

MASSACHUSETTS HANDBOOK ADDENDUM

(Effective February 2022)

The Custom Group of Companies, Custom Healthcare Solutions, and all affiliated entities (collectively, the “Company” or “Custom”) is committed to full compliance with all federal, state and local laws governing its employees. Therefore, this addendum sets forth certain modifications and additions to the Employee Handbook, but does not constitute a comprehensive list of all additional rights and protections afforded to Massachusetts employees. These policies apply only to the employees who work in Massachusetts. Custom reserves the right to change, modify or discontinue any of these plans, policies, procedures or benefits at any time without prior notice. To the extent there is any inconsistency between the policies in this addendum and the policies in the Handbook itself, the policies in this addendum will govern. If any provision in this addendum conflicts with any applicable law or regulation, this addendum shall be deemed modified to the extent necessary to comply with such law or regulation.

MEAL BREAKS

When an employee works a shift of at least six hours, the employee is entitled to at least a 30-minute meal break. Meal breaks are unpaid and do not count as hours worked, unless the employee voluntarily agreed to waive the meal break by either (i) working through the break, or remaining at the workplace at the client’s request during the break time. An employee cannot waive a meal break unless approved by the employee’s counselor or supervisor. Exempt employees may be provided break time with pay when necessary to comply with applicable state and federal wage and hour laws.

PAID SICK LEAVE

You are eligible to accrue paid sick leave (leave utilized for both “sick” and “safe” time purposes) consistent with this policy and in accordance with the Massachusetts Earned Sick Time Law. To the extent permitted by law, paid sick leave under this policy will run concurrently with other leave covered and taken under federal, state or local law.

You accrue sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per calendar year (i.e., January 1st through December 31st). Paid sick leave accrues in whole hour increments and not in fractions of an hour. Exempt employees accrue sick leave based on a 40-hour workweek, unless their regular schedule is less than 40 hours per week. Paid sick leave begins to accrue upon your first day of active employment with Custom, but you may not use accrued sick leave until 90 calendar days after your first day of active employment with Custom. Accrued sick leave must be used in minimum increments of one hour, except, for increments beyond one hour, employees may use earned sick time in the smallest increment that Custom’s payroll system uses to account for absences or use of other time. You may carry over from one calendar year to the next up to 40 hours of accrued unused sick leave, but may not use more than 40 hours of sick leave per calendar year.

You may use paid sick leave to take leave from scheduled work within Massachusetts when:

- You have a mental or physical illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care.
- You must care for a family member who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care.

- You must attend to your own or a family member's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse.
- You must address psychological, physical, or legal effects of domestic violence.

The following are considered to be family members within the meaning of this policy: child (including biological, adopted, foster, stepchild, legal ward, or child of an employee standing *in loco parentis*; spouse (as defined by Massachusetts law); parent (including biological, adoptive, foster or step-parent, or person who stood *in loco parentis* of the employee); or parent of a spouse.

If the need to take sick leave is foreseeable please let us know as soon as possible, but at least 7 days in advance, so that we can arrange coverage. If the need to take sick leave is unforeseeable, please let us know ASAP by emailing Christina Tabacchi and copying Pat Rohe and Diane McGaw. Again, the sooner you can let us know the sooner we can arrange coverage and follow-up on current positions.

If you use more than 3 consecutive workdays as sick leave or more than 24 consecutively scheduled work hours as sick leave (or as otherwise permitted by law), Custom may request written documentation verifying the need for the amount of sick time that was taken and that the sick time was used for an authorized purpose under this policy (e.g., a note from a health care provider or documentation relating to the need for leave due to domestic violence). Such documentation need not and should not explain the nature of the illness, injury or condition or the details of the domestic violence, or any other confidential information, and you need not provide such information. Any information disclosed to Custom as a condition of receiving sick leave will be treated as confidential to the extent required by applicable law. If requested, employees will generally have 7 days to provide the documentation. The cost of obtaining such documentation is generally the responsibility of the employee. Additionally, employees may be asked to confirm in writing that the time off pursuant to this policy was used for purposes authorized under this policy. Additionally, you may be asked to confirm in writing that the time off pursuant to this policy was used for purposes authorized under this policy, as permitted under applicable law.

