 p.m. on a day preceding a school day provided, however, that **minors age 16 or 17** may work up to midnight if the Company receives and maintains written consent from the minor's parent or guardian and a certificate of their satisfactory academic standing, provided by their school at the end of each marking period;
  - May not be employed after 10 p.m. on a day preceding a day when there is no school provided, however, that **minors age 16 and 17** can work up to midnight if the Company receives and maintains written consent from the minor's parent or guardian;
- When School is not in session, minors:
  - May generally not be employed more than eight hours in a day provided, however, that minors may work up to 10 hours on any one day in a week, plus up to 9 hours on each of four other days in the week, if the purpose is to shorten one or more workdays or provide a holiday in the week and they do not work more than 48 hours in the week;
  - May not be employed more than 48 hours in a week;
  - May not be employed more than 6 days in a week;
  - May not be employed before 6 a.m. or after midnight;
- If a minor works in two or more establishments, the minor's total work hours from each establishment cannot exceed the applicable daily or weekly limits;

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- Certain exceptions apply to minors who are engaged in a supervised work-study program approved by the New York State Education Department.

### **Poster**

The Company will create a schedule for minor employees under, establishing work start and stop times and mealtimes. The Company will conspicuously post this schedule in each establishment where minor employees work.

### **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 child labor policy is being violated is required immediately to report this information to Human Resources. Any questions or reports related to child labor should be made to KBP's Ethics Hotline at 888-971-2991.

### **FAMILY MILITARY LEAVE**

Eligible employees who are the spouse of a member of the Armed Forces of the United States, National Guard, or Reserves who has been deployed during a period of military conflict to a combat theatre or combat zone will be provided with up to ten (10) days of unpaid family military leave during the military service member's leave from deployment.

To be eligible for family military leave, employees must work an average of twenty (20) hours or more per week.

The Company prohibits discrimination and/or retaliation against any employee who requests and/or takes time off pursuant to this policy.

### **JURY DUTY**

We recognize your legal and civic responsibility to serve on a jury or a grand jury, if summoned to do so. Employees, including those working off-hour shifts, receive time off for as long as the court requires their presence. Employees summoned for jury duty will receive unpaid leave, except that they will receive the first \$40 of their daily wages during the first three (3) days of jury service in a state or local court.

We may request proof of jury service issued by the Court upon return. Please make arrangements with your supervisor as soon as you receive your summons.

We expect you to return to your job if you are excused from jury duty during your regular working hours.

### **LAWFUL OFF DUTY ACTIVITIES**

The Company will not discriminate against any employee who engages in lawful off-duty activities (including the use of legal consumable products, legal political activities, legal recreational activities, or membership in a union or exercise of a right granted under the law), outside the workplace, during non-work hours, and without the use of Company's equipment or other property.

### **MEAL AND BREAK PERIODS**

KBP is committed to full compliance with federal and state wage and hour laws regarding employee  
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breaks 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 York**

Employees working a shift of more than six (6) hours will be provided at least thirty (30) minutes of unpaid time off for a meal between 11:00 a.m. and 2:00 p.m. Employees working a shift that starts before 11:00 a.m. and continues past 7:00 p.m. will be provided an additional unpaid meal period of at least 20 minutes between 5:00 p.m. and 7:00 p.m. Employees working a shift of more than six (6) hours between 1:00 p.m. and 6:00 a.m. will be provided an unpaid meal period of at least forty-five (45) minutes midway through the shift. Approving the scheduling of this time is the responsibility of your supervisor.

### **MILITARY LEAVE**

In addition to the military leave rights set forth in the Handbook, regular full-time and part-time employees will be granted time off for military training or active duty in accordance with New York law. Employees returning from active duty or military training will be reinstated to the same position, or to a position of like seniority, status and pay, unless the Company’s circumstances have changed such that it is impossible or unreasonable to do so. To be eligible for reinstatement, employees must:

- Receive a certificate of completion duly executed by an office of the applicable force or militia;
- Be qualified to perform their former job duties;
- Apply for reemployment within ninety (90) days of discharge from duty, except that Employees returning from training or school must reapply within ten (10) days and employees returning from initial full-time training duty or initial active duty training with or in the United States Armed Forces must apply for reemployment within sixty (60) days of such training.

