



## **Colorado Contractor Addendum**

### **Equal Employment Opportunity**

As set forth in the New Hire Orientation Guide, VanderHouwen is committed to equal employment opportunity and to compliance with federal antidiscrimination laws. We also comply with Colorado law, which prohibits discrimination and harassment against any employees or applicants for employment based on disability, race (including hair texture, hair type or protective hairstyles commonly or historically associated with race [e.g., braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros and headwraps]), color, creed, sex (including pregnancy), religion, age (over 40), national origin, sexual orientation, gender identity, gender expression, marital status, ancestry, state National Guard status, civil air patrol status and lawful activities during nonworking hours. VanderHouwen also does not discriminate against qualified applicants because they did not apply through a private employment agency.

### **Program to Deter Harassment, Discrimination and Other Unfair Employment Practices**

The Company has established a program designed to prevent harassment, discrimination, retaliation and other unfair employment practices; deter future harassers; and protect employees from harassment, which is set forth in the National Employee Handbook.

Under this program, any employee who believes they have been harassed, discriminated against, subjected to retaliation by a co-worker, Client supervisor, agent, client, vendor or customer of VanderHouwen, or otherwise subjected to any unfair employment practice based on a protected class, or who is aware of such harassment, discrimination, retaliation or an unfair employment practice based on a protected class against others, should immediately provide a written or verbal report to Human Resources to report such incidents.

After a report is received, management will undertake prompt, reasonable action to investigate or address the alleged harassing, discriminatory, retaliatory or unfair employment practices. If warranted, management may issue prompt, reasonable remedial action in response to complaints of discriminatory or unfair employment practices because of a protected class.

### **Pregnancy Accommodation**

Employees and applicants for employment may request a reasonable accommodation for health conditions related to pregnancy or the physical recovery from childbirth. VanderHouwen will provide a requested reasonable accommodation that would enable the employee or applicant to perform the essential functions of her job unless the accommodation would impose an undue hardship on VanderHouwen's business operations.

Reasonable accommodations may include but are not limited to: more frequent or longer breaks; more frequent restroom, food or water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or less hazardous position, if available, with return to the current position after pregnancy; job restructuring; light duty, if available; assistance with manual labor; or a modified work schedule.

VanderHouwen may require that employees provide a certification from a licensed health care provider regarding the medical necessity of a reasonable accommodation.

VanderHouwen will not deny employment opportunities or take adverse employment actions against employees or otherwise qualified applicants for employment because they request or use reasonable accommodations in accordance with this policy.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

## **Access to Personnel Files**

Upon request, employees will be allowed to inspect their personnel files at least one time per year. Employees who wish to review their personnel files should contact VanderHouwen Human Resources. Employees are permitted to obtain a copy of their personnel files but may be required to pay reasonable costs for the duplication of the documents.

Following separation from employment, former employees may inspect and/or obtain a copy of their personnel files one time. The former employee may be required to pay reasonable costs for duplication of the documents.

For purposes of this policy, a personnel file does not include documents required by law to be placed in a separate file or records relating to:

- Confidential reports from previous employers of the employee;
- An active criminal investigation;
- An active disciplinary investigation by VanderHouwen or an active investigation by a regulatory agency; and
- Information that identifies an individual who made a confidential accusation against the employee.

## **Adoption Leave**

Employees who are adoptive parents will be permitted to take leave under the same terms as leave provided to biological parents for the adoption of a child. Requests for additional leave due to the adoption of an ill child or child with a disability will be considered on the same basis as comparable cases of complications accompanying the birth of a child.

This policy does not apply to adoption by the spouse of a custodial parent or to second-parent adoption. For further information or to request leave under this policy, contact VanderHouwen Human Resources.

## **Family Care Act Leave**

Employees who are eligible for leave under the federal Family and Medical Leave Act (FMLA) and who are in registered domestic partnerships or civil unions may take leave in accordance with the FMLA to care for their domestic or civil union partners with a serious health condition. A serious health condition has the same meaning as reflected in VanderHouwen's Family and Medical Leave policy.

Employees seeking leave under this policy must comply with the eligibility, notice, certification and other requirements set forth in the Family and Medical Leave policy contained in the New Hire Orientation Guide and will be required to provide reasonable documentation of a family relationship.

Where applicable, Family Care Act leave and FMLA leave will run concurrently. For further information or to request leave under this policy, contact VanderHouwen Human Resources.

## **Paid Sick and Safe Leave and Public Health Emergency Leave**

VanderHouwen provides eligible employees with paid sick and safe leave (PSSL) and public health emergency leave (PHEL) in accordance with the requirements of Colorado's Healthy Families and Workplaces Act (HFWA).

### **Eligibility**

Colorado employees are eligible to accrue PSSL and may receive additional leave for use during a public health emergency (as defined further below).

### **Accrual and Use of Paid Sick and Safe Leave**

Eligible employees will begin to accrue PSSL on January 1, 2021, or their date of hire, whichever occurs later. PSSL accrues at a rate of one hour for every 30 hours worked, up to a maximum accrual of 48 hours in a single calendar year.

