TIME OFF & LEAVE

HERE'S WHERE WE GET DOWN TO THE NITTY GRITTY ABOUT TIME OFF. THERE'S A LOT TO CHEW ON HERE, SO LET'S GET STARTED.

TIME OFF

PAID TIME OFF (PTO)

Please refer to the Paid Time Off (PTO) policy for more information about eligibility, rates and guidelines.

HOLIDAYS

You might be too big to sit on Santa's lap, but nobody outgrows the holidays. ESS recognizes and generally observes all major national holidays. Our offices will be closed on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve. If a holiday falls on a Saturday, we will observe it on Friday. If a holiday falls on Sunday, we will observe it on Monday. Other modifications can be made if holidays fall outside of a weekend.

Field employee-owners qualify for six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Employee-owners must be on active payroll to qualify.

Like regular pay, holiday pay is also determined by the project you are working on. It is our policy and practice to compensate employee-owners for time worked on all major national holidays, and to do so in compliance with all applicable state and federal laws. Part-time team members are ineligible to receive holiday pay, with the exception of interns.

Not to sound like a Scrooge, but as is typical in our industry, there are times when you may be required to work on a holiday due to project requirements. Please coordinate with your direct supervisor to confirm your holiday hours.

You work hard all year long and ESS appreciates your dedication. We encourage you to use holiday time off to recoup and spend time with friends and family.

JURY DUTY OR COURT APPEARANCE

In the event you get an official-looking piece of mail that contains certain words like, oh, I dunno, "jury" and "duty" and "you", well then congratulations! You've won the civic duty lotto.

ESS recognizes the importance and responsibilities associated with serving on a jury or appearing in court. Please advise your supervisor immediately if you receive a jury duty request or will be required to appear in court.

ESS may elect to request the Jury Commissioner to excuse an employee-owner from jury duty if the loss of the employee's services will cause unacceptable job schedule interruptions.

If you are called for jury duty, ESS will compensate employee-owners for up to 8 hours of pay at their base rate. If your jury duty service will require you to be absent more than one day, please coordinate with your supervisor. Pay for additional days of jury duty will be determined on a case-by-case basis, depending on circumstances, and at the discretion of the executive management team.

Employee-owners may be required to present proper documentation of jury duty or court appearance prior to compensation being paid.

TIME OFF FOR VOTING

ESS recognizes that voting is a right and privilege of being a citizen of the United States and encourages employee-owners to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, please contact your supervisor in advance to discuss scheduling accommodations.

PLAN AHEAD

IT'S IMPORTANT THAT VOTING DOES NOT CAUSE DISRUPTION TO OUR WORK. IF VOTING IS IMPORTANT TO YOU, PLEASE MAKE ARRANGEMENTS AS NEEDED INCLUDING REQUESTING AND SUBMITTING ABSENTEE AND MAIL-IN BALLOTS.

SEPARATION FROM EMPLOYMENT

TYPES OF TERMINATION

- **Voluntary:** The resigation of employee-owners with or without notice.
- **Involuntary:** The separation of employee-owners due to interests of the company. ESS will comply with all state and federal regulations regarding final compensation.

TYPE OF TEMPORARY SEPARATION

- **Furlough:** The unpaid temporary separation of employee-owners due to seasonal limitations or other causes that may reduce workload. Employee-owners placed on furlough are considered active and maintain elected benefits. The maximum furlough period is 16 weeks. If you don't plan to return from furlough, you'll need to contact your HR team (HR@emerysapp.com). Otherwise, we'll plan on seeing you when the season starts.

TERMINATIONS AND INSURANCE

If you are on our health, dental and vision insurance, ESS pays a portion of your monthly premium. Upon termination (voluntary or involuntary), insurance and premiums will be handled in the following manner:

You will remain on ESS insurance through the end of the month in which you were terminated. Your share of the insurance premium will be deducted from your final paycheck for the pay period in which your last day occurs. Details about your benefits will be provided upon separation by your HR department.

At the time of separation, for any reason, you are expected to immediately return any and all company-issued property such as vehicles, laptops, iPads, cell phones, etc.

LEAVE

FAMILY & MEDICAL LEAVE

Employee-owners who have more than 12 months of service, who have worked at least 1,250 hours during the previous 12-month period before the date the leave is to begin, and who are employed at a work site where the company maintains 50 or more employees within 75 miles on the payroll (as of the date of the leave request), are eligible under federal (FMLA) family leave laws to take up to a maximum of 12 work-weeks of unpaid family/medical leave within a rolling 12-month period measured backward from the first day of leave.

