



# UPDATED NON- UNION EMPLOYEE HANDBOOK

JACK COOPER INVESTMENTS, INC.

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# 1.0 | Introduction

## 1.1 | Purpose of Handbook

The following handbook sets out certain policies and procedures pertaining to Jack Cooper Investments, Inc. and all related subsidiaries (the “**Company**”).

## 1.2 | Mission & Vision

To lead the vehicle logistics industry in end-to-end solutions and foster an organization focused on performance, people, and the planet.

## 1.3 | Our Values

- **Integrity:** We always try to do the right thing. We are honest and straightforward with each other.
- **Excellence:** We encourage and expect outstanding mastery of skills and superior execution.
- **Longevity:** We lead and manage for the long-term well-being of our Company and our employees.
- **Innovation & Imagination:** We challenge convention and reinvent the way we do business to meet the demands of a changing marketplace.
- **Responsibility:** We care about and work to make positive contributions to others, our community, and the world around us.
- **Safety & Health:** Safety and building a healthy work environment are core values embedded in our DNA and in our day-to-day business functions and decisions. It’s our duty to maintain a safe work environment for everyone.

# 2.0 | Employee Status

## 2.1 | Disclaimer

This handbook version supersedes any previous handbook versions and/or written or oral material pertaining to the subjects covered herein. The contents of this handbook (“**Handbook**”) are presented as a matter of general guidelines and information only. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described therein. The Company reserves the right to modify, revoke, suspend, terminate, or change any or all such policies, practices, procedures, or benefit plans in whole or in part, at any time with or without notice and there is no guarantee that conditions of employment or benefits will remain as set out in this Handbook. Every attempt will be made to inform employees of any changes as they occur. However, it is the employees’ responsibility to keep current on all Company policies and procedures. It is the employees’ responsibility to review Company policies and procedures in detail and to request any clarification needed from their supervisor or Human Resources Department (“**HR**”). The language in this booklet is not intended to create, nor is it to be construed to constitute, a contract between the Company and anyone or all of its employees. Nor does it guarantee any fixed terms or conditions of employment or benefits. There may be times when policies in this Handbook differ from applicable law. In those cases, applicable law will apply.

## 2.2 | Employee Handbook

This Handbook shall apply to all non-union employees of the Company. Additionally, the policies and guidelines in Section 4.0 below shall apply to union as well as non-union employees. Managers shall ensure the policies and guidelines are posted and available to their union employees.

The Company may provide a supplemental Handbook to certain subsidiaries with information specific to the subsidiaries' employees. Please check with HR if you are unsure if your subsidiary has a supplemental Handbook.

## 2.3 | Employment at Will

Nothing contained in this Handbook should be considered a guarantee or promise of continued employment, but rather, employment with the Company is on an "at will" basis. "At Will" means employees are not hired for a definite period and are free to resign at any time. Similarly, the Company reserves the right to terminate employment at any time, with or without cause or without prior notice, warning, procedure, or formality, for any lawful reason or for no reason. This Handbook does not create an expressed or implied contract between the Company and any of its employees.

No supervisor, manager or other representative of the Company has the authority to enter into any agreement with an employee for any specified period or to make any promises or commitments with regard to wages, hours, benefits, and/or working conditions unless so authorized by the Chairman, CEO, CFO, CAO, or President of the Company.

## 2.4 | Employment Classifications

The following definitions have been established in order to standardize terminology and provide common understanding in our references to employees:

- **"Employee"** means a person who receives wages or salaries from the Company.
- **"Regular Full-Time Employees"** means employees who consistently work a minimum of 30 hours weekly and who maintain continuous active employment status. Regular Full-Time Employees are eligible for all Company benefits.
- **"Regular Part-Time Employees"** means employees who consistently work fewer than 30 hours weekly and who maintain continuous regular part-time Employee status. Regular Part-Time Employees are not eligible for Company benefits.
- **"Temporary Employees"** - Those Employees whose services are intended to be of limited or intermittent duration. Temporary Employees are not eligible for Company benefits.
- **"Casual Employees"** - Casual Employees are those who are not regularly scheduled and work on an "as needed" or "on call" basis. Casual Employees are not eligible for Company benefits.

## 2.5 | Service Date

An Employee's service date shall be used to determine benefits eligibility and participation, subject to plan provisions. The service date is the first day worked on the Company's payroll as a Regular Full Time Employee unless the Company is obligated by law or contract to honor an earlier service date.

Employees who work as a Regular Part-Time Employee then become a Regular Full-Time Employee shall use their first day worked in their Regular Full-Time capacity as their service date.

Employees who work as Temporary Employees or consultants, either through the Company or through a temporary service, and are subsequently hired as Regular Full-Time or Part-Time Employees shall use their first day worked as a Regular Full-Time Employee on the Company payroll as their service date. At no time will temporary employment through the Company or through a temporary agency be credited to an Employee's service date.

## **2.6 | Employee Work Schedule**

The normal work week is from Sunday through Saturday. Workdays and hours of work will vary by location, position and the needs of the business. An Employee's supervisor will establish the schedule and only the supervisor may change the schedule once it has been established.

Supervisors must take into consideration any and all applicable laws when planning breaks for their Employees, including local and state laws. For example, Employees in California must be provided a meal break no later than the end of their fifth hour of consecutive work each day. If Employees, including managers or supervisors, have any questions about their local or state laws, please direct those questions to HR, who can help determine any applicable work schedule laws in each Company location.

If no applicable local, state, or other laws apply, the Company recommends Employees take at least a 30-minute unpaid meal break each day when working at least six (6) consecutive hours. The lunch period may be scheduled to meet business needs, or as otherwise required by applicable law. If Employees are not being provided a meal break, they should contact HR.

Employees are entitled to take two paid ten (10) minute rest breaks per day. Peripheral activity such as smoking is considered break time.

## **3.0 | Personnel Policies**

### **3.1 | Attendance**

It is extremely important that Employees be punctual and regular. Employees must be on the job and ready to work at their scheduled starting time. Excessive absenteeism or tardiness will be cause for disciplinary action up to and including termination. Where Employees are unable to report for work for any reason, they must notify their supervisor prior to the beginning of their shift to explain why they will be absent or tardy and when they will return to work or arrive. Employees are responsible for communicating directly to their supervisor. Employees must have two-way communication with their supervisor meaning they must speak to their supervisor on the phone or correspond by email or text. If an immediate supervisor is not available, Employees must use two methods of communication. For example, email and text; or text and voicemail. Supervisors can establish additional call off procedures, which must be in writing and approved by Human Resources. Failure to provide such notification could result in an unexcused absence

subject to disciplinary action and the time off may not be eligible for sick pay or other forms of compensation. Notification from another Employee or relative is not acceptable except where an Employee is physically unable to communicate his or her absence due to a health condition.

As noted above, if Employees are absent from work for two or more consecutive shifts, they are required to provide a doctor's note to management upon returning to work supporting their absence unless the leave is protected by a law that prohibits the Company from asking for such documentation. Where appropriate and permissible by law, the Company may request that a medical provider certify that an Employee is able to return to work safely.

As noted above, unacceptable attendance may result in disciplinary action, up to and including termination. An Employee who is absent from work for two consecutive shifts without giving proper notice as defined in this policy shall be considered as having voluntarily resigned.

The Company reserves the right to employ disciplinary action, up to and including termination of employment, for excessive absenteeism issues at its discretion. In the event an Employee misses or is tardy five shifts, whether such absences are deemed excused or unexcused and excluding accrued vacation and paid time off, in any rolling twelve-month period, the Employee's employment may be terminated immediately unless such excused absences occur during a period of leave covered by law.