Any employee who is reinstated to their previous position and in accordance with the provisions of this policy will be considered as having been on furlough or leave of absence during their period of military service and will be restored without loss of seniority, will be entitled to participate in insurance or other benefits offered by the Company pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the Company at the time such person entered the military service, and will not be terminated without cause in the year following reinstatement.

### **NEW YORK STATE PAID FAMILY LEAVE BENEFITS**

The Company provides paid family leave benefits (“PFLB”) to eligible employees. Employees on family leave will receive a wage replacement, up to a maximum amount specified by law, based on a percentage of the employee’s average weekly wage. Benefits are phased in over four (4) years as described below.

## **Benefit Amount**

Eligible employees will receive up to twelve (12) weeks of leave a year at 67% of their average weekly wage for qualified family needs.

## **Eligible Employees**

To be eligible for PFLB, employees who work an average of at least twenty (20) hours per week must have completed at least twenty-six (26) consecutive weeks of employment; employees who work an average of less than twenty (20) hours per week must have completed at least 175 days of employment.

Employees can opt out of PFLB if their (1) regular work schedule is twenty (20) hours or more per week but the employee is not expected to work at least twenty-six (26) consecutive weeks; or (2) an employee regularly works less than twenty (20) hours per week and is not expected to work at least 175 days in a fifty-two (52) consecutive week period. The Company will provide employees who do not meet the minimum eligibility requirements with a waiver that can be used to opt out of PFLB.

## **Type of Plan**

PFLB are provided through the following insurance carrier: *Shelter Point Insurance*

## **Plan Funding**

Benefit premiums are paid for by the Company.

## **Use of Benefits**

Family leave benefits can be used:

1. To provide care for a family member with a serious health condition (including physical or psychological care and surgery related to organ or tissue donation);
2. To bond with the employee's child during the twelve (12) months following the child's birth or the twelve (12) months following the placement of a child for adoption or foster care with the employee;
3. Because of a qualifying exigency provided for under the Family and Medical Leave Act (FMLA), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States. You cannot use paid family leave for your own qualifying military event; or
4. Another reason allowed by law.

Family member means a child (biological, adopted, foster, step, legal ward, or child of domestic partner), parent (biological, adoptive, foster, step, in-law, legal guardian or person who stood *in loco parentis* to the employee as a child), sibling (biological or adopted, a half-sibling or step-

sibling), grandparent, grandchild, spouse or domestic partner.

### **Requesting & Scheduling Leave**

If the need for leave is foreseeable, the employee must provide the Company with at least thirty (30) days' notice. Foreseeable reasons include, but are not limited to, birth of a child, anticipated placement date for adoption or placement of a foster child or planned medical treatment for a family member. If the need for leave is not foreseeable, the employee must provide the Company with notice as soon as practicable. Employees should contact their supervisor to obtain the necessary forms for requesting and scheduling leave.

Eligible employees may take PFLB leave in a single block of time or intermittently (in separate blocks of time). Employees who require intermittent leave must try to schedule their leave so that it will not unduly disrupt the Company's operations.

The employee may be required to provide certification of the need for leave and/or re-certification where necessary.

The Company is not required to permit more than one (1) employee to use the same period of family leave to care for the same family member at the same time.

### **Health Benefits**

If an employee and/or the employee's family participate in a group health plan offered by the Company, the Company will maintain coverage during paid family leave on the same terms as if the employee had continued to work. If applicable, the employee must make arrangements to pay the employee's share of health plan premiums while on leave. An employee's failure to pay the employee share of the health coverage premium may result in an elimination of coverage after thirty (30) days. Use of PFLB will not result in the loss of any employment benefit that accrued prior to the start of PFLB.

### **Use of Earned Leave**

The Company may allow the employee to charge all or part of their family leave to earned unused vacation, paid time off, personal leave, or other paid leave available, so that the employee may receive their full regular wages. To substitute paid leave for paid family leave, an eligible employee must comply with the Company's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

If you are unable to work and qualify for Workers' Compensation Benefits, you may not use PFLB at the same time as you are receiving Workers' Compensation benefits. If you are receiving reduced earnings, you may be eligible for PFLB. Please check with Human Resources.

### **Return from Leave**

Upon returning from PFLB leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, employees have no greater right to reinstatement than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or his or her position would have been eliminated even if he or she had not gone on leave, then the

employee will not be entitled to reinstatement.

