

## Section 19 - MASSACHUSETTS ADDENDUM

### 19-1. Pregnancy Accommodations

Under the Massachusetts Pregnant Workers Fairness Act (effective April 1, 2018), employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy.

#### **Reasonable Accommodations**

Innowave Marketing Group will provide a reasonable accommodation for the employee's pregnancy or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation. However, Innowave Marketing Group may deny such an accommodation if the accommodation would impose an undue hardship on Innowave Marketing Group's program, enterprise or business.

Reasonable accommodations may include, but are not limited to:

1. more frequent or longer paid or unpaid breaks;
2. time off to attend to a pregnancy complication or recover from childbirth with or without pay;
3. acquisition or modification of equipment or seating;
4. temporary transfer to a less strenuous or less hazardous position;
5. job restructuring;
6. light duty;
7. private non-bathroom space for expressing breast milk;
8. assistance with manual labor; or
9. a modified work schedule; provided, however, that Innowave Marketing Group is not required to discharge or transfer the employee with more seniority or promote the employee who is not able to perform the essential functions of the job with or without a reasonable accommodation.

#### **Notice and Documentation**

Upon receiving a request for an accommodation from the employee or prospective employee capable of performing the essential functions of the position involved, Innowave Marketing Group will engage in a timely, good faith and interactive process with the employee or prospective employee to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee's job or the position to which the prospective employee has applied. Innowave Marketing Group may require the employee or prospective employee to provide documentation from an appropriate health care or rehabilitation professional about the need for a reasonable accommodation; however, Innowave Marketing Group will not require documentation for the following accommodations:

1. more frequent restroom, food or water breaks;
2. seating;

3. limits on lifting more than 20 pounds; and
4. private non-bathroom space for expressing breast milk.

Innowave Marketing Group also may require documentation for an extension of the accommodation beyond the originally agreed to accommodation.

The employee who notifies Innowave Marketing Group of a pregnancy or of a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child will receive an additional copy of this notice not more than 10 days after the notification.

### **Enforcement and Retaliation**

Innowave Marketing Group will not:

1. take adverse action against the employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;
2. deny an employment opportunity to the employee if the denial is based on the need to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;
3. require the employee affected by pregnancy or a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;
4. require the employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on Innowave Marketing Group's program, enterprise or business;
5. refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by Innowave Marketing Group, on Innowave Marketing Group's program, enterprise or business.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Employee's Manager.

## **19-2. Non-Harassment**

It is Innowave Marketing Group's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions),

gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as “protected characteristics”). Such conduct will not be tolerated by Innovave Marketing Group.

The purpose of this policy is not to regulate employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on Innovave Marketing Group premises, while on Innovave Marketing Group business (whether or not on Innovave Marketing Group premises) or while representing the Innovave Marketing Group. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone’s way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person’s body, sexual prowess or sexual deficiencies;

5. propositions, or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

## **Reporting Procedures**

If employees have been subjected to or witnessed conduct which violates this policy, they should immediately report the matter to Employee's Manager at 533 Airport Rd, #400, Burlingame CA 94010 or 352-792-0978 x123. If they are unable for any reason to contact this person, or if they have not received an initial response within five (5) business days after reporting any incident of what they perceive to be harassment, they should contact Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com) at 533 Airport Rd, #400, Burlingame CA 94010 or 650-703-7927. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

## **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

## **Retaliation Prohibited**

In addition, Innovave Marketing Group will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If employees feel they have been subjected to any such retaliation, they should report it in the same manner in which they would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

While employees are encouraged to report claims internally, if they believe they have been subjected to sexual harassment or other harassment in violation of state law, they may file a formal complaint with the government agency or agencies set forth below. Using Innovave Marketing Group's complaint process does not prohibit the employee from filing a complaint with these agencies.

The United States Equal Employment Opportunity Commission (EEOC) JFK Federal Building, Room 475  
Boston, Massachusetts 02203, (617) 565-3200

The Massachusetts Commission Against Discrimination (MCAD) Boston Office: One Ashburton Place, Room  
601, Boston, MA 02108, (617) 994-6000

Springfield Office: 436 Dwight Street, Room 220, Springfield, MA 01103, (413) 739-2145

New Bedford Office: 128 Union Street, Suite 206, New Bedford, MA 02740, (774) 510-5801

## 19-3. Earned Sick Time

### Eligibility

Innowave Marketing Group provides earned sick time to employees whose primary place of work is in Massachusetts. For employees whose primary place of work is in Massachusetts who are eligible for sick time under the general Sick Days policy and/or any other applicable sick time/leave ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Sick Days policy and/or any other applicable sick time/leave ordinance.