## **3.2 | Personal Appearance**

All Employees must maintain a professional appearance during business hours and while in a customer's presence. Good personal hygiene is expected at all times. Perfume, cologne, or after-shave lotion should be used in moderation out of consideration for the sensitivities and allergies of others. Managers will work with HR to determine what is appropriate for their Employees on all matters of personal appearance and hygiene.

Clothing shall be clean and in good condition; torn jeans, shorts, halter tops, sweat suits, clothes with holes, stains or otherwise in an obvious state of disrepair are not appropriate. Revealing or too short of clothing is not appropriate. Supervisors or HR will notify their Employees if their clothing is inappropriate. Employees who report for work in unacceptable clothing will be sent home and not paid for time missed from work.

Clothing and any visible tattoos shall comply with the Company's harassment policy below and be free from any offensive or harassing images. Examples of such images include but are not limited to images of a sexual nature, the Confederate Flag, or swastika. Employees wearing such images on their clothing may be sent home to change or asked to turn the clothing inside out. Additionally, offensive tattoos must be covered prior to the beginning of an Employee's shift. Specific guidelines for attire may vary by location depending upon its particular work duties and business needs.

The Company will comply with all federal, local, and state law with respect to making accommodations for Employees with special religious or medical needs that may affect their personal appearance. Accommodations will be made in accordance with our equal-employment opportunity policy below. Individuals seeking such accommodations should contact HR.



### 3.3 | Conflict Resolution

The Company realizes problems may occur in the workplace and recognizes the importance of clearing up any difficulties that may arise. Full discussion of the issues is the best vehicle for resolving misunderstandings and preserving good relations between management and Employees. Accordingly, the following procedures may help ensure that all Employee complaints receive appropriate consideration. No discrimination or recrimination will result from presenting a good-faith, bona fide complaint. If at any time the Employee needs assistance during any stage of this process he or she should contact HR.

Should a condition exist which an Employee feels is unsatisfactory, but is not directly addressed by Company policies, it is important that he or she bring it to the attention of the appropriate person in the proper manner.

- *Manager/Supervisor.* The first person the Employee should notify is the Employee's immediate supervisor. If the complaint is about the supervisor, the Employee may start with the person to whom his or her supervisor reports.
- *Human Resources Department.* If the supervisor is unable to resolve the complaint in a satisfactory manner, or if the supervisor is the source of the complaint, the Employee is to contact HR for assistance.
- *Executive Committee Member.* If the supervisor and HR do not satisfactorily resolve the issue, Employees may bring their complaint to a member of the Executive Committee.

This method of conflict resolution is intended to safeguard against any possible inequitable treatment, but cannot guarantee that all issues raised by Employees will be resolved in the Employee's favor. Nonetheless, all Employees may be assured that reasonable efforts will be made to try to resolve problems in a manner that is satisfactory for both the Employee and the Company.

### 3.4 | Teammate Action Plans

The following recommendations are designed to help Employees meet standards of performance and to solve disciplinary problems through communication with the affected Employees. Supervisors should endeavor to describe the behavior that is to be corrected; set goals for improvement; and let Employees know the consequences of the continuation of the problem behavior. The best way to accomplish this is to create a formal teammate action plan. Supervisors should reach out to HR as needed to assist with the creation of teammate action plans for their Employees.

The steps described below do not constitute an employment contract. Instead, employment with the Company is at all times "at-will". Accordingly, the Company reserves the right to administer or not administer any and all of the following steps alone or in combination and in any order, based on the severity of the behavior and at the Company's discretion.

During any step in the process, the Employee may offer rebuttal comments in writing. These should be placed in the Employee's personnel file along with the written teammate action plan.

- Verbal Counseling: The supervisor should first tell the Employee verbally about the specific performance deficiencies or behavioral problems. The Employee should be given the opportunity to respond and discuss what is causing the performance deficiencies.

- Teammate Action Plan: If changes are not made after the verbal counseling, a written game plan for improvement should be created. This teammate action plan should be signed by the Employee, who by signing, acknowledges that he or she will abide by the plan and cooperate in making improvements. If the Employee refuses to sign a teammate action plan, it shall be construed by the Company as an indication of his or her unwillingness to make any changes or improvements. This may result in immediate discipline up to and including termination. Separate rebuttal comments shall not be interpreted as a refusal to sign. The

Employee may both disagree with their manager's assessment of his or performance while simultaneously agreeing to abide by and cooperate with a teammate action plan. If the Employee believes the teammate action plan is discriminatory, he or she may contact HR. The teammate action plan should be placed in the Employee's personnel file and a copy given to the Employee.

- Formal Meeting: The supervisor should meet with the Employee to provide the teammate action plan to the Employee. Topics for discussion at this meeting may include:
  - A reminder about the previous discussion (if applicable);
  - A description of the specific performance or behavior that is causing the problem;
  - A description of the steps required by the plan; and
  - A discussion of future consequences if standards are not met.
- Termination: If the Employee does not make the required improvement, meet the set standards in the teammate action plan, or maintain the required performance levels on a continuing basis, or if behavior otherwise warrants, employment may be terminated.

### 3.5 | Termination without Warning

In the following situations, immediate termination may result without warning. This list is not intended to be all-inclusive. There are other behaviors that could also result in immediate termination.

- Acts of violence.
- Willful destruction of Company property.
- Negligent or otherwise unsafe operation of equipment.
- Fighting, participating in horseplay, carrying firearms or any other dangerous weapons on Company premises or in Company property, or at any location where an Employee is performing work for the Company, at any time.
- Reasonable suspicion of theft, removal, defacing Company property or dishonesty toward the Company, or its Employees, clients or vendors. The Company considers theft a serious offense and will pursue prosecution.
- Use, possession or sale of drugs or alcohol in the workplace or parking lot, or reporting to work with the presence of drugs or alcohol in the system.
- Insubordination to managers including refusing a reasonable request, refusing to leave premises when requested, and/or using obscene or otherwise objectionable language or gestures.
- Falsification of Employee applications, time cards or other records, including filing fraudulent Workers' Compensation or health care claims.
- Unauthorized use of Company equipment, time, materials or facilities.
- Completing another Employee's time records.

- Engaging in harassment of any kind — including sexual harassment — toward another Employee, customer or vendor. Transmission of obscene, slanderous, harassing or other inappropriate messages by electronic or other means.
- The unauthorized dispersal of sensitive Company operating material or information of a confidential nature to any unauthorized person or party. This would include, but not be limited to, policies, procedures, financial information, or any such information, in part or in whole, that is contained in Company manuals, video programs or records.
- Violation of any federal, state or local law or failure to follow prescribed rules that result in actual or potential legal action against the Company. Violation of Company safety, health or security rules.
- Violation of Company drug, alcohol, workplace violence and concealed weapons policies.
- Loitering or loafing during work time, or leaving a work area without the permission of management.
- Violation of the attendance policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
- Any other activity that the Company reasonably believes represents a threat to the smooth operation, goodwill or profitability of its business.

As mentioned elsewhere in this Handbook, all employment relationships are on an at-will basis. The Company reserves the right to terminate the employment relationship at any time, with or without cause or notice.

### **3.6 | Confidential Company Information**

During the course of work, an Employee may become aware of confidential information about the Company’s business, including but not limited to information regarding Company finances, pricing, products, and new product/service development, software and computer programs, marketing strategies, suppliers, customers and potential customers, and other non-public proprietary Company information.