PSSL can be used as it is accrued. However, VanderHouwen may verify employee hours within the month after work is performed and adjust PSSL accrual amounts to correct any inaccuracy. VanderHouwen will notify employees in writing of any such change in accrued PSSL amounts.

PSSL may be used in one-hour increments. Eligible employees may use up to 48 hours of PSSL in any Benefit Year.

Failure to use PSSL in good faith and for the reasons specified in this policy can result in discipline.

### **Reasons PSSL May be Used**

Eligible employees may use PSSL for the following reasons:

- When a mental or physical illness, injury or health condition prevents the employee from working;
- To care for a family member who has a mental or physical illness, injury or health condition;
- To obtain a medical diagnosis, care or treatment of a mental or physical illness, injury or health condition of the employee or employee's family member;
- To obtain preventive medical care for the employee or employee's family member;
- To grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member;
- If the employee or a family member is the victim of domestic abuse, sexual assault or harassment and needs leave to:
  - Seek medical attention to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault or harassment;
  - Obtain services from a victim services organization;

- Obtain mental health or other counseling;
  - Seek relocation due to the domestic abuse, sexual assault or harassment; or
  - Seek legal services, including preparing for or participating in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault or harassment.
- To care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water or other unexpected occurrence or event that results in the closure of the family member's school or place of care;
  - To evacuate their place of residence due to inclement weather, loss of power, loss of heating, loss of water or other unexpected occurrence or event that results in the employee's need to evacuate their residence.
  - When, due to a public health emergency (as defined below), a public official has ordered the closure of:
    - The employee's place of business; or
    - The school or place of care of the employee's child and the employee needs to be absent from work to care for their child.

For purposes of this policy, a *family member* means:

- An employee's immediate family member (i.e., a person related by blood, marriage, civil union or adoption);
- A child to whom the employee stands in loco parentis;
- A person who stood in loco parentis to the employee when the employee was a minor; or
- A person for whom the employee is responsible for providing or arranging health- or safety-related care.

## **Requesting PSSSL**

VanderHouwen will allow use of PSSSL for a covered use upon request. When possible, employees should include the expected duration of the absence in their request for leave. Employees will be provided a sick leave request form to assist in accurately processing their request. Sick leave requests need to be turned in as soon as possible, preferably within five days after the return from an absence.

When the need for PSSSL is foreseeable, employees must make a good faith effort to provide advance notice of the need for leave and a reasonable effort to schedule the leave in a manner that does not unduly disrupt VanderHouwen's operations. To provide this advance notice of the foreseeable need to use PSSSL, employees should contact VanderHouwen Human Resources.

Employees are not required to search for or find a replacement worker to cover the hours during which they are using PSSSL. VanderHouwen will not count employees' use of PSSSL in compliance with this policy as an absence when evaluating absenteeism. Therefore, any such use of PSSSL will not lead to or result in discipline, demotion, suspension or termination.

## **Documentation of PSSSL**

If PSSSL is for four or more consecutive work days (meaning at least four consecutive days that the employee would ordinarily have worked), VanderHouwen may request that employees provide reasonable documentation that the PSSSL is being used for a permissible purpose. If the documentation submitted by the employee is not sufficient, VanderHouwen will notify the employee of the deficiency. The employee will then have 15 days to provide adequate documentation.

In accordance with the HWFA, VanderHouwen does not require the disclosure of details regarding an employee's or employee's family member's health information or the domestic violence, sexual assault, or stalking that is the basis for the request for leave.

### **Carryover of PSSL**

Employees can carry over up to 48 hours of accrued but unused PSSL from one Benefit Year to the next. However, employees may not use more than 48 hours of PSSL in a Benefit Year.

VanderHouwen does not offer pay in lieu of actual PSSL.

### **Public Health Emergency Leave**

In addition to the PSSL described above, VanderHouwen will provide covered employees with PHEL in accordance with the terms below.

For purposes of this policy, a "public health emergency" is:

- An act of bioterrorism, a pandemic influenza or an epidemic caused by a novel and highly fatal infectious agent, for which:
  - An emergency is declared by a federal, state or local public health emergency; or
  - A disaster emergency is declared by the governor; or
  - A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the Governor.

On the day a public health emergency is declared, employees will immediately be able to access a one-time supplement of PHEL in addition to whatever amount of PSSL employees have accrued prior to the declaration of the public health emergency.

Employees who normally work 40 or more hours in a week are allowed to take up to 80 hours of total paid leave. Employees who normally work fewer than 40 hours per week are entitled to take paid leave equaling either the amount of time the employee is scheduled to work in the upcoming 14-day period or the amount of time the employee actually worked on average in the 14-day period prior to the declaration of the public health emergency, whichever is greater.