FAMILY/MEDICAL LEAVE TIME IS PERMITTED FOR:

- the birth of the employee-owner's child.
- placement of a child with the employee-owner for adoption or foster care.
- care for the employee-owner's spouse, child or parent who has a serious health condition.
- care for an adult son or daughter with a disability provided that such adult child(ren) is incapable of self-care due to his or her disability and the parents are needed to care for him/her due to their serious health condition.
- for a serious health condition that makes the employee-owner unable to perform his/her job.

FMLA leave runs concurrently with our Short-Term Disability Policy and any applicable state or local laws.

CLEAR AS MUD?
Please contact the Benefits team as soon as you become aware of the need for family/medical leave at **BENEFITS@EMERYSAPP.COM**

AS YOU MIGHT EXPECT, THIS SORTA THING HAS SOME RULES WE ALL NEED TO PLAY BY. THE FOLLOWING PROCEDURES SHALL APPLY WHEN REQUESTS FOR FAMILY LEAVE ARE MADE:

01 If the event necessitating the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee-owner or a family member, the employee-owner must provide notice of at least 30 days before leave is to begin. The employee-owner must consult with the employer regarding the scheduling of any planned medical treatment or supervision so as to minimize disruption to the operations of the employer. Any such scheduling is subject to the approval of the health care provider of the employee-owner or the health care provider of the employee-owner's child, parent or spouse.

If 30 days' notice is not practicable, notice must be given as soon as possible.

The company will require that the employee-owner provide certification as explained below within 15 days of the employee-owner's request for FMLA leave, unless it is not practicable for the employee-owner to do so. Failure to provide timely certification may result in denial of the requested leave. The company may require recertification from the health care provider if additional leave is required.

Basically: let us know what's up in advance and get your paperwork in order ASAP.

02 If the leave is needed to care for a sick child, spouse, parent, or adult son or daughter with a disability, the employee-owner must provide a certification from the health care provider which states:

A Date of commencement of the serious health condition;

B Probable duration of the condition;

C Estimated amount of time the health care provider will provide care;

D Care of the patient must be medically necessary.

03 In cases where both parents are employed by the company and the leave requested is for the birth, adoption or foster care of a child, the company will not grant more than 12 work weeks total of family/medical leave.

04 If the leave is needed for the employee-owner's own serious health condition, the employee-owner must provide a certification from the health care provider which states:

A Date of commencement of the serious health condition;

B Probable duration of the condition;

C A statement that the employee-owner is unable to work at all or is unable to perform any one or more of the essential functions of his/her position because of the employee-owner's serious health condition.

YOUR BENEFITS TEAM WILL PROVIDE YOU WITH A SPECIFIC FORM SO WE CAN CERTIFY THE MEDICAL NEED YOU OR A QUALIFIED FAMILY MEMBER MAY HAVE.

05 Eligible employee-owners with a spouse, son, daughter, or parent on active duty or call to active day status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

WOO-BOY, THAT WAS A LOT OF INFO. STILL WITH US? THERE'S JUST A LITTLE MORE FINE PRINT TO SQUINT THROUGH.

FMLA also includes a special leave entitlement that permits eligible employee-owners up to 26 weeks of leave to care for a covered service member during a 12-month period. A covered service is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability list retired list. This is being called the "caregiver" provision.

YOU CAN DO IT!

If the FMLA request is because of the employee-owner's own serious health condition, the company may require, at its expense, a second opinion from a health care provider designated by the employer. The health care provider designated to provide a second opinion will not be one who is employed on a regular basis by the company.

If the second opinion differs from the first opinion, the company may require, at its expense, that the employee-owner obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee-owner.

The opinion of the third health care provider shall be considered final and binding on the company and the employee-owner.

Before being allowed to return to work after being on leave, the company will require certification by the employee-owner's health care provider that the employee-owner is fit to return to his/her job.

Failure by the employee-owner to provide certification by the health care provider of the employee-owner's fitness to return to work will result in the employee-owner being denied reinstatement until such time as the certificate is obtained.

KEEP READING.

YOU GOT THIS!