An Employee also may become aware of similar confidential information belonging to the Company’s clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to our competitors. Any Employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the Company (whether intentionally or negligently) may be subject to disciplinary action up to and including termination.

Nothing in this confidentiality section prohibits an Employee from reporting possible violations of federal law or regulation to any governmental agency or entity, including, but not limited to, the Department of Justice, the Securities and Exchange Commission, the Congress, and the Inspector General, or making other disclosures that are protected under the whistleblower provisions of federal law or regulation.

### **3.7 | Conflict of Interest and Business Ethics**

The Company maintains a Code of Business Conduct and Ethics Policy (the “**Policy**”). It is the responsibility of all Employees of the Company to familiarize themselves with this Policy. One

purpose of this Policy is to ensure that the Company's honesty and integrity, and therefore its reputation, are not compromised. Among other important standards, the Policy sets forth that no Employee should have, or appear to have, personal interest or relationships that actually or potentially conflict with the best interest of the Company.

As noted in the Policy, it is not possible to give an exhaustive list of situations that might involve violations thereof. However, examples are provided of situations that would constitute a conflict in most cases, including but not limited to:

- Loans to, or guarantees of obligations to, an Employee or his or her family members by the Company may create conflicts of interest and in certain instances are prohibited by law.
- Holding an interest in any organization that does, or is seeking to do, business with the Company, by any Employee who is in a position to directly or indirectly influence either the Company's decision to do business, or the terms upon which business would be done with such organization.
- Holding a material interest in an organization that competes with the Company.
- Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the Company (e.g., a customer or supplier) or which competes with the Company.
- Profiting personally (e.g., through commissions, loans, expense reimbursements, or other payments) from any organization seeking to do business or doing business with the Company.
- Acceptance of any gift or other favor such as entertainment or services under circumstances where the receipt of such gift or favor might reasonably be deemed by others to influence the judgment or actions of the Covered Person in the conduct of the Company's business (as further described in the Company's FCPA Policy).

It is the Employee's responsibility to report any actual or potential conflict that may exist between the Employee, and his or her immediate family, and the Company. Please consult the Legal Department of the Company ("**Legal**") of the Policy for additional information.

### **3.8 | Smoke-Free Policy (New)**

To protect and enhance indoor air quality and contribute to the health and well-being of all Employees, the Company has established a "Smoke-Free" policy that prohibits smoking and using e-cigarettes or vaping in any indoor areas or where prohibited by customers or other third-parties, for example the local landlord.

### **3.9 | Company Vehicles and Driving for Company Business**

When using a Company vehicle, an Employee is required to exercise care and perform necessary maintenance. When operating a Company vehicle, the Employee must have a valid driver's license at all times. Failure to maintain a valid driver's license while operating a Company vehicle will result in immediate termination. Any change in license status or driving record must be reported to management immediately. Smoking is not permitted in any Company vehicles. The Company provides insurance to cover the vehicle. However, it is the Employee's responsibility to ensure proper proof of insurance and registration are inside the vehicle and that a current tag is

visible on the license plate at all times. The Company is not responsible for any parking, moving, or lack of documentation violations. Serious or repeat moving violations or accidents could result in termination. Company vehicles may be used only as authorized by management.

Employees using personal vehicles to conduct Company business must possess a current, valid driver's license and have an acceptable driving record. Employees driving a personal vehicle for Company business must have current and adequate insurance coverage on their vehicle at all times. Employees driving without a license or insurance are putting themselves and the Company at risk and could be terminated immediately. The Company is not responsible or liable for any consequences resulting from any violation of state or federal laws or resulting from an Employee's driving without a valid license or insurance at any time for any reason. The Company is not responsible for any accidents or damage caused by Employees or anyone else, even if driving for business purposes, unless required to do so by law. Employees using their personal vehicles to conduct Company business should inquire of the Accounting Department for current fuel reimbursement rates and procedures.

### **3.10 | Cell Phone and Electronic Device Usage**

The Company will provide a cellular phone when it is necessary and appropriate for an Employee to complete their work responsibilities. If you feel you qualify for a Company phone, please speak with your supervisor. At this time, the Company does not offer reimbursement for personal cellular phones used for Company business. Only Employees previously approved for such reimbursement prior to this policy change, or "grandfathered in," may receive such reimbursement. It is the Employee's responsibility to know and comply with all local, state and federal laws in regards to use of a cellular phone and driving. Employees are prohibited from speaking on their cell phone, texting, checking e-mail or using any other feature on their phone or other electronic device, while operating a moving vehicle and/or while handling the manufacturer's products during the loading and unloading process. This also includes any type of hands-free devices, Bluetooth, or any similar device that can send or receive electronic messages. Employees should always pull over to a safe location if they need to use their electronic device or cell phone for any reason. The Company is not responsible for any cell phone usage violations or accidents caused by cell phone use, at any time for any reason.

### **3.11 | Camera and Recording Devices**

Due to the potential for issues such as safety, invasion of privacy, sexual harassment, and loss of productivity, no Employee may operate a camera, video recording device, or voice recording device, including those found on a cellular phone, while performing work for the Company, unless the device is used in a safe manner, in accordance with all Company policies, and solely for legitimate business purposes or as an exercise of the Employee's rights under federal, state, or other law, including but not limited to Section 7 of the National Labor Relations Act for US-Based Employees.

### **3.12 | Reference Checks & Verification of Employment**

All inquiries regarding current or former Employees, including employment references, should be referred to HR. Disclosure to outside sources about Employees will be general information concerning the employment such as dates of employment and position held. The Company will provide other information to outside sources, including wages or salary, only if authorized in

writing by the Employee in order to cooperate with requests from authorized law enforcement agencies, or as otherwise legally required.

It is not the Company's practice to provide letters of reference or verbal references outside of HR. No one outside of HR is authorized to provide employment references of any kind.

### **3.13 | Job Duties**

Supervisors are responsible for training Employees on their respective job responsibilities and expectations. However, job responsibilities may change at any time and for any reason. From time to time, an Employee may be asked to work on special projects or overtime to assist with other work necessary or important to the operation of the Company. All Employees are expected to cooperate and assist in performing such additional work as needed and as permissible under law.

The Company must and does reserve the right at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional responsibilities.

### **3.14 | Personal Status Changes**

When Employees change their name, address, or telephone, or experience a change in family or marital status, it is the Employees' responsibility to either (1) notify HR in writing of such changes; or (2) update their information in the ADP portal. This will ensure that the Employee's personnel, payroll, and insurance records will be correct. Unreported changes of address, marital status, etc. can affect Employees' withholdings, taxes, and benefit coverages. The Company is not responsible for incorrect or unreported information.

### **3.15 | Personnel Records**

Employees have the right to inspect the documents in their personnel file, if provided by law, in the presence of an HR representative at a mutually convenient time. Any request for information from personnel files must be directed to HR in writing.

### **3.16 | Relationship of Coworkers that Creates a Conflict of Interest**

The Company reserves the right to transfer, demote, or, under extreme circumstances, terminate any Employee whose relationship with a coworker creates a conflict of interest for the Employee. This conflict may be due to a family relationship, a romantic relationship, a financial relationship, or any other reason that creates an actual, not potential, conflict of interest. Prior to any action being taken, the Company will consult with the Employees whose relationship poses a conflict of interest and will work to resolve the conflict without necessitating any negative action being taken against one or more of the conflicted Employees. At all times, the Company will comply with its Policy as well as any other applicable laws or policies.