From the declaration of a public health emergency until four weeks after the official termination or suspension of the emergency declaration, PHEL can be used for any of the following reasons:

- To self-isolate and care for oneself or a family member who is self-isolating because the employee or family member is diagnosed with, or experiencing symptoms of, a communicable illness that is the cause of a public health emergency;
- To seek or obtain for oneself or care for family member who needs a medical diagnosis, care or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- To seek for oneself or a family member preventive care concerning a communicable illness that is the cause of a public health emergency;
- An employee is unable to work because the employee has a health condition that may increase susceptibility to or risk of communicable illness that is the cause of the public health emergency;
- Either VanderHouwen or a public health authority with appropriate jurisdiction determines that an employee's presence on the job or in the community would jeopardize the health of others because of the individual's exposure to a communicable illness that is the cause of a public health emergency or because the individual is exhibiting symptoms of such a communicable illness, regardless of whether the individual has been diagnosed with the illness;
- To care for a family member after either the family member's employer or a public health authority with appropriate authority determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to a

communicable illness that is the cause of a public health emergency or because the family member is exhibiting symptoms of such a communicable illness, regardless of whether the family member has been diagnosed with the illness;

- To care for a child or other family member when their child care provider is unavailable due to a public health emergency or their school or place of care has been closed due to a public health emergency (including when the school or place of care is physically closed but providing instruction remotely).

PHEL will become available on the date a public health emergency is declared and will remain available until four weeks after the official termination or suspension of the public health emergency. Employees are only eligible for these amounts of PHEL one time during the entirety of a public health emergency (even if the public health emergency is extended, amended, restated or prolonged).

During a public health emergency, employees will continue to accrue PSSSL in accordance with this policy. Any accrued, unused PSSSL will be counted in determining the amount of PHEL available.

When the need for PHEL is foreseeable and the workplace has not been closed, employees must notify VanderHouwen of the need for PHEL as soon as practicable. To provide notice of the need to use PHEL, employees should contact Human Resources.

### **Rate of Pay**

PSSSL and PHEL are paid at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked. Leave will be paid on the same schedule as regular wages.

The pay rate for leave will be at least the applicable minimum wage. The pay rate is calculated based upon the employee's pay over the 30 calendar days prior to taking leave. If an employee has not yet worked 30 calendar days, the longest available period will be used. The pay rate calculation includes any set hourly rate, shift differentials, tip credits and commissions. It does not include overtime, bonuses or holiday pay.

### **Employee Records Requests**

Upon an employee's request, VanderHouwen will provide (in writing or electronically) documentation indicating the current amount of PSSSL and/or PHEL available for use and the amount of such leave already used during the current calendar year. Employees will be allowed to make one such request per month, except they may make an additional request when any need for PSSSL or PHEL.

### **Effect on Other Rights and Policies**

VanderHouwen may provide other forms of leave for employees to care for medical conditions or for issues related to public health emergencies or domestic abuse, sexual assault or harassment under certain federal, state and local laws. In certain situations leave under this policy may run at the same time as leave available under another federal, state or local law, provided eligibility requirements for that law are met. VanderHouwen is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state and local medical, victim, public health emergency or family leave rights.

### **Confidentiality**

VanderHouwen will keep confidential the health or safety information of an employee or employee's family member. Such information will not be disclosed except to the affected employee, with the written permission of the affected employee or as otherwise required by law.

## **Separation from Employment**

Compensation for accrued and unused PSSL or available PHEL is not provided upon separation from employment for any reason. If an employee is rehired by VanderHouwen within six months of separation from employment, previously accrued but unused PSSL will be immediately reinstated.

## **Retaliation**

Employees have the right to request and use PSSL and PHEL in a manner consistent with the HWFA. VanderHouwen will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who: seeks or obtains leave in accordance with this policy; files a complaint regarding an alleged violation of the HWFA; participates in an investigation, hearing or proceeding or cooperates in or assists with an investigation related to an alleged violation of the HWFA; informs any person of their potential rights under the HWFA; or otherwise exercises their rights under the HWFA.

## **Colorado Paid Family and Medical Leave**

In accordance with the Colorado Paid Family and Medical Leave Insurance (FAMLI) Act, eligible employees may be entitled to a leave of absence with partial wage replacement benefits from the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance (Division) to care for their own serious health condition, care for a family member with a serious health condition, bond with a new child, assist with obligations that arise when a family member is called into active military service, or address the immediate safety needs and impact of domestic violence and/or sexual assault.

## **Eligible Employees**

This policy applies to eligible Colorado-based employees, including full-time, part-time, permanent, and migratory workers. Eligibility for benefits is determined by the Division.

## **Contributions**

Employee contributions are deducted from employee paychecks, and the amount of the contribution depends on the employee's eligible wages. The amount of any deduction taken will be reflected on an employee's paystub.

## **Reasons for and Length of Leave**

Eligible employees are entitled to up to 12 weeks of FAMLI leave in an application year for any of the following reasons:

- The employee's serious health condition;
- To care for a family member with a serious health condition;
- Bonding leave to care for a new child during the first year after the birth, adoption, or placement of the child through foster care;
- Qualifying exigency leave; and
- Safe leave.