An employee-owner taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 work weeks) at the level and under the conditions of coverage as if the employee-owner had continued in employment for the duration of such leave. The Company will continue to make the same premium contributions as if the employee-owner had continued working. The continued participation in health benefits begins on the date leave first begins under the FMLA. In some instances, the Company may recover premiums paid to maintain health coverage for a employee-owner who fails to return to work following family/medical leave.

I'M PROUD OF YOU.

Payment is due on the same schedule as payments that are made under COBRA.

JUST A FEW MORE THINGS TO GO OVER BUT THEY ARE VERY IMPORTANT. TAKE A YOUTUBE BREAK IF YOU NEED IT, BUT COME RIGHT BACK.

06 Under most circumstances, an EO who has more than 40 hours of PTO available is required to use all PTO over 40 for unpaid leave as part of the FMLA leave. Bummer, but like we said, there are rules.

07 Under most circumstances, upon return from family/medical leave, an employee-owner will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

However, an employee-owner has no greater right to reinstatement than if the employee-owner had been continuously employed rather than on leave. For example, if a employee-owner on family/medical leave would have been laid off had she/he not gone on leave, or if the employee-owner's job has been eliminated during the leave and there is no equivalent or comparable job available, then the employee-owner would not be entitled to reinstatement. In addition, an employee-owner's use of family/medical leave will not result in the loss of any employment benefit that the employee-owner earned or was entitled to before using family/medical leave.

08 Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-work week entitlement in a 12-month period. The 12- month period is measured backward from the date an employee-owner's first FMLA leave begins. Each time an employee-owner takes leave, the amount of leave taken under FMLA in the last 12 months will be subtracted from the 12 weeks available, and the balance remaining is the amount available for the new request.

09 Employee-owners may take FMLA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee-owner's child, parent or spouse or of the employee-owner and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave will be dependent upon the employee owner's current job assignment.

10 Reinstatement after family/medical leave may be denied to certain salaried "key" employee-owners:

A Who are among the highest paid 10 percent of salaried employee-owners who are employed at the time of leave request; and

B When the refusal to reinstate is necessary because the employee-owner's reinstatement will cause substantial and grievous economic injury to the company's operations; and

C When the employee-owner is notified of the company's intent to refuse reinstatement at the time the company determines the refusal is necessary; and

D In any case in which leave has already begun, the company will give the employee-owner a reasonable opportunity to return to work following the notice described above.

In the almost-guaranteed likelihood you'll need more clarification or additional information about eligibility for family/medical leave, please contact the Benefits team at **BENEFITS@EMERYSAPP.COM**

MATERNITY & PATERNITY LEAVE

ESS is proud to put our people and families first. One of the ways we do this is to provide new mothers with an enhanced maternity leave to help provide additional flexibility and time to adjust. Up to 12 consecutive weeks of company paid maternity leave are available for EOs, immediately following the birth of the child. In the case of adoption, the leave is available immediately following placement of the child.

Additionally, we provide one week (5 days) of company paid paternity leave for non-birthing EOs, as indicated by the child's birth certificate/adoption paperwork. The paternity leave begins immediately following the birth.

ELIGIBILITY
All active, full-time employee-owners working an average of 30 or more hours a week who have been employed for at least 6 months or 1,000 hours are eligible. Part-time, intern and temporary positions are not eligible.

GUIDELINES

- Employee-owners may take maternity/paternity leave following the birth or adoption of their child. Documentation may be requested for paternity leave. Documentation of placement may be requested for an adoption.
- Requests for maternity or paternity leave should be made with Human Resources 60-days in advance.
- Maternity and paternity leave will run concurrently with the Family and Medical leave Act (FMLA), any state or local laws that may be in place and/or any approved Short-Term Disability.
- Employee-owners are not required to take PTO concurrently with paid maternity leave.
- Employee-owners are required to coordinate their return to work through Human Resources, who will coordinate with the EO's direct management team.

BEREAVEMENT LEAVE

While we hope none of our employee-owners need it, we know there will be a time when you may lose an immediate family member and need some time to attend to services, grieve and handle estate issues. To help you through that time, ESS provides you with paid bereavement days.

ELIGIBILITY
All active, full-time employee-owners working an average of 30 or more hours a week are eligible. Part-time, intern and temporary positions are not eligible.

