

## **MASSACHUSETTS SUPPLEMENT TO EMPLOYEE HANDBOOK**

This is a supplement to the Zippo Employee Handbook (“Handbook”), specifically covering policies regarding Massachusetts state and local employment provisions. In addition to the Handbook, the following policies apply only to employees of Zippo (the “Company”) in Massachusetts.

Where not modified herein, the policies and procedures in the Handbook continue to apply to all employees, including the at-will employment policy. To the extent policies in the Handbook conflict with this supplement, the policy or provision that is more generous to the employee will govern, but in no event shall this result in duplicate or greater benefits than those provided under either the Handbook or state law.

### **Massachusetts Reporting Pay**

A non-exempt employee who is scheduled to work three or more hours who reports for work but is sent home before performing at least three hours of work will be paid the minimum wage for the portion of the shift, up to three hours, that was scheduled but not worked.

### **Massachusetts Rest Breaks and Meal Periods**

#### Meal Periods:

All employees who work six or more hours on a given workday are provided a 30-minute meal period. Meal periods will be scheduled to accommodate operating requirements. Employees will be relieved of all job responsibilities and restrictions during meal periods and non-exempt employees will not be compensated for that time.

### **Massachusetts Personnel Files and Disciplinary Records**

Massachusetts employees may inspect and make copies of their personnel file, excluding references, up to two times per year during regular business hours, within 5 business days of the Company receiving a written request from the employee. Employees may view the file in the presence of a Company representative and may be required to pay the reasonable cost of duplication, should the employee want a copy.

Additionally, the Company will notify an employee within ten days of placing in an employee’s personnel file any information that has been used or may be used to negatively affect the employee’s qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

### **Massachusetts Supplement to Drug and Alcohol Policy**

The Company will reasonably accommodate medical marijuana usage by employees where required by law, unless it would result in an undue hardship to the Company. Employees requiring such accommodations should contact Human Resources. However, all employees, including certified patients, are prohibited from performing employment duties while impaired by a controlled substance, including medical marijuana.

Only employees in safety-sensitive positions will be subjected to random testing.

## **Massachusetts Vacation**

Accrued, unused vacation will be paid out upon termination of employment.

## **Massachusetts Expense Reimbursement**

Employees who work in Massachusetts will be reimbursed for all transportation expenses in the following circumstances:

- If the employee regularly works at a fixed location but is required to report to a different location, the employee will be reimbursed for all transportation expenses incurred in connection with travel to that different location.
- If the employee is required or directed to travel from one place to another after the beginning of or before the close of the work day, the employee will be reimburse for all associated transportation expenses.

Commuting mileage is not reimbursable and should not be reported. Commuting mileage includes the commuting distance from the employee's home to the first location where he or she performs work, and the distance from the last location that the employee performs work to their home. If an employee commutes to or from a location from which he or she does not typically work, and the commuting distance to that location is more than the employee's usual commuting distance, the additional mileage may be compensable.

Employees are required to accurately track and report their reimbursable mileage. Mileage is reimbursed at the applicable IRS rate. Mileage reimbursements are paid in accordance with the Company's payroll and expense reimbursement policies and procedures. For additional information regarding mileage reporting and reimbursement, contact Noney Yeager, [nyeager@zippo.com](mailto:nyeager@zippo.com).

## **Massachusetts Sick Leave**

Eligible employees whose primary place of work is Massachusetts may accrue paid sick leave ("PSL") in accordance with the law. Eligible employees accrue one hour of PSL for every 30 hours worked, up to a maximum of 40 hours per calendar year. Up to 40 hours of accrued, unused PSL will carry over to the next year. Employees may use up to 40 hours of PSL per year. PSL begins accruing upon hire and is available for use after 90 days of service with the Company.

Exempt employees are deemed to work 40 hours per week for purposes of this policy, unless their regular working hours are less than 40 hours per week, in which case PSL will accrue based on those regular working hours.

PSL may be used in one- hour increments and may be used to care for a physical or mental illness, injury, or medical condition, or attend routine medical appointments of the employee or the employee's family member, or to address the psychological, physical or legal effects of domestic violence. Family member includes child, spouse, parent and parent of a spouse.

If the need for PSL is foreseeable, the employee shall provide reasonable advance notification. If the need for PSL is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. The Company reserves the right to require documentation of the appropriate use of paid sick leave to the extent permitted by law. The Company will not discriminate or retaliate against an employee for requesting or using PSL in accordance with this policy. Accrued, unused PSL will not be paid out upon termination of employment.

PSL will run concurrently with any other available paid time off, such as vacation, sick days and/or personal time.

### **Massachusetts Pregnancy Accommodation**

The Company will not discriminate against an employee for pregnancy or a related condition, including the employee's need to express breast milk. The Company will reasonably accommodate an employee's condition related to pregnancy, childbirth or related medical conditions, including the need to express breast milk, unless doing so would impose an undue hardship on the Company. Employees needing such an accommodation must notify Human Resources.

### **Massachusetts Parental Leave**

Regular full-time employees who have been an employee for at least three consecutive months are eligible for up to 8 weeks of unpaid leave for the birth of the employee's child, adopting a child under the age of 18, or adopting a child under the age of 23 if the child is mentally or physically disabled. The employee must give at least 2 weeks written notice of the anticipated departure date and return date to Human Resources.