### Accrual

Employees begin accruing earned sick time at the start of employment. Eligible employees will accrue one (1) hour of earned sick time for every 30 hours worked, up to a maximum accrual of 40 hours each calendar year.

Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case, sick time accrues based on that normal workweek.

For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.

### Usage

Employees may begin using accrued earned sick time on the 90th day of employment. The smallest amount of earned sick time employees can use is one (1) hour. For uses beyond one (1) hour, employees may use earned sick time in hourly increments or in the smallest increment the payroll system uses to account for absences or use of other time. Employees may not use more than 40 hours of earned sick time in any calendar year.

Employees may use earned sick time for the following reasons:

1. to care for their child (which includes a biological child, an adopted or a foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis); their spouse (as defined by the marriage laws of Massachusetts, which include a partner in a same-sex marriage); or their parent or the parent of a spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, a professional medical diagnosis or care, or preventive medical care;
2. to care for their own physical or mental illness, injury, or medical condition that requires home care, a professional medical diagnosis or care, or preventive medical care;
3. to attend their routine medical appointment or a routine medical appointment for their child, their spouse, their parent, or the parent of a spouse;
4. for travel to and from an appointment, a pharmacy, or another location related to the purpose for which earned sick time was taken; or
5. to address the psychological, physical, or legal effects of domestic violence.

Earned sick time may not be used as an excuse to be late for work if the lateness is not related to one of the reasons described above. Additionally, employees may not accept a specific shift assignment with the

intention of calling out sick for all or part of the shift.

Use of earned sick time will run concurrently with time off provided under Family and Medical Leave, Massachusetts Parental Leave, Massachusetts Domestic Violence Leave, Massachusetts Small Necessities Leave or time off pursuant to any other applicable law, if applicable to and to the extent permitted by applicable law.

### **Notice and Documentation**

Employees must comply with the attendance and call-in policy when providing notice. Employees must make a good-faith effort to provide notice of this need to use earned sick time if the need is foreseeable. Specifically, if the need for the use of earned sick time is due to a prescheduled or foreseeable absence, seven (7) days' advance notice to enter the request in Gusto is required. If the employees anticipate a multiday absence from work, they must provide notification of the expected duration of the leave or, if unknown, provide notification daily, unless the circumstances make such notice unreasonable. If the need for the use of earned sick time is unforeseeable, notice must be provided as soon as practicable under the circumstances.

When providing notice or reporting an absence for a covered purpose, employees are not required to explicitly reference earned sick time, but Innowave Marketing Group may, in accordance with applicable laws regarding privacy and confidentiality of medical information, review with employees the covered purposes for which earned sick time may be used.

For any earned sick time used, employees must verify in writing that they have used the time for a covered reason, but they will not be required to explain the nature of the illness or the details of the domestic violence.

Innowave Marketing Group will also require supporting documentation if the employee's use of earned sick time:

- covers more than 24 consecutively scheduled work hours or three (3) consecutive scheduled workdays;
- occurs within two (2) weeks before the employee's final scheduled day of work before termination of employment, except in the case of a temporary employee; and
- occurs after four (4) unforeseeable and undocumented absences within a three- (3-) month period for all other employees.

Documentation signed by a healthcare provider indicating the need for earned sick time taken constitutes acceptable certification for sick time taken for reasons #1 through #4 above; but, for employees who do not have health care covered through a private insurer, the MA Healthcare Connector and related insurers may provide a signed written statement evidencing the need for using earned sick time, without being required to explain the nature of the illness, in lieu of documentation by a healthcare provider.

Acceptable documentation for earned sick time taken for reason #4 can include:

- a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- a police record documenting the abuse;
- documentation that the perpetrator of the abuse has been convicted of one (1) or more offenses when the victim was a family or household member;

- medical documentation of the abuse;
- a statement provided by a counselor, a social worker, a health worker, a member of the clergy, a shelter worker, a legal advocate, or another professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
- a sworn statement from the individual attesting to the abuse.

The documentation does not need to explain the nature of the illness or the details of the domestic violence. Documentation can be submitted in person or by another reasonable method, including e-mail.