### **3.17 | Bulletin Boards**

Important notices and items of general interest are continually posted on the Company's bulletin boards. Employees should review these bulletin boards frequently and should not post or remove any material from the bulletin board without consent of the top location manager or HR.

### **3.18 | Inclement Weather**

All Employees unable to perform work responsibilities from home, should make a good faith effort to get to work, but should not endanger themselves trying to get to work during bad weather. Any Employee who is absent or fails to report to work because of inclement weather or road conditions is considered absent due to personal reasons (as defined by the Wage and Hour division of the Department of Labor for US-Based Employees). Employees may choose to take an unpaid day or use sick or vacation day to cover the time off. Employees who will be out of work due to inclement weather should comply with the attendance policy, which requires Employees to speak to their manager before their start time.

### **3.19 | Professional Development**

Employees are encouraged to seek opportunities to improve their professional skills. Often this can be accomplished inexpensively and outside of normal working hours, such as listening to a professional podcast during the commute into or home from work. Employees who wish to participate in paid professional development opportunities, such as conferences or seminars, may present a proposal to the head of their department or their regional vice president. A good proposal will include how the seminar or conference could improve the operations of their department and benefit the Company. However, the manager may approve or deny any proposed professional opportunity in his or her discretion based on overall cost, timing, staffing needs, or general content of the proposed opportunity. Events necessary to maintain professional licensure should be given priority. In the event the Company does approve and pay for a professional development opportunity, Employees may be required to reimburse the Company if they do not attend the event or if they resign from their position within sixty days after completion.

### **3.20 | End of Employment**

Employees desiring to terminate their employment relationship are urged to notify the Company at least two weeks in advance of their intended separation. Such notice should preferably be given in writing to the Employee's manager. Proper notice generally allows the Company sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which an Employee may be entitled.

The last day actually worked is considered an Employee's last day of employment. Employees may not end their employment while out on vacation, sick, holiday or any other type of time-off, and will not be paid any such days after their date of separation. Any earned, accrued, and unused vacation will be paid after termination, typically one to two pay cycles after the final earned wages are paid unless otherwise required by law. Sick leave will terminate on the date of the Employee's separation or the last day worked, whichever is applicable. The Employee will not be paid out any earned and unused sick leave upon separation, unless payment of sick leave is required by applicable law in the Employee's jurisdiction. Sick leave may not be taken after an Employee has given notice of resignation without a written doctor's excuse.

All Company property and expense reports must be turned into the Employee's manager on his or her last day of employment. The Company reserves the right to deduct the worth from any final monies, the cost of any items not turned over to the Company by the last day worked unless such deduction is prohibited by applicable law.

## 4.0 | Policies & Guidelines

\*\*\*ALL POLICIES AND GUIDELINES APPLY TO BOTH UNION AND NON-UNION EMPLOYEES\*\*\*

### 4.1 | Diversity, Equity, and Inclusion

This Diversity, Equity, and Inclusion Policy (the “**DEI Policy**”) covers a wide range of social and business practices. It does not cover every issue that may arise, but it sets out basic principles to guide all directors, officers, and Employees of the Company. This DEI Policy should also be provided to and followed by the Company's agents and representatives.

The Company is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion. Moreover, the Company strives to create an environment where every team member feels welcome and valued.

We believe that our people are our most valuable asset. We recognize the value individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, capabilities, and talent bring to our culture, reputation, and achievements. Moreover, we understand that these differences are what enable us to succeed.

The basic principles discussed in this DEI Policy are subject to any other Company policies covering the same issues. If a law conflicts with any portion of this DEI Policy, Employees must comply with the law. Alternatively, if a local custom or policy conflicts with this DEI Policy, Employees must comply with this DEI Policy. If Employees have any questions about these conflicts, Employees should ask their supervisor how to handle the situation. Directors and officers of the Company should discuss any questions with the Company's General Counsel. Employees are responsible for understanding the legal and policy requirements that apply to their jobs and for reporting any suspected violations of law, this Code, or any Company policy. Those who violate the standards in this DEI Policy will be subject to disciplinary action, including possible termination. Furthermore, violations of this DEI Policy may also be violations of law and may result in civil or criminal penalties for Employees, their supervisors, if any, and/or the Company.

All Employees have a responsibility to always treat others with dignity and respect.

All Employees are expected to exhibit conduct that reflects inclusion during work, at work functions, on or off the work site, and at all other Company-sponsored and participative events.



Any Employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with this DEI Policy or the equal-employment opportunity policy should seek assistance from a supervisor, or an HR representative.

### **Diversity, Equity, and Inclusion Practices**

The Company believes that diversity, equity, and inclusion are key components in achieving our mission and providing premier customer value. We aim to cultivate belonging and empowerment. We encourage and support gender parity and women leaders. We partner with diverse suppliers and customers. We value and defend diversity in our communities.

In addition to our focus on diversity and inclusion, the Company strives to expand its commitment to being a good neighbor in the communities where we live, work, and operate. Our commitment is shown by not only being environmentally responsible but also engaging in social stewardship through volunteerism and charitable events. At the Company, we believe in community ownership, driving change, collaboration, and connection through our work and our people.

Our diversity initiatives are applicable – but not limited – to our practices and policies on recruitment, compensation and benefits, professional development, training, promotions, social and recreational programs, and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all Employees;
- Teamwork and Employee participation, permitting the representation of all groups and employee perspectives;  
Work/life balance through flexible work schedules to accommodate Employees' varying needs; and
- Employer and Employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

For more information about diversity and inclusion, visit <https://www.jackcoopernews.com/jcdi>

## **4.2 | Harassment Policy including Sexual Harassment**

This harassment policy (the “**Harassment Policy**”) applies to all persons involved in the operation of the Company and prohibits unlawful harassment by any Employee of the Company, including supervisors and co-workers, as well as customers and vendors. The Company expressly prohibits any form of unlawful Employee harassment on the basis of race, religion, color, national origin, disability, age, sex or any other basis protected by federal, state or local law including sexual harassment. This Harassment Policy also prohibits harassment in retaliation for having brought a complaint of or having opposed harassment and/or for having participated in the complaint process. Any Employee found to have engaged in unlawful harassment is subject to disciplinary action up to and including dismissal. Employees who become aware of possible

unlawful harassment should promptly contact HR or the Confidential Reporting Hotline offered by Lighthouse Services at (855)400-7008.

Managers and supervisors who know or should have known of unlawful harassment and fail to report such behavior, or fail to take immediate, appropriate, corrective action, will be subject to disciplinary action up to and including termination. One example of unlawful behavior is “sexual harassment.” For purposes of this Harassment Policy, the term “sexual harassment” means unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct or communication of a sexual nature when:

- submission to such conduct or communication is made either explicitly or implicitly a term or condition of the individual’s employment; or,
- submission or rejection of such conduct or communication by an individual is used as a basis for employment decisions affecting such individuals; or,
- such conduct or communication has the purpose or effect of unreasonably interfering with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

The following is a partial list of examples of prohibitive behavior and is not intended to be all inclusive.

- **Verbal**: Sexual advances or propositions or threats; continuing to express interest after being informed the interest is unwelcome; use of sexual innuendoes; suggestive or insulting comments or sounds, including whistling; sexual jokes or teasing of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; and any other abuse of a sexual nature either in person or through email, voice mail, or any other media.
- **Visual**: Display of sexually suggestive objects, pictures or letters; leering; obscene gestures; sexually suggestive or offensive graffiti; and/or emails containing words of a sexual nature.
- **Physical**: Unwanted physical contact including offensive touching, pinching, brushing the body, impeding or blocking movement, unwanted sexual intercourse or other unwanted sexual acts; sexual assault or battery.

