



FMLA Leave Expansion and Emergency Paid Sick Leave Policy

Effective: April 1, 2020

Policy Disclosure: This policy is intended to fully comply with the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief and Economic Security Act (CARES). The information contained within this policy is deemed to be compliant, factual, and accurate as of the date stated in the header of this document. However, due to the continuously evolving guidance and interpretation of the Department of Labor (DOL) and Internal Revenue Service (IRS), this policy is subject to change immediate change. DeLong's, Inc. (hereafter referred to as, "the Company"), will put forth every effort to provide updated policies and information as soon as logistically feasible. However, change in requirements or guidance from these governing agencies will take effect as soon as the Company is made aware, with or without prior notice to employees.

Purpose and Scope

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. Our existing FMLA leave policy still applies to all other reasons for leave outside of those specified in this policy.

Expanded FMLA Leave

Eligibility

All employees who have been employed by the Company, for a minimum of 30 calendar days are eligible for this leave under this expanded FMLA entitlement.

Reason for Leave

There is only one qualifying reason for leave covered by this expansion of FMLA. Eligible employees who are unable to work (or telework) due to a need to care for their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19 are eligible for this leave.

"Child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is-

- Under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Childcare provider" means a provider who receives compensation for providing childcare services on a regular basis, including:

- A center-based childcare provider
- A group home childcare provider
- A family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- Other licensed provider of childcare services for compensation
- A childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

"School" means an elementary or secondary school.

Duration of Leave

Eligible employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for another 6 weeks of FMLA leave under this policy for this specified reason.

Intermittent and Partial-Shift Use of Expanded FMLA

This section updated as of April 3, 2020

Expanded FMLA is only available for intermittent use in the following situations:

- The employee has been approved for and is able to perform a significant amount of their duties via telework and has submitted a schedule for ongoing intermittent leave to HR. The schedule must be approved by the employee's supervisor, applicable manager, and HR, or
- The employee has submitted a schedule for ongoing intermittent leave to HR and the schedule has been approved by the employee's supervisor, the Production Manager, and HR.
- Employees will be entitled to utilize this leave for up to two (2) qualifying leave incidents that are not of a periodic or schedulable nature. Additional unscheduled leave will not be entitled to intermittent use under this policy.
 - Leave in these situations must be taken in full or half-shift increments: four (4) hours for First Shift and five (5) hours for Second Shift.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued PTO during that time but are not required to do so. Employees may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 10 days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be

scheduled to work. Pay will not exceed \$200 per day (a maximum of \$25.00/hour), and \$10,000 in total. Unused portions of this expanded leave will not carry forward into the next year.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

While employees are on leave, the Company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the Company will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment directly to the Accounting Department. Employees will need to contact Donna Register (573-635-6121 x 1288 or donnar@delongsinc.com) to establish and submit these payments due.

The Company will continue making payroll deductions while the employee is on paid leave for ancillary benefit coverage, including Dental, Vision, Voluntary Life, Short Term Disability, Accident, and Critical Illness insurance. During any portion of unpaid leave, employees may request continuation of such benefits and pay the applicable premium(s), or the Company may elect to maintain such benefits during the leave and pay the employees' share of the premium payments. If employees do not continue these payments, the Company may discontinue coverage during the leave. If the Company maintains coverage, the Company may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Procedure for Requesting Leave

All employees requesting FMLA leave must provide written notice, where possible, of the need for leave to HR as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Written notice may be submitted to HR via the request form on the COVID-19 employee page on the DeLong's, Inc. website, email (careers@delongsinc.com), text to the All Employees contact in the Remind notification platform, fax (573-564-4715), or mail (PO Box 479, Jefferson City, MO 65102). Physical paper notice may be left in the HR office, but this is discouraged due to our attempt to limit unnecessary contact and contamination between staff members.

The notice the employee provides should include:

- The employee's name.
- The employee's clock number.
- The employee's department.
- A brief statement as to the reason for leave, and
- If possible, the expected duration. If the return date is currently unknown, the employee must still follow daily call-in procedures as established in the Company's Attendance and Time Policy.

Failure to do so will result in a no-call/no-show incident and a 0.5 attendance point, regardless of the protected status of the leave.