TIME AVAILABLE
Eligible employee-owners may take up to three consecutive paid days off (1 day = 8 hours) in the event of the death of the following immediate family members:

- Employee's spouse
- Child
- Stepchild
- Parent
- Stepparent
- Father-in-Law
- Mother-in-Law
- Son-in-Law
- Daughter-in-Law
- Brother
- Sister
- Stepbrother
- Stepsister
- Grandparent
- Grandchild

GUIDELINES

- Eligible EOs must have successfully completed thirty (30) days of service with the company before using Bereavement Leave and be actively working at the time of the leave.
- EOs who wish to take time off due to the death of an immediate family member should notify their supervisor as soon as possible. Supervisors will contact Human Resources for assistance.
- Bereavement leave must be taken in consecutive days and one day of the leave period should be the day of the services.
- In addition to bereavement leave, an EO may request additional PTO time and/or if eligible, an unpaid personal leave of absence (LOA) following all guidelines associated with those policies. Requests for additional time outside of PTO or a personal LOA will be considered on a case-by-case basis and at the discretion of branch management.
- Pay for bereavement days is not included in overtime calculations and will be calculated based on the employee-owner's regular rate of pay.
- ESS may request additional documentation associated with the services as appropriate.

MILITARY LEAVE

In the event you find yourself trading your hard hat for a camo helmet, here's what you need to know.

ESS supports the military obligations of all employee-owners, providing an unpaid military leave of absence to any employee-owner who enters into military service in accordance with applicable federal and state laws. If you are a member of the uniformed services, including the National Guard or organized Reserves of the U.S. Army, Navy or Air Force, and you are ordered to active duty, contact Benefits at BENEFITS@emerysapp.com and your supervisor.

Whenever possible, you should make the necessary arrangements with HR and your supervisor well in advance of your leave by completing an Employee-Owner Military Leave Notice, available from HR. If you are unable to provide notice before leaving for uniformed service, a family member should notify the company as soon as possible.

Upon return from military leave, appropriate documentation for leaves longer than 31 days may be requested. ESS will strive to reinstate the employee-owner as provided for in applicable federal and state laws, granting the same seniority, pay, and benefits as if they had worked continuously. Should the employee-owner's position have been placed on layoff or eliminated, ESS will follow normal business processes to determine reinstatement opportunities. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination. All employee-owners who enter military service may accumulate a total absence of 5 years and still retain employment rights.

For more information regarding Military Leave, contact the Benefits team at **BENEFITS@EMERYSAPP.COM**

It goes without saying, but to all our veteran or active-duty employee-owners, we greatly appreciate your service and sacrifice.

LEAVE OF ABSENCE

ESS recognizes that there are times when our employee-owners may have personal situations where they need to be absent from work for an extended period of time. In those times, we offer two unpaid leave of absence options: a personal leave or an extended medical leave.

PERSONAL LEAVE OF ABSENCE

An unpaid personal leave of absence may be available for times when you have a personal or family medical issue that does not qualify for FMLA, a family emergency such as a house fire or accident, or similar situations. In these cases, you may request an extended personal leave for a minimum of 5 consecutive days, up to a maximum of 30 days. Should your circumstances extend beyond the initial approved time, a one-time extension of up to an additional 30 days may be requested from your branch management team and Human Resources.

EXTENDED MEDICAL LEAVE OF ABSENCE

An extended medical leave of absence may be available should you qualify for and exhaust FMLA due to your own personal injury or illness. In those circumstances, you may request an additional 30 days of unpaid extended medical leave from Human Resources. This extension must include updated information from your medical team, including a projection for your return-to-work. If, at the end of the initial 30-day extended medical leave you are still unable to return-to-work, you may request one additional extension of time.

ELIGIBILITY
All active, full-time employee-owners working an average of 30 or more hours a week are eligible. Part-time, intern and temporary positions are not eligible.

GUIDELINES

- Eligible EOs must have successfully completed thirty (30) days of service with the company before requesting a leave of absence.
- EOs who wish to apply for either a Personal Leave or Extended Medical Leave should request the leave from Human Resources, who will coordinate with the EO's direct management team. All leave requests will need to include the reason for the leave and the length of time being requested.
- An unpaid leave of absence may only be requested after all other leave (PTO, FMLA, etc.) has been exhausted.
- Job performance, absenteeism and departmental/job requirements will all be taken into consideration before any initial or extension request is approved.
- EOs are required to coordinate their return to work through Human Resources, who will coordinate with the EO's direct management team and safety as needed.