Retaliation against Employees who report harassment or assist in investigating charges of harassment is prohibited. Any Employee found to have engaged in retaliatory action or behavior will be subject to discipline. Any Employee who feels that he or she has been retaliated against for having brought a complaint of or having opposed such harassment and/or for having participated in the complaint process must bring the matter to HR’s attention. To protect the interests of the complainant, confidentiality will be maintained to the extent practicable and appropriate under the circumstances.

The Company will investigate all allegations of unlawful harassment promptly. If, as a result of an investigation, the Company determines that a violation of this Harassment Policy has occurred, prompt and appropriate remedial action will be taken to eliminate the Harassment Policy violation and to ensure that it does not recur.

The Company prohibits any form of retaliation against any Employee for filing a bona fide complaint under this Harassment Policy or for assisting in a complaint investigation. If, however, after investigating any complaint of harassment or unlawful discrimination, the Company determines that the complaint is not bona fide or that an Employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint and/or who gave the false information.

Any Employee who believes that he or she has been unlawfully harassed should immediately inform the offending individual that the behavior is unwelcome and should cease. The incident should be reported to the supervisor, terminal manager, or HR. Supervisors, terminal managers or any other member of management should report any such incidents to HR immediately.

The Company has created training resources to help identify and prevent sexual harassment. All Employees are responsible for familiarizing themselves with and implementing the content of these trainings. They may be found at [www.jackcooperuniversity.com/sexual-harassment-series](http://www.jackcooperuniversity.com/sexual-harassment-series).

### **4.3 | Workplace Violence and Concealed Weapons Policy**

The welfare of Employees and the security of our facilities require that every individual be constantly aware of potential security risks. All potentially violent situations will be taken seriously and all threats of violence against Employees and the Company should be reported to the appropriate authorities immediately.

The cooperation of all Employees is essential, and all Employees are responsible for observing the following precautions to help maintain a safe and secure workplace:

- Secure their desk or work area at the end of the day or when called away from their work area for an extended length of time.
- Keep purses, wallets, or other valuable personal articles out of sight and secure at all times.
- Report lost keys, security passes, or identification badges to their supervisor immediately.
- Notify their supervisor immediately of any suspicious or unauthorized persons on or near Company premises.
- Report threatening communications including mail, telephone calls, electronic communications, faxes, and verbal remarks to their supervisor immediately.
- Make their supervisor aware immediately of any acts by or against Employees including harassment, intimidation, stalking, or invasion of privacy.
- Do not provide information of a personal nature about co-workers to anyone. Refer persons making such inquiries to their supervisor, terminal manager or office manager and report the inquiry to one of those individuals. Use good judgment when asked for information about another Employee's work schedule, hours, or travel plans.
- Unless otherwise prohibited by applicable law, the Company prohibits Employees, customers and visitors from possessing firearms on all Company property, including buildings, driveways, sidewalks, parking lots and other Company grounds.

In addition, Employees are prohibited from carrying any firearm—even if otherwise legal—at any time while on duty for the Company, whether on or off Company property. Firearms are prohibited from all Company equipment, including but not limited to tractor-trailers. This policy

applies to all firearms, whether carried on one's person, bags, vehicles, or other containers. However, an exception to this policy will be made for Employees whose state or local laws requires the Company to allow Employees to store a lawfully owned firearm in their personal vehicle. Employees may direct any questions about the gun laws of their state to Legal or HR. In any case, all Employees must practice responsible gun ownership to the fullest extent required by law.

Any threats of violence or to inflict physical harm or damage to property, to impede the normal course of work, or make workers, managers and/or customers fear for their safety is strictly prohibited. The Company has zero-tolerance for violating this policy. Anyone found in violation of this policy will be terminated, subject only to the Company's discretion, but not obligation, to impose a lesser penalty if mitigating circumstances warrant it. All Employees are responsible for helping to enforce this policy against workplace violence and concealed weapons. Any Employee who becomes aware of any violation of this policy, must immediately notify their manager or HR; so the situation can be promptly investigated and remedied. The Company forbids retaliation against anyone who has reported workplace violence or who has cooperated in the investigation of complaints.

#### **4.4 | Substance Abuse Policy**

It is the Company's policy to provide Employees and our customers with a working environment that is free from the problems associated with the use and abuse of controlled substances and alcohol. As an Employee, Employees are expected to be in such mental and physical condition as will permit them to perform the assigned tasks in a professional and competent manner, free from the influence of drugs or alcohol.

The non-prescriptive use, sale, possession, distribution, dispensation, purchase, manufacture, delivery or transfer of a controlled substance, drug or alcohol at the workplace, while engaged in Company business, or elsewhere during working hours is strictly prohibited. Employees may not report to work under the influence of a controlled substance, drug or alcohol. Nor may Employees work, without notice to their immediate supervisor or manager, while using prescription or non-prescription drugs which may impair alertness, judgment or coordination.

All new hires must submit to pre-employment drug screening prior to beginning work. Pre-employment drug screening will only occur after a conditional offer of employment has been extended to a prospective Employee.

If management determines that an Employee appears to be impaired by alcohol or illegal drugs while on Company premises or while on duty off-site, the Employee may be asked to submit to urine and/or other tests. A refusal by the Employee to submit to testing will be viewed as if the Employee is impaired and appropriate disciplinary action will be taken, up to and including termination.

If the Employee is tested and the results are positive, the Employee will be sent home and is subject to disciplinary action up to and including termination (even for the first offense). For purposes of this policy, "illegal drug" refers to any non-prescription drug regulated under the

Federal Controlled Substance Act, including, but not limited to: marijuana, cocaine, crack cocaine, heroin, peyote, mescaline, PCP, methamphetamine and LSD.

In addition to testing, the Company reserves the right to take other appropriate and lawful actions to enforce this policy, including but not limited to, the right to inspect any property which is on Company premises, including lockers, desks, briefcases, bags, vehicles, or any other property with or without notice. Where permissible by state and/or local laws, the Company reserves the right to inspect Employee property when there is reasonable suspicion to believe that the Employee may have violated the drug and/or alcohol prohibitions contained in this policy, has engaged in other prohibited conduct or for the safety of the other Employees and visitors on Company premises.

Unless required by local or state law, the Company will not make an exception to this policy for Employees who are using marijuana for medicinal purposes. All Employees are responsible for helping enforce this policy. Any Employee who becomes aware of any violation of this policy must immediately notify their terminal manager or HR.

## **4.5 | Equal-Employment Opportunity Policy**

The Company provides equal employment opportunity. The Company strictly prohibits any unlawful discrimination against applicants or Employees because of their race, color, religion, sex, age, national origin, ancestry, disability, sexual orientation, veteran status, marital status, pregnancy, childbirth or related medical conditions, or any other characteristic protected by federal, state, provincial, or local laws (the “**Equal-Employment Opportunity Policy**”).

In keeping with this Equal-Employment Opportunity Policy, all employment-related decisions are based solely upon an individual’s qualifications. If an Employee believes that he or she has been discriminated against on any basis, the Employee should promptly advise his or her supervisor, terminal manager, Lighthouse Reporting, or HR.