Documentation must be provided within seven (7) days of taking earned sick time, unless, for good cause shown or as otherwise permitted, the employee requires more time to provide such documentation. Failure to comply with the reasonable documentation requirements, without a reasonable justification, may result in Innowave Marketing Group recouping the amount paid for earned sick time from future pay, as an overpayment or otherwise taking appropriate action, to the extent permitted by applicable law.

Employees may be asked to provide a fitness-for-duty certification, a work release, or other documentation from a medical provider before returning to work after an absence during which earned sick time was used.

### **Payment**

Earned sick time will be paid at the same hourly rate as the employee earns from their employment at the time they use such time. Use of sick time is not considered hours worked for purposes of calculating overtime.

### **Carryover and Payout**

Up to 40 hours of accrued, unused earned sick time under this policy can be carried over to the following calendar year, but employees are subject to an accrual cap of 40 hours. Once the accrual cap is reached, earned sick time will stop accruing until some earned sick time is used, at which point, accrual will resume, subject to the maximum annual accrual of 40 hours and the accrual cap of 40 hours.

Accrued but unused earned sick time under this policy will not be paid at separation.

### **Enforcement and Retaliation**

Employees may be subject to disciplinary action for misuse of earned sick time if they are engaging in fraud or abuse of benefits available under this policy.

Innowave Marketing Group will not tolerate retaliation against employees who oppose practices that they believe to be in violation of earned sick time law or because the employees support the exercise of rights of another employee under the earned sick time law. Employees may file an action in court to enforce their earned sick time rights.

Employees with questions regarding this policy should contact Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com).

## 19-4. Jury Duty Leave

Innowave Marketing Group realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of any request to perform jury duty and verification of their service, including fees received for jury duty service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Innowave Marketing Group will pay regularly employed jurors their regular wages for the first three (3) days of jury service. Courts may excuse employers from the duty to compensate juror-employees in cases of extreme financial hardship. In such cases, the court will award the juror reasonable compensation in lieu of wages, up to \$50 a day, for the first three (3) days of juror service. Alternate jurors will receive the same payments and reimbursements from their employers and the commonwealth as jurors.

Exempt employees will be paid their full salary less jury duty fees for any week in which they performed work for Innowave Marketing Group and missed work solely due to jury service.

## 19-5. Paid Family And Medical Leave Benefits

### Eligibility Requirements

All employees working in Massachusetts are eligible for Paid Family and Medical Leave Benefits under the Massachusetts Paid Family and Medical Leave Act (PFMLA), provided they are eligible for unemployment compensation in Massachusetts and receive wages from a Massachusetts employer. Former employees also may be eligible for paid benefits, to the extent they have been separated from Innowave Marketing Group for not more than 26 weeks at the start of their leave and have not found subsequent employment at the time their leave begins.

### Entitlement

Eligible employees may take up to 26 weeks of job-protected Paid Family and Medical Leave for certain family and medical reasons during the course of a benefit year.

The benefit year is calculated prospectively looking at the 52-week period beginning on the Sunday immediately preceding the first day of job-protected leave for the employee. Paid Family and Medical Leave may be taken for any one, or for a combination, of the following reasons:

- up to 12 weeks of family leave:
  - to bond with a child during the first 12 months after the child's birth, adoption or foster care placement;
  - for a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces; or
  - to care for a covered family member, who has a serious health condition (effective July 1,



2021).

- up to 26 weeks of family leave to care for a family member who is a covered service member with a serious health condition;
- up to 20 weeks of medical leave for their own serious health condition that makes them unable to perform one or more of the essential functions of their job.

For purposes of this policy, a **covered family member** includes the employee's spouse, domestic partner, child, parent, parent of a spouse or domestic partner, a person who stood in loco parentis when the employee was a minor child, grandchild, grandparent or sibling.

For purposes of this policy, a **serious health condition** is an illness, injury, impairment or physical or mental condition that involves: inpatient care in a hospital, hospice or residential medical facility; or continuing treatment by a health care provider.

For purposes of this policy, **qualifying exigencies** may include caring for a military member's child or other family member of the military member on covered active duty, 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.

For purposes of this policy, a **covered servicemember** is either:

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is: undergoing medical treatment, recuperation or therapy; otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces; or
- a former member of the Armed Forces, including a former member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and manifested before or after the member was discharged or released from service.

Leave and benefits are administered by the Massachusetts Department of Family and Medical Leave (the Department). Although Innowave Marketing Group provides wage income verification to the Department, all benefits determinations are made exclusively by the Department. The Department calculates weekly benefits as follows:

- the portion of the employee's average weekly wage that is equal to or less than 50% of the state average weekly wage shall be replaced at a rate of 80%; and
- the portion of the employee's average weekly wage that is more than 50% of the state average weekly wage shall be replaced at a rate of 50%, up to the applicable weekly benefit limits.