Sick leave under this policy will be paid at your regular base rate of pay at the time of absence and will not be considered time worked for the purposes of overtime compensation. Accrued but unused sick leave will be forfeited and not paid out upon termination of employment for any reason. For the purposes of this policy, any gap in active employment of more than 12 months shall be considered a termination of employment.

Following a break in service of up to 4 months, employees will maintain the right to use any unused earned sick time accrued before the break in service. Following a break in service of between 4 and 12 months, employees will maintain the right to use earned sick time accrued before the break in service if the employee's unused bank of earned sick time equals or exceeds 10 hours. Following a break in service of more than 12 months, employees' sick leave bank will reset at zero, but employees will not be subject to the 90-day waiting period and can use sick leave as it is accrued.

Custom reserves the right to take disciplinary action, up to and including immediate termination, against an employee who engages in fraud, abuse, or misuse of sick leave, including a pattern of taking leave just before or after a weekend, holiday, or vacation, unless the employee provides verification of authorized use.

If you have any questions or need additional information, please contact Diane McGaw or Pat Rohe (212.818.0300).

MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE ACT

Paid Family and Medical Leave (PFML) law benefits are generally available to employees working in Massachusetts who meet the financial eligibility requirements of the MA unemployment insurance law, which can be found [here](#).

Eligible employees may take up to 12 weeks of paid family leave per rolling 52-consecutive week period (“benefit year”) for the following reasons:

- To care for a newly born, adopted or fostered child (during the first 12 months following the birth, adoption, or fostering of such child).
- To care for a family member with a serious health condition.
- A qualifying exigency of a family member who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

Eligible employees may take (i) up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member and who has a serious injury or illness related to active duty service, and (ii) up to 20 weeks of medical leave in a benefit year to care for the employee’s own serious health condition, which renders the employee unable to perform any of the essential functions of the position. Notably, however, PFML is limited to a combined maximum of 26 weeks per benefit year.

PFML taken under this policy runs concurrently with FMLA leave, leave taken under the Massachusetts Parental Leave Act, and any other leave to which the employee may be entitled, to the extent permitted by law.

While on PFML, you are eligible for 80% of your average weekly wage that is equal to or less than 50% of the state average weekly wage, and 50% of your weekly wage that is more than 50% of the state weekly wage, up to a maximum weekly benefit of \$850 (or such other maximum as may be set under the PFML law).

Your weekly benefit amount will be reduced by the amount of wages or wage replacement that you receive under any:

- government program or law other than for permanent temporary or permanent disability other than for a permanent partial disability under Workers’ Compensation that was incurred before the PFML claim; and
- permanent disability policies or programs of the employer.

You may use temporary disability benefits and available sick leave (if any) to supplement your paid family leave benefits up to your full salary. Supplementation with available sick leave does not extend the length of the paid leave period, and in no case can the use of such paid time off result in your receipt of more than 100% of your base compensation.

If your need for PFML is foreseeable, you must give Custom at least 30 days’ advance written notice. If this is not possible or the need for leave is not foreseeable, you must give notice as soon as practicable (within one to two business days of learning of your need for leave). Failure to provide this notice may result in a delay of PFML.

Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with Custom first regarding the dates of this treatment to work out a schedule that best suits the needs of the employee or the covered military member, if applicable, and Custom.

PFML request forms are available from your counselor or payroll. Applications for PFML benefits must be supported by a certification that the leave is for a qualifying reason under the law.

While you are on PFML, Custom will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working. Upon returning from approved PFML, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law.

Custom reserves all of its rights under the PFML (as well as the federal FMLA as such rights may apply), which (notwithstanding anything to the contrary) will at all times govern.