Any employee who fails to return to work as scheduled after PFLB leave or exceeds the maximum amount of leave entitlement, will be subject to the Company's standard leave of absence and attendance policies. This may result in termination if you have no other Company-provided leave available to you that applies to your continued absence. Likewise, following the conclusion of your PFLB leave, the Company's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

### **No Discrimination or Retaliation**

The Company does not discriminate or retaliate against employees for taking or requesting PFLB in accordance with law. Supervisors and managers are prohibited from discriminating or retaliating against employees for taking or requesting family leave.

### **Enforcement**

This policy will be interpreted and enforced consistent with applicable law. Exceptions to this policy will be made, consistent with applicable law, where applicable law extends the above leave rights (for example, where applicable law modifies eligibility and/or reasons for leave in connection with a public health emergency).

### **Family and Medical Leave**

PFLB can be taken by employees who are eligible for time off under the provisions of FMLA. PFLB will run concurrently with designated FMLA leave when the reason for leave qualifies under both PFLB and FMLA. Eligible employees must then apply for both PFLB and FMLA.

### **Short-Term Disability**

An employee may not receive both state disability benefits or workers compensation benefits and PFLB for the same period of time. An employee is not entitled to a combined amount of leave under state disability benefits and PFLB that exceed twenty-six (26) weeks in a fifty-two (52) week period.

### **Questions**

Providing false or misleading information or omitting material information in connection with a PFLB leave will result in disciplinary action, up to and including immediate termination.

If you have questions, please contact your supervisor for additional information or to request leave.

## **NEW YORK STATE SECURE CHOICE SAVINGS PROGRAM**

The state has established the New York State Secure Choice Savings Program allowing eligible employees to enroll in a state sponsored retirement savings plan. This program allows eligible employees a tax-leveraged means of supplementing their retirement planning. Participation is entirely voluntary, and administration of this plan is funded entirely by employee contributions. The Company will provide you with additional information separately. If you have any questions, please

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see your supervisor.

## **PAID SICK LEAVE [Accrual Method]**

We recognize the need for employees to be away from work due to illness or injury or to care for the illness or injury of a family member and for other reasons that keep employees and their families safe. Accordingly, the Company provides all employees with paid sick leave as specified in this policy.

### **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 not less than one (1) hour for every thirty (30) hours worked. Employees may accrue up to fifty-six (56) hours of paid sick leave per Benefit Year.

### **Benefit Year**

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

### **Use of Paid Sick Leave**

The Company will not impose a waiting period for the use of paid sick leave. Employees may begin using paid sick leave as soon as it is accrued. Employees may use up to fifty-six (56) hours of paid sick leave per Benefit Year. Leave may be taken in minimum increments of four (4) hours.

### **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, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that such employee requests leave; medical diagnosis, care, or treatment of the employee’s mental or physical illness, injury, or health condition; or preventative medical care for the employee; or
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, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that such employee requests leave; medical diagnosis, care, or treatment of the employee’s family member’s mental or physical illness, injury, or health condition; or preventative medical care; If the employee or the employee’s family member is a victim of domestic violence, a family offense, sexual offense, stalking or human trafficking, to obtain services from a domestic violence shelter, rape crisis center, or other services program; to participate in safety planning, temporarily or permanently relocated, or take other actions to increase the safety of the employee or employee’s family members; to meet with an attorney or other social services provider to obtain information and advice on and prepare for or participate

in any criminal or civil proceeding; to file a complaint or domestic incident report with law enforcement; to meet with a district attorney's office; to enroll children in a new school; or to take any other actions necessary to ensure the health or safety of the employee's family member or to protect those who associate or work with the employee.

As used in this policy, family members includes an employee's child (including a biological, adopted or foster child, a legal ward, or a child of an employee standing *in loco parentis*), spouse, domestic partner, parent (including a biological, foster, step-or adoptive parent, or a legal guardian or an employee, or a person who stood *in loco parentis* when the employee was a minor child), sibling, grandchild or grandparent, and the child or parent of an employee's spouse or domestic partner.

### **Carry Over**

Employees may carry over up to fifty-six (56) hours of paid sick leave from one Benefit Year to the next, subject to the above usage terms.

### **Notice and Scheduling Leave**

Where the need for leave is foreseeable, employees should provide reasonable advanced notice of the need for leave. Where the need for leave is not foreseeable, employees should provide notice of their need for leave as soon as practicable.