The first seven (7) calendar days of leave are unpaid by the Department, except for family leave following a

medical leave for pregnancy or childbirth, in which case the seven- (7-) day waiting period for the family leave will be waived. During any unpaid waiting period, employees may elect to use earned sick time (provided the need for leave is covered under the earned sick time policy), PTO/vacation, and/or other paid time off time to replace their regular income. Typically, employees will start receiving benefits from the Department not less than 14 days after the Department approves the leave and receipt of benefits, unless the Department approves benefits more than 14 days before the onset of eligibility to take leave.

### **Substitution of Department Benefits with Innovave Marketing Group Benefits**

Employees may substitute the Department's benefits with accrued vacation, PTO, personal, sick time, extended illness bank, etc. (assuming the reason for taking Paid Family and Medical Leave is covered under the vacation, PTO, personal, sick time, extended illness bank, etc. policy). If employees elect to make such a substitution, they shall not receive any benefits from the Department. Receipt of such benefits does not extend Paid Family and Medical Leave entitlements, which will run concurrently with any Innovave Marketing Group-provided benefits. Employees may supplement benefits for their own serious health condition with short- and/or long-term disability benefits if available.

### **Use of Leave**

Paid Family and Medical Leave is usually taken for a period of consecutive days, weeks or months. However, employees also are entitled to take Paid Family and Medical Leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or family member. Qualifying exigency leave also may be taken on an intermittent or reduced leave schedule.

Intermittent leave may be taken in increments of 15 minutes. Please note that the Department will not pay Paid Family and Medical Leave benefits in increments of less than 15 minutes. In addition, the Department only permits employees to apply for payment of benefits associated with intermittent leave once they have eight (8) hours of accumulated leave time, except where more than 30 calendar days has lapsed since the employee initially took such leave.

Employees are required to work with Innovave Marketing Group to create an agreed-upon intermittent or reduced leave schedule. Failure to comply with the agreed-upon schedule may result in discipline.

The use of intermittent leave will result in the proportional reduction of the employee's available allotment of leave. For example, if the employee normally works 40 hours per week and takes intermittent leave for 20 hours each week, then it will be counted as half a week of leave to be counted against the employee's leave entitlement.

### **Notice**

To trigger Paid Family and Medical Leave protections, employees must inform Human Resources [hr@innovavemarketing.com](mailto:hr@innovavemarketing.com) of the need for leave and the anticipated timing and duration of the leave, if known. The notice must state:

- the anticipated start date of the leave;
- the anticipated length of the leave; and
- the expected return date.

Employees must provide Innovave Marketing Group at least 30 days' advance notice of the need to take Paid

Family and Medical Leave when the need is foreseeable. Such notice must be provided before employees apply to the Department. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide Innowave Marketing Group notice of the need for leave as soon as practicable.

When planning medical treatment, employees must consult with Innowave Marketing Group and make a reasonable effort to schedule treatment so as not to unduly disrupt Innowave Marketing Group operations. Employees must consult with Innowave Marketing Group prior to scheduling treatment to work out a treatment schedule which best suits the needs of both Innowave Marketing Group and the employee.

The Department may deny or delay leave and benefits for employees who: fail to give Innowave Marketing Group at least 30 days' notice for foreseeable leave without a reasonable excuse for the delay; apply to the Department before notifying Innowave Marketing Group; or otherwise fail to satisfy PFMLA notice obligations.

### **Application to the Department**

After providing notice to Innowave Marketing Group (unless the need for leave is unforeseeable), employees should apply directly to the Department for leave and benefits. Employees are required to use the forms provided by the Department, and their application for benefits may not be processed unless the application for benefits includes all information necessary for the Department's review and processing. The Department requires the following information:

1. identifying information, such as Social Security Number or Individual Taxpayer Identification Number;
2. nature of the leave, whether family leave or medical leave;
3. starting date and expected duration of the leave;
4. whether the leave will be continuous or intermittent;
5. employer's name and identification number;
6. evidence that notice was provided to the employer in advance of the application for benefits, including the date notice was provided to the employer;
7. any denied, granted or pending requests for leave for a qualifying reason from the employer during the last 12 months;
8. attestation regarding the family relationship in the form specified by the Department if the leave involves an application for family leave benefits; and
9. completed certification based on the type of leave in the form specified by the Department.