Eligible employees will be allowed a maximum of 12 weeks of FAMLI leave, in the aggregate, in an application year for any of the foregoing reasons, except that eligible employees with a serious health condition related to pregnancy complications or childbirth complications are entitled to up to an additional four weeks of FAMLI leave.

The Company will not count FMLI leave as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

## Definitions

- **"Application year"** means the 12-month period measured forward from the date an employee files an application for FMLI benefits.
- **"Child,"** for purposes of bonding leave, means a person who is either under the age of 18, or between the ages of 18 and 21 and remains under the jurisdiction of a juvenile court.
- **"Family member"** means:
  - Regardless of age, a biological, adopted, or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or a person to whom the employee stood *in loco parentis* when the person was a minor;
  - A biological, adoptive, or foster parent, stepparent or legal guardian of an employee or the employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or the employee's spouse or domestic partner was a minor child;
  - A person to whom the employee is legally married under the laws of any state, or the employee's domestic partner;
  - A grandparent, grandchild, or sibling (whether a biological, foster, adoptive, or step relationship) of the employee or the employee's spouse or domestic partner; or
  - As shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.
- **"Qualifying exigency leave"** means leave based on a need arising out of an employee's family member's active duty service or notice of an impending call or order to active duty in the armed forces, including, but not limited to:
  - Providing for the care or other needs of the military member's child or other family member;
  - Making financial or legal arrangements for the military member;
  - Attending counseling;
  - Attending military events or ceremonies;
  - Spending time with the military member during a rest and recuperation leave or following return from deployment; or
  - Making arrangements following the death of the military member.
- **"Safe leave"** means any leave because the employee or the employee's family member is the victim of domestic violence, stalking, sexual assault, or sexual abuse. Safe leave applies if the employee is using the leave from work to protect the employee or the employee's family member by:

- Seeking a civil protection order to prevent domestic violence;
  - Obtaining medical care or mental health counseling or both for the employee or for the employee's children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse;
  - Making the employee's home secure from the perpetrator of the act of domestic violence, stalking, or sexual assault or abuse, or seeking new housing to escape said perpetrator; or
  - Seeking legal assistance to address issues arising from the act of domestic violence, stalking, or sexual assault or abuse, or attending and preparing for court-related proceedings arising from said act or crime.
- **"Serious health condition"** means an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

### **Wage Replacement Benefits**

The determination of FAMLI eligibility and the amount of wage replacement benefits is determined by the Division. FAMLI benefits are calculated by the Division based on the employee's average weekly wage in relation to the state average weekly wage and are capped at a maximum weekly benefit amount that is adjusted annually. The Division will decide whether to grant or deny a claim for FAMLI benefits within two (2) weeks of the application being filed.

Employees may use available Company-provided paid time off during their absence from work while their application for FAMLI leave is pending with the Division. Once their application is approved, the Company may recoup any Company-provided paid time off used during the approved FAMLI leave period, to the extent such paid time off was not mutually agreed and acknowledged to be a supplemental benefit to FAMLI benefits and/or the use of such paid time off during this period caused the employee to receive more than their average weekly wage. The Company may seek recoupment by any legal means, including by making lawful payroll deductions and replenishing the employee's bank of Company-provided paid time off.

### **Health Benefits**

During an approved FAMLI leave, the Company will continue making contributions to an employee's group health benefits on the same terms as if the employee had continued to work. This means that, if an employee wants benefits coverage to continue during FAMLI leave, the employee must continue to make any premium payments they were required to make for themselves or their dependents prior to the leave.

### **Intermittent or Reduced Schedule Leave**

In addition to a continuous leave (i.e., a non-recurring, uninterrupted period of leave), eligible employees may take FAMLI leave on an intermittent basis (i.e., taking leave in separate blocks of time due to a single qualifying reason) or on a reduced schedule basis (i.e., reducing the employee's normal weekly or daily work schedule).

FAMLI leave can be taken in increments of one hour. Taking leave intermittently or on a reduced leave schedule will result in a proportionate reduction in the employee's available allotment of FAMLI leave. An employee who applies for intermittent or reduced schedule leave will not receive benefits from the Division until they have accumulated at least eight hours of FAMLI leave.

If an employee is approved for intermittent or reduced schedule FAML leave, the employee must submit documentation sufficient to recertify their need for leave every six months, or as requested by the Division.

Employees seeking intermittent or reduced schedule FAML leave must notify the Division and the Company of their leave schedule. Employees taking intermittent leave must notify the Division of their individual absences in order to receive wage replacement benefits for the absences.

Employees who are approved for and take intermittent or reduced schedule leave and who fail to work in accordance with that leave schedule may be subject to discipline. If an employee's use of intermittent FAML leave is inconsistent with the Division's approval, the Company may also request additional information in support of the need for leave.