This leave may run concurrently with any other leave to the extent permitted by state and federal law. During this leave, employees will receive group health plan coverage on the same terms and conditions as if they had continued to work. An employee may elect to use any available paid time off during this leave period.

### **Massachusetts Jury Duty Leave**

The Company encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees will receive up to 3 days of paid jury duty leave. If employees are required to serve jury duty beyond the period of paid jury duty leave, they may elect to use any available paid time off or may request an unpaid jury duty leave of absence. Employees must show the jury duty summons to their supervisor as soon as possible so that the Company may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. Either the Company or the employee may request an excuse from jury duty if, in the Company's judgment, the employee's absence would create serious operational difficulties.

### **Massachusetts Voting Leave**

The Company encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their

nonworking hours, the Company will, upon request, grant a reasonable amount of unpaid time off to vote so that an employee will have not less than 2 hours, when combined with nonworking time, within which to vote immediately after the polls open.

Employees should request time off to vote from their supervisor soon as the need for time off is known so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. The Company reserves the right to request a voter's receipt upon return from leave.

### **Massachusetts Crime Victim Leave**

Employees may take unpaid leave from work to attend a judicial proceeding in response to a subpoena or other court order or process, serve as a witness or attend court as a prospective witness relating to a crime of which they were a victim. Employees needing such leave should notify their supervisor as soon as they are aware of the need for leave.

### **Massachusetts Domestic Violence Leave**

Employees are entitled to up to 15 days of unpaid leave in any 12 month period if (i) the employee or a family member of the employee is a victim of abusive behavior; (ii) the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and (iii) the employee is not the perpetrator of the abusive behavior against the employee's family member.

Employees should notify Human Resources of the need for leave as far in advance as is practicable, unless the employee or the family member of the employee face imminent danger, in which case the employee must provide notice within three workdays that the leave was/is being taken under the law.

The Company reserves the right to require the employee to provide documentation that the employee or family member has been a victim of abusive behavior and that the leave taken was for an allowed purpose.

### **Massachusetts Small Necessities Leave**

Eligible Massachusetts employees can take a total of 24 hours of unpaid leave during any 12-month period to:

- Participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school
- Accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- Accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Employees are eligible for small necessities leave if they have been employed for 12 months and worked at least 1,250 hours in the previous 12-month period, and work at a worksite located within 75 miles of 50 or more Company employees.

If the necessity for leave under this section is foreseeable, the employee shall provide their supervisor with not less than 7 days' notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

### **Massachusetts Supplement to Harassment**

If you are subjected to any conduct that you believe violates this policy or witness any such conduct, you must promptly report the conduct, either orally or in writing. You may speak to, write, or contact the following resources at the Company: Zippo Manufacturing Company, 33 Barbour Street, Bradford, PA 16701. You may contact Bunny Comilla, Associate Vice President Human Resources - 814-368-2983. In addition, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days). If you wish to file a formal complaint, you may contact:

- The United States Equal Opportunity Commission (EEOC) at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (t) 1-800-669-4000.
- The Massachusetts Commission Against Discrimination (MCAD) at: 1 Ashburton Place, Suite 601, Boston, MA 02108; [mcad@mass.gov](mailto:mcad@mass.gov); (617) 994-6000.

### **Massachusetts Paid Family and Medical Leave**

Paid Family and Medical Leave ("PFML") is a Massachusetts program that gives eligible employees the opportunity to receive a paid leave benefit while on leave to recover from an illness or injury, bond with a new child, for certain military connected events, or to take care of a sick or injured family member.

Employees may be entitled to up to:

- 12 weeks of PFML in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces or to care for a family member with a serious health condition;
- 20 weeks of PFML in a benefit year if they have a serious health condition that incapacitates them from work
- 26 weeks of PFML in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.

- 26 total weeks, in the aggregate, of PFML in a single benefit year.

An employee's weekly benefit amount will be based on their earnings, with a maximum benefit of \$850 per week. Employees may use vacation, sick days, or personal days during the PFML waiting period but may not use such paid time off during any period where they are also receiving PFML benefits. Employees may use any Company-provided paid family and/or medical leave (including parental leave) and/or short-term disability benefits during the PFML waiting period, as well as to supplement PFML benefits such that the employee will receive full pay during the PFML leave period.

Employees returning from PFML will generally be restored to their previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave.

While on PFML, your health insurance benefits, if any, will continue at the level and under the conditions coverage would have been provided if you had continued working continuously for the duration of such leave.

The Company will not discriminate or retaliate against an employee for exercising their rights under the law. An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court.

*How to File a Claim for PFML:*

Employees must file claims for paid family and medical leave benefits with the MA DFML (contact information below) using the Department's forms. Forms and claim instructions will be available on the [Department's website](#) before January 2021.

Employees are required to provide at least 30 days' notice to the Company of the anticipated starting date of any leave, the anticipated length of the leave and the expected date of return. An employee who is unable to provide 30 days' notice due to circumstances beyond his or her control is required to provide notice as soon as practicable.

*Department of Family and Medical Leave (DFML) Contact Information:*

Massachusetts Department of Family and Medical Leave  
Charles F. Hurley Building  
19 Staniford Street, 1<sup>st</sup> Floor  
Boston, MA 02114  
(617) 626-6565  
[www.mass.gov/DFML](http://www.mass.gov/DFML)