Employees may be required to provide additional specific information requested by the Department where reasonably necessary to review and process an application for benefits including but not limited to whether the employee will be receiving any other wage replacement. It is the employee's responsibility to provide the Department with timely, complete and sufficient information, certifications or other documents supporting the need for leave.

### **Amendment or Extension of Leave Period and Paid Leave Benefits**

If there is a change in relevant circumstances that would justify an extension, reduction or other modification of the period of leave, the employee and Innowave Marketing Group must notify the Department within seven (7) calendar days of said change using the forms required by the Department. For extensions, specifically, the employee must make a request for extension at least 14 calendar days prior to the expiration

of the original approved leave. The Department may consider late filed requests upon a showing of good cause by the employee. The request for extension must include:

- the reason for the extension;
- the requested duration of the extended leave;
- the date on which the covered individual provided notice for the request for extension to the employer; and
- a newly completed or updated health care certification supporting the need for leave.

### **Job Benefits and Protection**

During Paid Family and Medical Leave, Innowave Marketing Group will maintain health coverage under any employment-related health insurance on the same terms and conditions as if the employee had continued to work. If Innowave Marketing Group-provided benefits are used as a substitute for the Department's benefits, Innowave Marketing Group will deduct the employee's portion of any applicable health plan premium as a regular payroll deduction. If the employee is not receiving any Innowave Marketing Group-benefits during the leave, the employee must make arrangements with Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com) prior to taking leave to pay their portion of any applicable health insurance premiums each month.

Unless otherwise provided by applicable law, upon return from Paid Family and Medical Leave, employees will be restored to their original or equivalent positions with equivalent status, pay, benefits, length-of-service credit and seniority as of the date of the leave. The use of Paid Family and Medical Leave will not result in the loss of any employment benefits that accrued prior to the start of the employee's leave.

### **Return to Work/Fitness for Duty Medical Certifications**

Unless notified otherwise, employees returning to work from Paid Family and Medical Leave taken for their own serious health conditions must provide Innowave Marketing Group with a medical certification confirming they are able to return to work and perform the essential functions of their positions, with or without reasonable accommodation. Innowave Marketing Group may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

### **Interaction with Other Leave Policies**

Leave taken pursuant to the PFMLA will run concurrently with leave taken under other applicable state and federal leave laws, including without limitation the Massachusetts Parental Leave Act and the federal Family and Medical Leave Act of 1993, when the leave is for a qualified reason under those laws.

### **Right to an Appeal**

Employees who are denied leave pursuant to the PFMLA may submit an appeal to the Department. The appeal must be filed within 10 calendar days of receipt of the denial. The deadline may be extended by the Department upon a showing of circumstances beyond the employee's control. In addition, the employee is required to provide a complete copy of the request for appeal to Innowave Marketing Group. Employees may request a hearing with the Department and a final decision will be issued by the Department affirming, modifying or revoking the initial determination made by Innowave Marketing Group.

Employees aggrieved by the Department's final decision may further appeal by filing a complaint in district court for the county in the Commonwealth where the individual resides or was last employed. The complaint

must be filed within 30 calendar days of the date the Department's final decision is received by the individual.

### **Questions and/or Complaints about PFMLA Leave**

Questions regarding this PFMLA policy, should be directed to Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com). For questions about determinations by the Department on leave eligibility, entitlement and/or benefits, contact the Department directly. Innowave Marketing Group is committed to complying with the PFMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the PFMLA.

The PFMLA makes it unlawful for employers to discriminate, retaliate, threaten to retaliate or interfere with the exercise of any rights provided under the PFMLA. In addition, employers may not retaliate or threaten to retaliate against any person who has filed a complaint, has caused a complaint to be filed, has or will participate or testify in a proceeding relating to a violation of the PFMLA, or has given or is about to give information connected to a proceeding relating to a violation of the PFMLA. If employees believe their PFMLA rights have been violated, they should contact Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com) immediately. Innowave Marketing Group will investigate any PFMLA complaints and take prompt and appropriate remedial action to address and/or remedy any PFMLA violation. Employees also may file PFMLA complaints with the Department alleging PFMLA violations.

### **19-6. Domestic Abuse Leave**

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

Except in cases of imminent danger to the health or safety, the employee seeking leave from work under this policy must provide to Innowave Marketing Group appropriate advance notice of the leave. If there is a threat of imminent danger to the health or safety of the employee or the employee's family member, the employee is not required to provide advanced notice of leave; provided, however, that the employee must notify Innowave Marketing Group within three (3) workdays that the leave was taken or is being taken pursuant to this policy.