### **Applying for FAML Benefits**

Employees must file claims for FAML benefits directly with the Division using the Division's forms. Applications may be submitted using the FAML Division's online system, by mail, or by e-mail, and may be submitted up to 30 days prior to the anticipated beginning of FAML leave. Applications must be submitted no later than 30 days after the start of FAML leave unless the employee establishes good cause and submits the application less than 90 days after the start of leave.

Employees will be required to submit to the Division additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for leave upon the birth or placement of a child or medical certification from a healthcare provider for leave to care for the employee's or a family member's serious health condition.

By submitting an application for benefits, an employee consents to the Division sharing with the Company, upon the Company's request, limited information necessary for the Company to coordinate FAML benefits with other benefits for which the employee may be eligible. The Company will treat any medical or health information it receives in connection with FAML benefits as confidential and will not disclose such information except with the permission of the employee requesting leave, unless disclosure is otherwise required by law.

### **Requesting FAML Leave**

Employees must notify the Company of the need for FAML leave. Employees must specify the anticipated starting time, duration, and if applicable, frequency of the leave. For employees taking intermittent leave, these scheduling and notice requirements apply to each absence.

If the need for leave is foreseeable, the employee must provide 30 days' notice of the need for leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations (subject to approval from the employee's health care provider). If the necessity for leave is not foreseeable, or providing 30 days' notice is not possible, the employee must provide the notice as soon as practicable. "As soon as practicable" means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.

Employees on an approved FAML leave must notify the Division within ten days after the occurrence of any event, or the foreseeability of any event, that could change the amount or duration of approved leave.

### **Return to Work**

The Company may require an employee to provide certification of the employee's fitness for duty prior to returning to work from a FAML-approved absence.

An employee who has been employed with the Company for at least 180 days prior to the start of a FAML leave and returns to work on or before the approved leave's end date will be entitled to return to their former job or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The Company may deny restoration if:

- The employee has not been employed with the Company for at least 180 days prior to the start of the employee's FAML leave;
- The employee's FAML leave extends beyond the maximum benefit duration to which they are entitled;
- The employee's return from FAML leave coincides with a scheduled cessation of operations for the season and the Company can show the employee would not otherwise have been employed at the time of reinstatement;
- The employee's written contract for employment with the Company has ended pursuant to its terms;
- The employee's position is eliminated due to legitimate downsizing or reorganization;
- The employee can no longer perform the essential functions of their job following the leave period. However, an employee may be eligible to request reasonable accommodation under the Americans with Disabilities Act (ADA) or other applicable state or federal law;
- The Division has made a determination that the employee applied for or was approved for FAML leave insurance benefits based on a fraudulent certification;
- The employee fails to provide notice of a need for FAML leave, unless the need for leave was not foreseeable and unusual circumstances justify the failure to comply; or
- The employee on FAML leave provides written notice of resignation.

### **Coordination With Other Leaves and Benefits**

FAML leave will run concurrently with leave taken under the federal Family and Medical Leave Act (FMLA) and the Colorado Family Care Act (FCA) if the leave qualifies under each respective law.

FAML leave will also run concurrently with leave taken under any disability plan or an employer-provided paid family and medical leave benefit, if the absence qualifies under each respective program. This means that the Company will count FAML wage replacement amounts and the duration of FAML leave toward the remaining benefit amounts and leave duration provided under a Company-provided disability plan or paid family and medical leave benefit. In no case will the combined pay an eligible employee receives through any wage-replacement program(s), including FAML benefits and any Company-provided disability plan or paid family and medical leave benefit, exceed the employee's average weekly wage. Additionally, all wage-replacement benefits will be fully integrated to avoid duplication of benefits, to the fullest extent permitted by state or federal law.

The Company will not require employees to use or exhaust any accrued Company-provided paid time off prior to or while receiving FAML benefits. However, employees may use Company-provided paid time off (including vacation, paid sick leave, and paid personal leave) as a supplemental benefit to FAML, to receive their full average weekly wage during some or all of the FAML leave. The employee must notify the Company in writing of their intention to use Company-provided paid time off to supplement FAML leave benefits.

### **Fraudulent Use of FAML Prohibited**

Employees who fraudulently obtain FAML benefits will not receive the protections and benefits provided by the law.

### **Protected Rights**

The Company takes its FMLI obligations very seriously and will not interfere with, restrain, or deny the exercise of any right protected under the FMLI Act. The Company will not discriminate or retaliate against any individual because they file for, request, or use leave in accordance with the FMLI Act; file a complaint or institute a proceeding related to the FMLI Act or communicate to the Company an intent to do so; testify or provide information in an inquiry or proceeding related to the FMLI Act; inform another person about an alleged violation of the FMLI Act or of their FMLI Act rights; or otherwise exercise their rights under the FMLI Act. If an employee believes that their FMLI rights have been violated in any way, they should immediately report the matter to Human Resources.

Employees may also contact their manager with questions regarding FMLI leave or benefits.