Within five business days after the employee has provided this notice, HR will complete and provide the employee with any Department of Labor (DOL) required notices.

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The Company may choose to exempt certain key/highly compensated employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Emergency Paid Sick Leave

Eligibility and Reasons for Leave

All full and part-time employees unable to work (or telework) are entitled to leave under this provision due to one of following reasons for leave:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

“Child” means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is

- Under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave

All eligible full-time employees will have up to a total of 80 hours of paid sick leave available to use only for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked,

on average, over a two-week period. For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above.

Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater.

Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day (\$25.00/hour) and \$2,000 in total for leave taken for reasons 4-6 above.

Intermittent and Partial-Shift Use of Sick Leave

Emergency paid sick leave must be used in full-shift increments and is not available for intermittent use, except in the following situations:

- The employee has been approved for and is able to perform a significant amount of their duties via telework.
- The employee is taking leave for Reason Number 5 above, with the following criteria:
 - Leave may not be taken in less than half-shift increments: four (4) hours for First Shift and five (5) hours for Second Shift.
 - The requested intermittent schedule has been submitted to and agreed to by the Company.

This section updated as of April 3, 2020

Employees who return to work at the conclusion of their qualifying absence will be entitled to utilize any remaining emergency sick leave for another qualifying absence occurring prior to December 31, 2020.

Employees who return to work after exhausting their 80-hour emergency sick leave entitlement will not be entitled to any additional emergency sick leave hours, even if they experience another qualifying event.

Interaction with other Paid Leave

Employees may use emergency paid sick leave under this policy before using any accrued PTO for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify HR of the need **and specific reason** for leave under this policy. Depending on the reason for the leave, additional supporting documentation may be required. A form will be made available to all employees on the COVID-19 employee page on the DeLong's, Inc. website and internal shared network drives. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and HR will determine reasonable procedures for the employee to report periodically on the employee's status, intent to continue to receive paid sick time, and required supporting documentation. It will be the employee's responsibility to fulfill these requirements.

If emergency paid sick leave is not scheduled in advance, the employee must still follow call-in procedures as established in the Company's Attendance and Time Policy. Failure to do so will result in a no-call/no-show incident and a 0.5 attendance point, regardless of the protected status of the leave.

Required Supporting Documentation

The employee will be responsible for furnishing the appropriate supporting documentation regarding their utilization of emergency paid sick leave. At a minimum, the following documentation will be required:

Reason Number	Documentation Required
1	A copy of the applicable Federal, State, or local quarantine or isolation order.
2	Documentation from the healthcare provider who advised self-quarantine, including the provider's name.
3	Proof of seeing diagnosis.
4	Caring for someone subject to Reason 1: Copy of applicable order.
	Caring for someone subject to Reason 2: Documentation from healthcare provider, including provider's name.
5	Copy of notice from school/childcare provider stating closure/unavailability.
6	Copy of declination stating specification.

It is requested that all supporting documentation be submitted electronically so as to limit unnecessary contact and contamination between staff members.

Carryover

Paid emergency sick leave under this policy will expire on December 31, 2020. Any unused paid sick leave will not carry forward into the next year or be paid out to employees.

Job Protections

No employees who appropriately utilize emergency paid sick leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to this leave.

Employees who falsify documentation related to utilization of this leave or are otherwise dishonest with the Company regarding this leave may be subject to progressive discipline. It is important to note that no employee is entitled to all steps of progressive discipline in order. Steps may be combined or skipped depending on the severity of the situation.

Questions Regarding Leave

All questions regarding this policy and leave time should be directed to HR. Due to Company policies regarding social distancing, we request questions be asked via the phone or electronic communication whenever possible. HR may easily be reached via:

- Phone: 573-635-6121 x 1264 (please leave a message if not answered)
- Email: careers@delongsinc.com
- Text: All Employees contact via the Remind messaging platform

Changes to the Policy

The Company will make every effort to provide timely notice to employees should this policy change as a result of continued clarification and guidance from the DOL and IRS. However, changes as required or suggested by these governing agencies will take effect as soon as the Company is made aware of such information, regardless of prior notice of the change to employees.