Retaliation against Employees who report discrimination or assist in investigating claims of discrimination is prohibited. Any Employee found to have engaged in retaliatory action or behavior will be subject to discipline. Any Employee who feels that he or she has been retaliated against for having brought a complaint of discrimination and/or for having participated in the complaint process is encouraged to bring the matter to HR’s attention. To protect the interests of the complainant, confidentiality will be maintained to the extent practicable and appropriate under the circumstances.

The Company prohibits any form of retaliation against any Employee for filing a bona fide complaint under this Equal-Employment Opportunity Policy or for assisting in a complaint investigation. If, however, after investigating any complaint of unlawful discrimination, the Company determines that the complaint is not bona fide or that an Employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint and/or who gave the false information.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or Employee with a disability unless undue

hardship would result. Any applicant or Employee who requires an accommodation in order to perform the essential functions of the job should contact HR and request such accommodation. The Company reserves the right to ask for medical documentation of the applicant or the Employee's disability. The Company will conduct an investigation to identify the barriers that make it difficult for the individual to have an equal opportunity to perform his or her job and identify possible accommodations. If the accommodation is reasonable and will not impose undue hardship, the Company will make such accommodation.

HR shall maintain a disability accommodations policy, including an optional accommodations request form, to assist in the above outlined process.

## 4.6 | Background Check Policy

All offers of employment at the Company are contingent upon a background check conducted per this policy. HR will be responsible for securing background checks for each applicant selected for hire.

Background checks will include:

- **Criminal History:** includes a review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  - The nature of the crime and its relationship to the position.
  - The time since the conviction.
  - The number of convictions.
  - Whether hiring the applicant would pose an unreasonable risk to the business, its Employees, customers, and vendors.
- **DOT Employment Verification:** in compliance with Department of Transportation (“DOT”) regulations where required, such as for commercial truck drivers.
- **Motor Vehicle Records:** in compliance with DOT regulations where required or any position where driving is an essential requirement of the position.

Once an offer of employment has been made, HR will send candidates stand-alone background check disclosure and authorization forms via an electronic link, telling them this data may be used to make decisions about their employment. Upon receipt of the authorization form, HR will engage a third-party service provider to conduct the background check.

In instances where criminal records are reported, HR will assess the potential risks and liabilities related to the job's specific requirements and determine whether the individual should be hired. If a decision not to hire a candidate is made based on the results of a background check, the candidate will be given notice in the form of a pre-adverse action letter, which comes with the chance to appeal any records that may have been included in the report in error.

After two weeks, a final adverse action letter will be sent to any candidates who (A) did not appeal any records mentioned in the pre-adverse action letter that may have been included in the report in error, or (B) have had their appeal denied due to the standing decision to cease the hiring process as a result of information found in their consumer report. However, once again, candidates will be allowed to appeal the report.

At all times, HR will ensure that criminal history will be used following its Equal-Employment Opportunity Policy and any formal guidance from the Fair Credit Reporting Act (FCRA) and the Equal Employment Opportunity Commission (EEOC) on the use of background checks in employment screening. Further, the Company will comply with any federal, state, or local requirements regarding using background checks during the employment screening process. HR reserves the right to adapt the background screening framework based on local, state, and federal regulations.

## 4.7 | Electronic Communication and Technology

### Electronic Equipment and Systems

All networks, servers, files, computers, tablets, cell phones, and electronic telephonic media including, but not limited to, fax, telex machines, modems, telephones, text-messaging devices, removable data storage media, and e-mail, as well as voice mail systems are Company property and should be used only for business purposes or appropriate incidental personal usage, and at the convenience of the Company (the “**Electronic Communication and Technology Policy**”).

Furthermore, none of these are private and confidential and can be monitored and recorded at any time. The Company expressly reserves the right to terminate personal usage at its sole discretion. Nonincidental private usage during business hours should be minimal. Inappropriate use at any-time is against Company policy and may subject the Employee to discipline up to and including termination. The Employee has no personal privacy right in anything created, received or sent on or from any Company property. Company property can be monitored and recorded at any time, as well as resurrected even if the messages/data has been deleted.

If the integrity, in part or in total, of a company device or system is threatened such that the security, stability or functionality of the device or system is at risk, the Company reserves the right to take any and all actions necessary to prevent, or mitigate the effects. All reasonable efforts will be made to contact the user(s) of the device or system during the prevention/mitigation process.

Employees shall not attempt to exploit or bypass Company security on devices or systems and shall not use or attempt to load any code, software, jail breaking, hacking tools (ethical or otherwise), peer-to-peer networking to alter, scan, access, or retrieve stored information. Jail breaking is the removal of restrictions from a device and/or altering or replacing the installed operating system.

All devices attached to Company systems must adhere to Company standards. Employees are prohibited from reusing JCH passwords for their personal accounts and/or on non-company owned devices. Personal devices (devices not provided by the Company) shall not be connected or sync to Company wired or wireless network. Guest wireless is provided at some locations for guest use only. Exceptions to this Electronic Communication and Technology Policy may be allowed under certain circumstances if the Employee has received expressed permission from IT. Please note that this does not apply to logging in to Company Webmail using a personal device or Employees authorized to connect to VDI sessions.

## **Electronic Communication and Voicemail**

Electronic methods of communication and voicemail are not private and/or confidential if it is a company address and/or accessed via Company property or on Company networks or Company supplied Internet. The Company reserves the right to monitor all transmissions as needed, to determine if they are being used other than for legitimate business or appropriate personal purposes, and to protect the Company against fraud, copyright infringement, loss of trade secrets, sabotage or other business policy violations. The Company may also record and disclose to others all electronic communications and voice mails at any time, with or without notice. The Employee has no personal privacy right in anything created, received or sent on or from the e-mail or voice mail system.

Any form of communication, whether sent within the Company or to persons outside the Company should not contain any statements that may violate the Company's Harassment Policy. The Company's Harassment Policy is applicable to electronic communication and the Company expressly prohibits the transmittal of messages which may constitute intimidating, hostile or offensive material on the basis of sex, race, color, religion, national origin, sexual orientation, disability or any other status protected under federal, state or local law.

Employees should exercise extreme caution before sending anything through the e-mail system because the messages are not private and can be intercepted by other parties. Furthermore, merely deleting a message does not purge the message from the system. E-mail messages can be monitored and recorded at all times, as well as resurrected from the system even if the message has been deleted.

All messages should be respectful and should not contain any statements that may violate the Company's Harassment Policy. The Company's Harassment Policy is fully applicable to voice mail messaging. The Company expressly prohibits the transmittal of voice mail messages which may contain or constitute intimidating, hostile or offensive material on the basis of sex, race, color, religion, national origin, sexual orientation, disability or any other status protected under federal, state or local law. In making personal use of the electronic communications systems, Employees should exercise a rule of reason, and utilize electronic communication systems consistently with Company goals.

At no time should Employees use their Company email account to register for any internet services i.e. – such as E-bay, any internet polls, contest entries, any auction sites, etc.

Employees shall not use third-party webmail not approved by IT for sending, receiving, or storing Company or customer information. This includes but is not limited to Gmail, Hotmail, Yahoo, Outlook.com, or services from a local internet service provider. This restriction does not apply to the Company's Webmail system.

The Employee should use care to address emails to include only required recipients and avoid mass forwarding of email to reduce "SPAM" distribution. E-mail may not be used to solicit others for external commercial ventures or religious or political causes.



Employees are required to comply immediately with all requests for preserving emails in the event of litigation or in the anticipation of litigation if notified by Legal to do so.