## **Crime Victim Leave**

Employees may take time off from work for the purpose of responding to a subpoena to testify in a criminal proceeding or to participate in the preparation of a criminal proceeding, if:

- The employee is a victim of the crime at issue in the proceeding;
- The employee is the crime victim's spouse, child by birth or adoption, stepchild, parent, stepparent, sibling, legal guardian or significant other (i.e., someone in a family-type living arrangement who would constitute the spouse or partner of the victim if they were married); or
- The victim is deceased or incapacitated, and the employee is the victim's spouse, partner, parent, child, sibling, grandparent, significant other or other lawful representative.

Employees, who are in custody for the crime, accused of the crime or otherwise accountable for the crime, are not eligible for time off under this policy.

## **Domestic Violence Victim Leave**

Employees who are victims of domestic violence, including sexual abuse, stalking, sexual assault or any other crime including an act found by a court to be domestic violence, may take up to three working days of unpaid leave time within a 12-month period. Only employees employed with VanderHouwen for 12 or more months are eligible for this leave.

Before taking unpaid leave under this policy, employees must exhaust any available sick leave.

Employees may use leave available under this policy to:

- Seek a civil protection order to prevent domestic abuse;
- Obtain medical care and/or medical health counseling for the employee or the employee's children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault or other crime involving domestic violence;
- Make the employee's home secure from the perpetrator of the crime or seek new housing to escape the perpetrator; or
- Seek legal assistance to address issues arising from the crime and attend and prepare for court-related proceedings arising from the act or crime.

Except in a case of imminent danger, an employee seeking leave from work under this policy must provide VanderHouwen with advance notice of the leave. In addition, VanderHouwen may require the employee to provide documentation verifying the need for the leave.

Confidentiality of the situation will be maintained to the extent possible. VanderHouwen will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

## **Jury Duty Leave**

VanderHouwen encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or subpoenas, attend court for prospective jury service or serve as a juror. Under no circumstances will employees be deprived of any benefits of employment, terminated, threatened, harassed or coerced because they request or take leave in accordance with this policy.

Employees will receive their regular compensation up to \$50 per day, unless otherwise agreed to by VanderHouwen, during the first three days of jury service. This includes part-time, casual and temporary employees, so long as their employment hours can be determined by a schedule, custom or practice established during the three-month period preceding jury service. Any additional time off under this policy will be without pay.

Employees seeking compensation for jury duty leave must provide a juror service certificate from the court as soon as practical. VanderHouwen will compensate the employee in accordance with this policy within 30 days of receiving the service certificate.

Employees should provide their Client supervisor and VanderHouwen Human Resources with notice of any jury summons or subpoena within a reasonable amount of time after receipt and before their appearance is required.

## **Time Off to Vote**

VanderHouwen encourages all employees to fulfill their civic responsibilities and to vote in all public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Employees who have less than three consecutive hours outside of work during which the polls are open will be allowed up to two hours of time off to vote, without loss of pay. Upon request to the Client Supervisor and VanderHouwen Human Resources, the Client supervisor will schedule the leave at the beginning or end of the employee's shift. The Client supervisor will otherwise specify when the leave may be taken.

Employees must provide notice of the need for time off prior to Election Day.

## **Civil Air Patrol Leave**

Regular full-time and part-time employees who are members of the Civil Air Patrol are entitled to an unpaid leave of absence, not to exceed 15 workdays in any calendar year, when called to serve on a Civil Air Patrol mission.

Upon return from the leave, employees will be reinstated to their former position or to a similar position, so long as they:

- Had a non-temporary job before taking leave;
- Return as soon as practicable to their position after being relieved from service for the mission;
- Provide evidence that the service was satisfactorily completed; and
- Are still qualified to do the job.

Absence for Civil Air Patrol service will not affect an employee's rights to receive normal vacation, sick leave, bonuses, advancement or other advantages of employment that would otherwise be expected for the employee's particular job.

## **Military Leave**

In addition to the military leave rights set forth in the New Hire Orientation Guide, regular full-time and part-time employees who are members of the Colorado National Guard are entitled to an unpaid leave of absence to perform active state service.

Additionally, regular full-time and part-time employees who are members of the Colorado National Guard or United States armed forces reserves may take the equivalent of three weeks of work on their regular work schedule per calendar year for military training with the United States armed forces. During leave for military training, an employee may use any paid leave available to them or may use unpaid leave.

Upon return from active state service or military training, employees will be reinstated to their former position or to a position of like seniority, status and pay, so long as they:

- Had a non-temporary job before taking leave;
- Provide evidence that training, or service was satisfactorily completed; and
- Are still qualified to do the job.

Absence for military service or training will not affect an employee's rights to receive normal sick leave, bonuses, advancement or other advantages of employment that would otherwise be expected for the employee's particular job.