Except to the extent applicable law provides otherwise, upon return to work, the employee will be restored to their position of employment held prior to any sick leave with the same pay and other terms and conditions of employment.

### **Certification**

Where leave lasts three (3) or more consecutive workdays or shifts, the Company may request documentation from an employee to verify their eligibility to use leave under this policy. The Company will not deny leave while awaiting documentation.

The Company will not require an employee or the person providing documentation, including medical professionals, to disclose the reason for leave, except as required by law. Requests for documentation will be limited to: (1) an attestation from a licensed medical provider supporting the need for leave, the amount of leave needed, and the date the employee may return to work; or (2) an attestation from the employee of their eligibility for leave. Likewise, the Company will not require disclosure of confidential information relating to a mental or physical illness, injury or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking.

### **Payment of Sick Leave**

All sick leave is calculated at the employee's regular rate of pay at the time that the leave is used. 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.

Leave will be with continuation of the same benefits that the employee normally earns during work hours.



## **At the End of Employment**

Unused sick leave will not be paid out at the end of employment.

## **Confidentiality**

Any information obtained by the Company will be maintained confidential, except to the extent disclosure is required by law.

## **Family and Medical Leave**

Leave may run concurrent with the federal Family and Medical Leave Act and/or any other leave, where permitted by state or federal 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.

## **PREGNANCY ACCOMMODATION**

The Company provides reasonable accommodations to female employees related to pregnancy, childbirth or related conditions, including but not limited to lactation, to the extent the accommodation can be made without imposing an undue hardship on the business.

When an employee requests a reasonable accommodation, the Company shall explore with the employee the possible means of providing the reasonable accommodation, which may include, but are not limited to:

- Acquisition of equipment for sitting;
- More frequent or longer breaks;
- Periodic rest;
- Modifying work hours/schedules;
- Job restructuring;
- Break time and private non-bathroom space for expressing breast milk;
- Modified work schedules; or
- Time off to recover from childbirth.

The Company may require the employee to provide a certification in connection with a request for reasonable accommodation.

**If leave is provided as a reasonable accommodation, such leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law. For more information, or if you require an accommodation, please contact your supervisor.**

## **PROHIBITION AGAINST DISCRIMINATION BASED ON REPRODUCTIVE HEALTH DECISION-MAKING**

The Company will not discriminate or retaliate against an employee based on an employee's or their dependent's reproductive health decision-making. "Reproductive health decision making" includes, but not is not limited to, the decision to use or access a particular drug, device or medical service. The Company will not:

- Access information regarding reproductive health decision making of an employee or their dependent, without the employee's prior informed affirmative written consent;
- Discriminate or take any retaliatory action against an employee with respect to compensation, terms, conditions or privileges of employment because of or on the basis of an employee's or their dependent's reproductive health decision making; or
- Require an employee to sign a waiver or other document which purports to deny the employee the right to make their own reproductive health care decisions.

Additionally, the Company will not retaliate against an employee for exercising their rights under New York labor law. The Company will not discharge, suspend, demote or otherwise penalize an employee for:

- Making or threatening to make a complaint to the Company, a co-worker, or to a public body that;
- Exercising their rights under this policy and/or applicable law have been violated;
- Causing any proceeding under or related to this policy and applicable law; or
- Providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into such violation of law, rule or regulation by the Company.

If an employee believes that the Company has violated New York Labor Law Section 203-e, the employee may file a lawsuit in any court of competent jurisdiction. An aggrieved employee who prevails in such an action may be awarded damages (including, but not limited to, back pay, benefits and reasonable attorneys' fees), injunctive relief, reinstatement and/or liquidated damages.

If you believe that you have been treated in a manner not in accordance with this policy, please notify the Company immediately by speaking to Human Resources.

## **SHORT-TERM DISABILITY BENEFITS**

Employees are eligible for short-term disability insurance after four consecutive weeks of full-time employment or twenty-five (25) days of regular part-time employment in accordance with state law. Other employees may also be eligible for this insurance, depending on the employee's previous employer. This insurance is designed to provide income for you when you are absent from work for more than seven-calendar days due to non-occupational illness, injury, or pregnancy-related disability.

The benefits are calculated as a percentage of your salary up to a maximum each week, as specified by law, for up to twenty-six (26) weeks.

The cost of this insurance is shared between the Company and the employee.