### **Internet**

Employees may access the Internet from Company-owned equipment only for legitimate business purposes and incidental personal use during non-work hours. Streaming content from sites such as Pandora or Netflix increase network delay and should only be used for approved business use. Care should be taken when downloading or uploading material from the internet as to avoid viruses, copyrighted material, and installing software to PC's or laptops. The Company may keep a log of every internet site that its Employees visit and may disclose internet usage history to others at any time with or without notice. Employees retain no personal privacy right when accessing the internet either from Company-owned equipment and/or Company provided broadband.

Employees shall not access inappropriate sites either from Company owned equipment and/or via Company supplied Internet access, at any time – this includes, but is not limited to pornographic or adult sites, and gaming sites. Limited personal use is permitted, but is expected to be on the Employee's own time and must not be excessive or interfere with business needs, operations or job responsibilities– these sites include, but are not limited to, blogging, tweeting, and Facebook – from Company PC's, Laptops, and/or tablets during work hours, unless received expressed permission from senior management for business purposes. Information that Employees publicly post about themselves or others is not considered private, and the Company may use or disclose posted information. If the Company, whether advertently or inadvertently, discovers any Employees have accessed illegal sites, and/or has possession of illegal materials (example: underage adult films), the Company is obligated to report such information to authorities. The Company is not liable for anything reported in good faith.

Employee shall not use Internet/cloud based storage sites not approved by IT to store or backup data and files containing Company or customer information. Examples include, but not limited to Carbonite, CrashPlan, Dropbox, GMail Drive, and Box.

### **Website**

The Company website can be found at [www.JackCooper.com](http://www.JackCooper.com). All affiliate websites may be found on the site as well. Employees are encouraged to visit our website and learn about new products and services.

### **No Retaliation Policy**

Employees can raise questions or concerns or participate in the investigation process without fear of retaliation. The Company's strict "no retaliation" policy supports its commitment to Employees.

Without exception, the Company prohibits retaliation against anyone who reports a good faith concern. Employees should contact our General Counsel if they believe they are being retaliated against.

## Media or Investor Contacts

Employees should never speak to the media on the Company's behalf. Instead, all media inquiries should be directed to the Company's Executive Chairman of the Board, the Chief Executive Officer, or the Chief Financial Officer.

## Security/Software Licenses

An Employee shall not use a code, access a file, or retrieve any stored communications other than those to which the Employee has specifically authorized access. All computer pass codes and voicemail pass codes must be provided to the Employee's supervisor or HR if requested and are the property of the Company.

Employees shall not copy any Company-owned software without the express prior approval of IT management. Employees are prohibited from downloading, installing and/or storage of software, sensitive data, trade secrets and/or other information concerning the Company's business which is considered confidential or proprietary on any Employee-owned devices, or for the Employee's personal use. Employees shall not load any programs or software onto Company-owned PC's, Laptops or Servers without the express prior approval of IT. All purchases of computer related hardware and software, excluding consumable items such as printer ribbons, blank disks, etc., must be reviewed and approved by IT.

Other than select members of IT, Employees shall not add or alter or attempt to add or alter administrative rights on a device. All devices attached to Company systems must be configured such that administrative rights are available to identified members of IT. At no time shall these administrative rights be removed or altered in any way. Exceptions to this Electronic Communication and Technology Policy may be allowed under certain circumstances if the Employee has received expressed permission from IT.

Any violation of the Electronic Communication and Technology Policy may subject Employees to discipline up to and including termination.

## 4.8 | Online Conduct Policy

### Ground Rules for Participating in Online Communications

Ultimately, Employees are solely responsible for what they post online. Despite the speed and urgency of new opportunities and challenges, Employees are expected to take time to think through and plan for their engagement in the online landscape. Employees should remember that engaging in online communications is not a one-off activity. Instead, it is a long-term commitment. Employees should always first ask: who does the Company want to engage with, for what aim and result, and what are the opportunities and risks? (the "**Online Conduct Policy**").

In particular, Employees should be mindful that material that is published using online communications may be permanently available regardless of whether or not it is deleted. Employees should also keep in mind that any of their online conduct that adversely affects their job performance, the performance of co-workers, or otherwise adversely affects customers or the Company's legitimate business interests may result in disciplinary action up to and including termination.

This Online Conduct Policy does not apply to Employees who speak, write, or communicate with fellow Employees or others about their wages, benefits, or other terms of employment and the exercise of their statutory rights to organize or to act for their individual or mutual benefit under the National Labor Relations Act or other applicable laws.

### **Know and Follow the Rules**

*Know the Company policies.* Employees should carefully read this Online Conduct Policy, familiarize themselves with the aforementioned related Company policies (each of which is available on the Company's intranet), and ensure their postings are consistent with these policies. Inappropriate postings, including those that may include discriminatory remarks, harassment, and threats of violence and similar inappropriate or unlawful conduct, will not be tolerated and may subject Employees to disciplinary action up to and including termination.

*Using social media at work.* Employees must refrain from using social media while on work time or on equipment we provide, unless it is work-related and authorized by their supervisor. Employees should not use Company email addresses to register on social networks, blogs, or other online tools utilized for personal use.

*Disclosure of confidential information.* Employees must not use online platforms to disclose any information that is confidential or proprietary to the Company or to any third party that has disclosed information to the Company. For example, Employees must protect the confidentiality of Company trade secrets, customer and vendor account information, strategic business plans, competitor intelligence, financial information, business contracts, transactions (e.g., acquisitions, financings, etc.) and similar proprietary and non-public information. If an Employee is unsure if information is publicly available or is otherwise inappropriate to post, he or she should contact Legal before posting any such information at the contact information set forth above.

*Respect of financial disclosure laws.* It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell securities. This sort of online conduct may also violate the Company's insider trading policy.

*Respect.* Employees are expected to treat the Company, co-workers, customers, suppliers, and other stakeholders of the Company with respect both in the physical workplace and online. We encourage Employees to resolve work-related complaints by following the reporting procedures in our Policy. If they decide to nevertheless post complaints or criticism, avoid using statements, photos, videos, or audio recordings that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage co-workers or customers, or that might constitute harassment or bullying. Examples of this conduct include offensive posts meant to intentionally harm the Company's or someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or any Company policy.

*Honesty and Accuracy.* Employees should ensure that they are always honest and accurate when posting information or news, and if they make a mistake, should correct it quickly. Employees should never post any information or rumors that they know to be false about the Company, co-workers, customers, suppliers, or competitors.

*Transparency about affiliation with the Company.* Employees are not authorized to speak on behalf of the Company through online communications channels. If an Employee is commenting on any of the Company's or its competitors' services, products, or initiatives in a public forum or on a website or personal blog, it is best to fully disclose his or her affiliation with the Company and that all opinions are personal and not attributable to the Company. (Example: "I work for the Company. All opinions expressed are my own and do not necessarily represent the position of my employer.") Generally speaking, it is better to communicate online using the first person (i.e., "I believe"), rather than the third person (i.e., "We believe").

*Identification.* Employees should not create a link from their blog, website, or other social network site to a Company site without identifying themselves as a Company Employee.

*An official response may be needed.* If an Employee spots a potential issue and believes an official Company response is needed, he or she should bring it to the attention of a member of the Company's Legal department or the Company's Executive Chairman of the Board, the Chief Executive Officer, or the Chief Financial Officer before it reaches a crisis situation. Potential issues can often be resolved more effectively and efficiently if they are identified quickly.