### **Qualified Volunteers Leave**

Regular full-time and part-time (i.e., non-temporary) employees who are qualified volunteers will be allowed time off if called into service by a volunteer organization during a disaster, so long as they provide proof of their status as a qualified volunteer. For purposes of this policy, employees will be considered a qualified volunteer if the:

- Employee is a member of a volunteer organization that enters into a memorandum of understanding with a county sheriff, local government, local emergency planning committee or state agency;
- Volunteer organization is included on the qualified volunteer organization list created and maintained by the Department of Local Affairs;
- Employee is called to service through the volunteer organization under the authority of the county sheriff, local government, local emergency planning committee, or state agency to volunteer in a disaster; and
- Employer receives the appropriate verification from the Colorado Department of Local Affairs that: (a) indicates the volunteer was called to service by a volunteer organization for the purpose of assisting in a disaster; (b) verifies the volunteer reported for service and performed the activities required of him or her by the volunteer organization; and (c) includes the number of days of service that the volunteer provided.

Leave under this policy will not exceed 15 workdays in any calendar year and will be unpaid.

Employees, upon completion of the volunteer emergency service and return to work, will be restored to the same or similar position as they held prior to the leave. Taking leave under this policy will not affect an employee's rights to vacation, sick leave, bonus, advancement or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment.

Employees must return to their employment position as soon as practicable after being relieved from service.

Leave may be denied if more than 20 percent of VanderHouwen's employees on any workday request such leave. Leave may also not be available for essential employees, defined as those employees VanderHouwen deems essential to the operation of VanderHouwen's daily enterprise, whose absence would likely cause VanderHouwen to suffer economic injury, or whose duties include assisting in disaster recovery for VanderHouwen.

## Volunteer Firefighters Leave

Employees who serve as volunteer firefighters may take time off to respond to an emergency summons that occurred prior to the time the employee is scheduled to report to work.

Employees who serve as volunteer firefighters will also be allowed time off to respond to an emergency summons after the employee has begun work, if:

- The Client does not consider the employee to be essential to the daily operations of the employer's daily enterprise;
- The employee previously provided written verification of volunteer status from the fire chief; and
- The emergency is within the response area of the employee's fire department and is of such magnitude that all firefighters must respond.

Employees must provide written verification from the fire chief of the time, date and duration of the employee's response to the emergency.

Time off under this policy will be unpaid.

Additionally, if an employee who serves as a volunteer firefighter is called to a disaster, VanderHouwen's Qualified Volunteers Leave policy may also apply to the absence or leave from work.

## Discussion of Wages

No employee is prohibited from inquiring about, disclosing, comparing or otherwise discussing their wages. VanderHouwen will not terminate, discipline, coerce or otherwise discriminate against employees because they make such inquiries, disclosures, comparisons or otherwise engage in such discussions of their wages.

## Meal and Rest Breaks

Non-exempt employees who work five or more consecutive hours will be provided at least one 30-minute meal break. During the break employees will be relieved of all duties. An uninterrupted 30-minute meal break will be unpaid for non-exempt employees. If the nature of an employee's job or circumstances makes an uninterrupted meal break impracticable, the employee will be allowed an on-duty meal break without any loss of time or compensation.

Non-exempt employees will also be permitted a 10-minute rest break for every four hours of work, in accordance with the schedule below:

Duration of Shift in Hours	# of 10 Minute Rest Breaks	Comments
0 to < 2	0	Employees who work less than two hours in a workday are not required or permitted to take a rest break.
2 to < 6	1	Employees who work at least two hours in a workday but less than six hours in a workday are allowed one 10-minute rest break.

<b>Duration of Shift in Hours</b>	<b># of 10 Minute Rest Breaks</b>	<b>Comments</b>
6 to < 10	2	Employees who work at least six hours in a workday but less than 10 hours in a workday are allowed two 10-minute rest breaks.
10 to < 14	3	Employees who work at least 10 hours in a workday but less than 14 hours in a workday are allowed three 10-minute rest breaks.

To the extent practical, rest periods will be provided in the middle of each four-hour work period. Employees who are unable to take all of the meal or rest breaks to which they are entitled in accordance with this policy, or who have been prevented or discouraged from taking a break to which they are entitled under this policy, should immediately notify VanderHouwen Human Resources. VanderHouwen will not threaten, coerce, discriminate or otherwise retaliate against any employee who reports a violation of this policy or files a claim or participates in an investigation, hearing or other process or proceeding related to an alleged violation of federal or state wage and hour laws.

## **Overtime**

Nonexempt employees will be paid one and one-half times their regular rate of pay for any work in excess of: (1) 40 hours per week; (2) 12 hours per workday; or (3) 12 consecutive hours without regard to the starting and ending time of the workday (excluding duty-free meal breaks), whichever calculation results in the greatest payment of wages.

## **Lactation Accommodation**

VanderHouwen Clients will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child. VanderHouwen will provide this break time for up to two years following the birth of a child.

Nursing mothers can elect to take time to express breast milk during their regularly scheduled meal and rest breaks. If the break time cannot run concurrently with the meal and/or rest breaks already provided to the employee, the break time will be unpaid for non-exempt employees. Where additional breaks are required, employees should work with the Client supervisor regarding scheduling.