MASSACHUSETTS PARENTAL LEAVE ACT

In accordance with the Massachusetts Parental Leave Act, employees who have been employed by Custom for at least 3 consecutive months in full-time employment may take up to 8 weeks of unpaid parental leave (i) for the birth of a child, or (ii) the placement of a child with the employee who is adopting or intending to adopt the child, if the child is under age 18 or, if the child is mentally or physically disabled, under age 23. If both parents work for Custom, they are only entitled to an aggregate leave time of 8 weeks.

Parental leave runs concurrently with PFML, FMLA, and any other leave to which the employee may be eligible, to the extent permitted by law.

Employees who plan to take parental leave must provide Custom with at least 2 weeks' advance written notice of their anticipated leave start date and intention to return date. If, for reasons beyond the employee's control, the employee is unable to provide the requisite 2 weeks' notice, the employee must provide notice as soon as practicable.

Upon return from leave, employees will be restored to the their previous or a similar position with the same status, pay, length of service credit, and seniority, except where the employee is laid off due to economic or other changes in operating conditions during the leave.

SMALL NECESSITIES LEAVE

Employees who have been employed for at least one year and who have worked at least 1,250 hours in the 12 months immediately before the start of leave may take up to 24 hours of unpaid leave in a 12-month period (in addition to leave under the federal FMLA) to: (i) participate in school activities directly related to the educational advancement of the employee's child, such as parent-teacher conferences or interviewing for a new school; (ii) accompany the child to routine medical or dental appointments, such as check-ups or vaccinations; and (iii) accompany an elderly relative 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 may choose or Custom may require that employees use any available sick leave during such leave.

If the need for such leave is foreseeable, employees must give Custom at least 7 days' advance written notice. If the need for such leave is not foreseeable, employees must give Custom notice as soon as possible.

Custom may request employees to provide a certification that the leave was used for a permitted purpose in accordance with the law.

JURY DUTY LEAVE

Employees summoned for jury duty are entitled to paid time off at their regular rate of pay for the first 3 days of jury service, to the extent the employee was otherwise scheduled to or would have worked on such days. For any additional days, time off will be unpaid.

DOMESTIC VIOLENCE VICTIM LEAVE

If you or your family member is the victim of abusive behavior under Massachusetts law, such as domestic violence, stalking, sexual assault, or kidnapping, you may take up to 15 days of unpaid leave in any 12-month period in order to:

- seek or obtain counseling, victim services, medical attention, or legal assistance;
- secure housing;
- obtain a protective order from a court;
- appear before a grand jury or in court;
- meet with a district attorney or other law enforcement official;
- attend child custody proceedings; and/or
- address other issues directly related to the abusive behavior against you or your family member.

An employee who is the perpetrator of the abusive behavior against such employee's family member is not eligible for this leave.

Employees may be required to exhaust any available sick leave during domestic violence victim leave before taking unpaid leave. Domestic violence victim leave will run concurrently with other leave to which an employee may be entitled to the extent permitted by law.

If you require leave from work under this policy, you must provide Custom with as much advance notice as possible so that arrangements can be made for your leave of absence. If there is a threat of imminent danger and advance notice cannot be given, you must notify us as soon as possible.

The Company reserves the right to require employees to provide proof of the need for leave for a purpose related to domestic violence to the extent authorized by law. Information provided by employees for this purpose will be kept confidential to the extent required by applicable law. Retaliation against an employee for taking leave permitted under this policy is strictly prohibited.

VETERANS DAY AND MEMORIAL DAY LEAVE

Custom employees who are veterans or members of a department of war veterans are entitled to an unpaid leave of absence to (i) observe Veterans Day and (ii) participate in a Memorial Day exercise, parade or service in the employee's community of residence on Memorial Day.

EMPLOYEE INFORMATION AND PERSONNEL FILES

Custom will grant Massachusetts employees access to their personnel file in accordance with applicable law, generally up to 2 times per calendar year, at their place of employment during normal business hours. Upon a written request from an employee to view or copy the employee's personnel file, Custom will allow such access or provide such copy within 5 business days of the employee's request. Employees are responsible for the cost of reproducing their personnel records if they request a copy of such records.

FINAL PAYCHECK

Massachusetts employees who are involuntarily discharged from assignment or employment will receive their final pay on the day of discharge.