Such notification may be communicated by the employee, a family member of the employee or employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

If an unscheduled absence occurs, no negative action will be taken against the employee if the employee provides any of the documentation described in (1) to (7) below within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences.

Employees must provide documentation that the employee or employee's family member has been a victim

of abusive behavior and that the leave taken is consistent with this policy. However, the employee will not be required to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. Employees must provide such documentation within a reasonable period after Innowave Marketing Group requests documentation relative to the employee's absence. The employee may satisfy this documentation requirement by providing any of the following documents:

1. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
2. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
3. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
4. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
5. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
6. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
7. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Information related to the employee's leave under this policy will be kept confidential and will not be disclosed, except to the extent that disclosure is: (i) requested or consented to, in writing, by the employee; (ii) ordered to be released by a court of competent jurisdiction; (iii) otherwise required by applicable federal or state law; (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or (v) necessary to protect the safety of the employee or others employed at the workplace.

The employee seeking leave under this policy must exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking leave under this policy, unless otherwise provided by Innowave Marketing Group.

Innowave Marketing Group will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided under this policy or to make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser. Innowave Marketing Group will not discharge or in any other manner discriminate against the employee for exercising the employee's rights under this policy. The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this policy commenced. Upon the employee's

return from such leave, to the extent required by applicable law, the employee will be entitled to restoration to the employee's original job or to an equivalent position.

## 19-7. Parental Leave

The employee who has completed three (3) consecutive months of full-time employment may be entitled to eight (8) weeks of parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child or for the placement of a child with the employee pursuant to a court order. The employee who either has multiple births or adopts more than one (1) child at the same time is entitled to eight (8) weeks of leave for each child. If two (2) employees seek to take parental leave in connection with the same child, then they are entitled to a total of eight (8) weeks of parental leave in the aggregate for the birth or adoption of that child.

In order to be eligible for this leave, the employee must give notice of the anticipated date of departure and intention to return to work to Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com) at least two (2) weeks in advance, or as soon as practicable if the delay is for reasons beyond the employee's control.

Parental leave will be without pay, except that if the employee has accrued unused paid time off, the employee may choose to use such time concurrently with all or part of the leave. Thus, if the employee is eligible for both FMLA leave and parental leave under this policy, the employee may (but is not required to) use accrued paid time off for the period of leave covered by this policy.

At the conclusion of a parental leave, the employees will be reinstated to their previous position or a similar position with the same rate of pay they received at the commencement of the leave. Innowave Marketing Group, however, may not reinstate the employee on parental leave to the previous position or a similar position if other employees of equal seniority or status in the same or similar position(s) have been laid off due to economic conditions or have been otherwise affected by changes in employment conditions during the period of leave. While parental leave may be extended, unless otherwise provided by applicable law, reinstatement may not be guaranteed at the conclusion of a parental leave that was more than eight (8) weeks in duration.

A parental leave will not affect the employee's ability to receive paid time off, bonuses, advancement, seniority or other benefits for which the employee was eligible on the date leave began, however, the leave period will not be included in the computation of such benefits. Parental leave runs concurrently with leave provided under any other applicable policy in the handbook including, without limitation, leave under the FMLA policy, if applicable. Parental leave also runs concurrently with any time period qualifying the employee for receipt of monetary benefits, including benefits received under any short-term disability policy. The receipt of such monetary benefits or use of paid time off during any period of parental leave does not extend the length of the leave.

Employees with questions or concerns regarding this policy can contact Human Resources [hr@innwavemarketing.com](mailto:hr@innwavemarketing.com).

## 19-8. Small Necessities Leave

Innowave Marketing Group will grant employees who have worked for Innowave Marketing Group for at least 12 months and have provided at least 1,250 hours of service in the preceding 12-month period with up to 24 hours of unpaid leave during any 12-month period, in addition to any FMLA leave, to participate in various activities. These include: attending a parent-teacher conference, accompanying a son or daughter to routine medical appointments or accompanying an elderly relative, related by blood or marriage, to routine medical or dental appointments or appointments for other professional services related to the relative's care, such as interviewing at nursing homes. Employees must provide seven (7) days' advance notice of their need for leave. If the need was not foreseeable, the employee must provide Innowave Marketing Group with as much notice as possible. An eligible employee first must substitute any accrued paid time off for this leave.