VanderHouwen Clients will make reasonable efforts to provide employees with the use of a private location, other than a toilet stall, in close proximity to the employee's work area for the employee to express milk.

Employees should provide reasonable notice to VanderHouwen Human Resources that they intend to take breaks for expressing breast milk upon returning to work. Employees should discuss with their Client supervisor or VanderHouwen Human Resources the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

VanderHouwen Clients reserve the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the Client's operations.

VanderHouwen will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

## **Smoke-Free Workplace**

VanderHouwen prohibits smoking marijuana or any other substance that is illegal under federal law or Colorado law anywhere on its premises.

VanderHouwen prohibits smoking in the workplace and within 15 feet of any window, ventilation intake or entrance to the workplace. For purposes of this policy, smoking includes the use of electronic smoking devices (e.g., e-cigarettes or vaping). Employees wishing to smoke must do so outside of company's facilities, in locations where smoke does not migrate back into the workplace, during scheduled work breaks.

Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their Client supervisor or to VanderHouwen Human Resources. Employees will not be disciplined or retaliated against for reporting smoking that violates Colorado law or this policy.

Employees that violate this policy may be subject to disciplinary action up to and including termination.



COLORADO  
Department of  
Labor and Employment

## COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER ("COMPS Order") #39, POSTER & NOTICE

*Effective 1/1/24; must update annually;  
new poster available each December*

### Colorado Minimum Wage: inflation-adjusted annually; \$14.42/hour in 2024, (Rule 3)

- Employees must be paid at least minimum wage (whether hourly, salary, commission, piecework, etc.) unless exempt
- Unemancipated minors can be paid 15% less than full minimum wage
- Use the highest minimum wage that applies; all local minimum wages are posted at [ColoradoLaborLaw.gov](https://coloradolaborlaw.gov)

### Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

- Overtime is required *each* week over 40 hours, or day over 12, even if 2 or more weeks or days *average* fewer hours
- Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours
- Key variances/exemptions (all are detailed in Rules 2.3-2.4):
  - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
  - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law)
  - Agriculture: overtime after 48-56 hours (based on size and seasonality); extra breaks and pay on long days

### Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

### Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variances/exemptions:
  - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
  - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

### Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)

- All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
  - waiting for assignments at work, or receiving or sharing work-related information,
  - security/safety screening, or clocking/checking in or out, or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3)

### Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after audit/notice)
- Tip credits: Employers can pay up to \$3.02 below the highest applicable minimum wage (Colorado or local), if:
  - (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

### Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)

- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$55,000 in 2024 (then inflation-adjusted in future years), except \$33,171/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$123,750 in 2024)
- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

### Record-Keeping & Notices of Rights (Rule 7)

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay
- This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy
- Employers must include a copy of this poster, or the COMPS Order, in any employment handbook or manual
- Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

### Complaint & Anti-Retaliation Rights (Rule 8)

- Employers can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- Employees cannot retaliate against, or interfere with, employees exercising their rights
- Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)
- Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

***This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact:***  
**DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936**



## Deductions from Employee Wages start January 1, 2023

- The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the FAMLI Division sets the premium rate according to a formula based on the monetary value of the fund each year. Employers with a total of ten or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with nine or fewer employees are only responsible for sending the 0.45% employee share to the FAMLI Division.
- **Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions.** This can be done through a simple payroll deduction, and employees will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

## Benefits start January 1, 2024

- Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado.
- The qualifying conditions for paid family and medical leave are:
  - Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.
  - Caring for a family member with a serious health condition.
  - Caring for your own serious health condition.
  - Making arrangements for a family member's military deployment.
  - Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.
- Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- Leave may be taken continuously, intermittently, or in the form of a reduced schedule.
- Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at [famli.colorado.gov](https://famli.colorado.gov).
- You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits.
- If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.
- Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.
- Employers and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement.

## Filing Claims

- Benefits will be available starting January 2024. Instructions on how to apply for benefits are available at [famli.colorado.gov](https://famli.colorado.gov).
- Employees or their designated representatives apply for FAMLI benefits by submitting an application and any required documentation through My FAMLI+, available at [famli.colorado.gov](https://famli.colorado.gov).
- Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence has begun.
- Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and weekly thereafter for the duration of the approved leave.
- Employees can appeal claim determinations to the FAMLI Division.
- Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

## Job protection and continued benefits

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights, including taking FAMLI leave, talking to others about FAMLI, and filing complaints of FAMLI violations.
- An employee who has worked for the employer for at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.

## Retaliation, Discrimination, and Interference Prohibited

- Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.
- Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a complaint with the FAMLI Division.

## Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.
- Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.



## Colorado Contractor Addendum

I acknowledge that I have received the Colorado Contractor Addendum, including the COMPS Order #38 Poster, and that this document is intended to be an addition to the current New Hire Orientation Guide.

I understand that it is my responsibility to read and comply with these policies. I further understand that I should consult VanderHouwen Human Resources regarding any questions raised by these policies and not answered by the New Hire Orientation Guide.

**Employee's Name (printed):** \_\_\_\_\_

**Employee's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_