Provide written notice including a doctor's certificate stating the nature of the disability and your expected date of return to work. Disability insurance information may be obtained from your supervisor.

## **Prenatal Leave**

Effective January 1, 2025, employees will be provided with twenty (20) hours of paid prenatal leave each year. Prenatal leave may be used to attend health care services received by you during your pregnancy or related to your pregnancy, including physical examinations, medical procedures, monitoring and testing discussions with a health care provider related to the pregnancy. Prenatal leave may be used in hourly increments. Unused prenatal leave does not carry over from year to year and will not be paid out upon separation from employment for any reason.

## **VICTIMS OF CRIME LEAVE**

Leave will be provided to any employee who is a victim of a criminal offense or who is subpoenaed as a witness in a criminal proceeding. For purposes of this policy, victims include the aggrieved party, the aggrieved party's next of kin, the victim's representative, good Samaritans, and any person applying for or seeking to enforce an order of protection under the criminal procedure law or the family court act. Eligible employees may take time off from work to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees may use accrued paid time off for this purpose. Employees must notify their supervisor of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide their supervisor with verification of their service upon request.

The Company will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

## **VOLUNTEER EMERGENCY RESPONDERS LEAVE**

During the time that an emergency exists following a declaration of emergency under the law, the Company will grant a "volunteer emergency responder" an unpaid leave of absence while engaged in the actual performance of their duties as a volunteer firefighter or an enrolled member of a volunteer ambulance service unless the Company determines that the employee's absence would impose an undue hardship on Company business.

The Company will only grant leave when it has previously received written documentation from the head of the fire department or volunteer ambulance service documenting the employee's status as a volunteer firefighter or member of a volunteer ambulance service.

Upon request, the employee must provide the Company with a notarized statement from the head of the volunteer fire department or volunteer ambulance service certifying the period of time that the employee responded to any emergency.

## **VOTING LEAVE**

If an employee does not have sufficient time outside of their scheduled working hours, within which to vote during any election, they may take up to two (2) hours of paid leave to vote.

If an employee has four (4) consecutive hours either between the opening of the polls and the beginning of their work shift, or between the end of their shift and the closing of the polls, they are deemed to have sufficient time to vote outside of working hours.

If an employee has less than four (4) consecutive hours, they may take off so much working time

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as will, when added to their voting time outside of their working hours, enable them to vote, but not more than two (2) hours will be paid. Time off will only be given at the beginning or end of the shift, unless otherwise required by the Company.

Employees must notify their supervisor not more than ten (10) days and no less than two (2) days prior to the election of their need for leave. Upon return from leave, the Company may request proof of your having voted, such as a voting sticker.

### **WAGE DISCLOSURE PROTECTION**

The Company does not prohibit an employee from inquiring about, disclosing, comparing or otherwise discussing the employee's wages or the wages of another employee. The Company does not require nondisclosure of an employee's wages as a condition of employment and will not require an employee to sign any contract, waiver or document to the contrary.

Further, the Company will not take an adverse action or retaliate against an employee discussing their wages or for aiding or encouraging any employee in the exercise of their rights. The Company will not prohibit an employee from lodging a complaint or testifying, assisting or participating in an investigation or proceeding related to a violation of this policy.

Nothing in this policy will be construed to permit an employee whose job responsibilities require or allow access to other employees' wage or salary information from disclosing that information, unless the person is under a legal obligation to furnish the information and/or has obtained written consent from the employee whose information is requested or sought. Additionally, nothing in this policy requires the Company or an employee to disclose their wages in response to an inquiry by another employee.

### **WAGE PAYMENT**

Workers must be paid weekly and not later than seven (7) days after the end of the week in which the wages are earned.

***Exempt employees may be provided time off with pay for any of the above-described 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 York (“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.

## Complaint Form for Reporting Harassment

If you believe that you someone has violated our policy against harassment, you are encouraged to complete this form and submit it to your manager, any manager, or the Human Resources Department.

### COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Preferred Communication Method:  Email  Work Phone  Home Phone  In person

### SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### COMPLAINT INFORMATION

1. Your allegation of Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

2. Date(s) the alleged misconduct occurred:

Is the alleged misconduct continuing? Yes No

3. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*The last question is optional, but may help the investigation.*

4. Have you previously complained or provided information (verbal or written) about harassment or related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_