## **4.9 | Anti-Trafficking in Persons Policy**

The Company is committed to doing business in a manner that supports our high standards of business conduct and values. Therefore, it is against the Company's policy for any work-related setting outside the workplace, including business trips, business meeting or business-related social events, to engage in any sex-buying activities or for any purpose that would facilitate the trafficking of persons, including viewing pornography. Trafficking in persons includes any forced labor, debt bondage, involuntary servitude, sex trafficking or commercial sex acts. This policy governs the Company as a whole, its Employees, suppliers, consultants, third-party representatives and subcontractors (the "**Anti-Trafficking in Persons Policy**").

Employees or representatives who become aware of potential violations of the Company's Anti-Trafficking in Persons Policy or any related laws or regulations have an obligation to report these concerns to the Company, so they may be reviewed and addressed in an ethical and responsible manner.

When the Company suspects that an Employee has used Company funds or resources to engage in conduct in violation of this Anti-Trafficking in Persons Policy, the Company will immediately investigate and take appropriate action up to and including termination. The Company may also refer the matter to law enforcement.

## **4.10 | Ways to Report an Incident**

Compliance with Company policies is of the utmost importance. To ensure full compliance, the Company has created multiple channels through which Employees may report any known or suspected violations of policies.

Employees may use any of the following methods, depending on his or her individual comfort level.

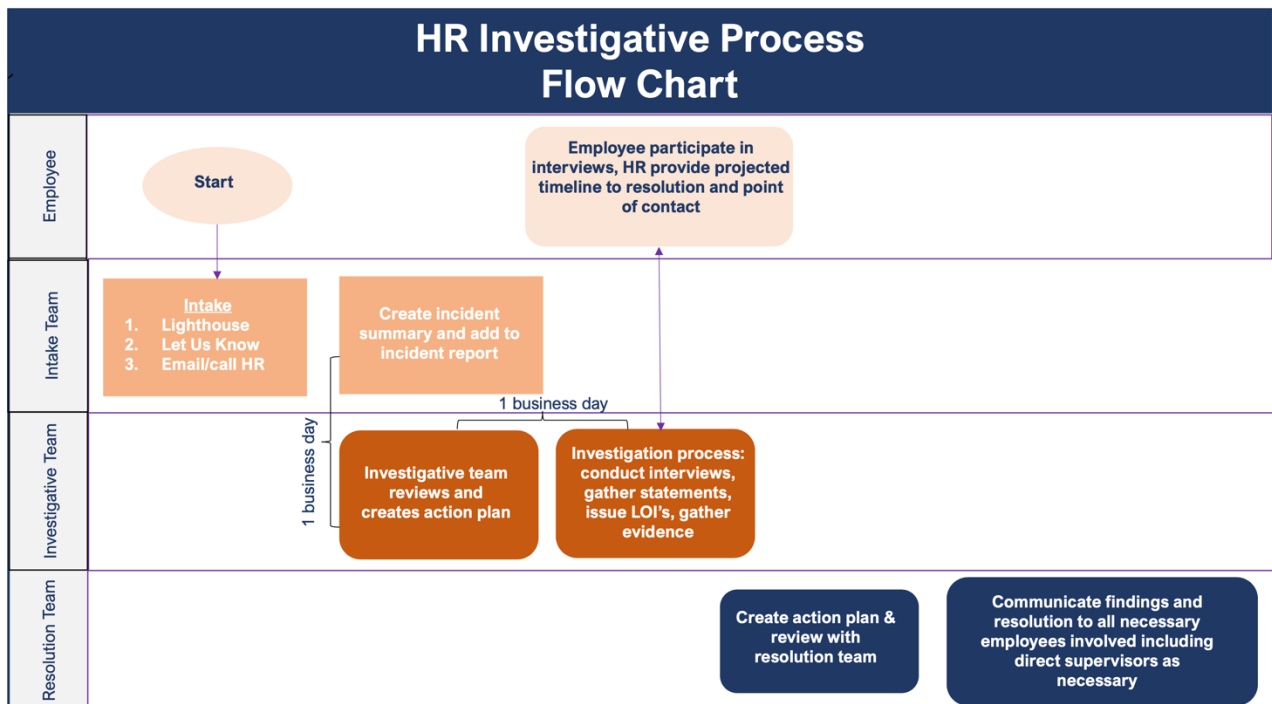
- Lighthouse Reporting, Confidential Hotline: (855)-400-7008 or <http://www.lighthouse-services.com/jackcooper>
  - Please note that while Lighthouse Reporting is a neutral, third party, inquiries are sent to members of the Company’s HR Department.
  - Anonymous reports are permitted through this service. However, please keep in mind that anonymous reports may limit the Company’s ability to investigate thoroughly.
- HR Let Us Know Line: (844) 677-2178
- Email HR Team: [HRCommunications@jackcooper.com](mailto:HRCommunications@jackcooper.com)
- Contact your supervisor directly. Please note, your supervisor is required to report to HR immediately upon receiving report.

## 4.11 | Investigative Process

### Process Flow

HR will thoroughly investigate each claim, document their findings and provide resolution. Below is a visual aid to the investigative process.

After receiving a report of an incident, the HR Investigative Team will investigate the claim by gathering statements and any other applicable information. Once all evidence has been collected, the Investigation Team will present it to a team of HR members that make up the Resolution Team. Together, the members will decide on corrective action and necessary next steps. The Investigative Team will communicate the resolution to necessary parties involved.



## 5.0 | Salary & Payroll

### 5.1 | Introductory Period

The first 90 days of employment are considered an introductory period for all newly hired Employees (“**Probationary Employee**”). During this time, Probationary Employees will learn new responsibilities, get acquainted with fellow Employees, and determine whether they are happy with the position. Also, during this time, a Probationary Employee’s manager will monitor his or her performance. Upon completion of the introductory period, the manager will review the Probationary

Employee’s performance. If the Company finds the performance satisfactory and decides to continue employment, the Probationary Employee will be advised of any improvements expected.

This is also an opportunity for the Probationary Employee to make suggestions to improve the Company's efficiency and operations. Completion of the introductory period does not entitle a Probationary Employee to remain employed by the Company for any definite period of time, but instead allows both the Probationary Employee and the Company to evaluate whether or not the Probationary Employee is right for the position. The Probationary Employee’s status as an at-will employee does not change-the employment relationship may be terminated with or without cause and with or without advance notice, at any time by the Employee or the Company.

### 5.2 | Pay Policy

The pay period ends at midnight every Saturday. Non-exempt, hourly Employees are paid on Friday of each week based on the number of hours worked in the previous week. Non-exempt, salaried Employees are paid on Friday of each week for the current week’s base hours and the previous week’s paid time off (“**PTO**”) and overtime (if applicable). Exempt Employees are paid on Friday of each week for the current weeks’ salary and the previous weeks’ PTO. Certain positions are paid monthly for that months’ wages and the previous months’ PTO. Employee must submit hours, overtime, and PTO via ADP, or where not available, by a completed timesheet submitted to the Employee’s manager by the end of every workweek. It is the Employee’s responsibility to submit hours, overtime, or PTO on a timely basis each week. Any delay may hinder issuance of an accurate or timely paycheck.

Employees must notify their manager *and* the Payroll Department of any discrepancies on their pay statement, paycheck, or reimbursement check. If not resolved, Employee should notify HR. Discrepancies that are not brought to a manager or Payroll within sixty days are considered null wherever such nullification is permissible by law.

### 5.3 | Timekeeping

The law requires the hours of work for non-exempt Employees be tracked. In other words, if an Employee is non-exempt, the Employee must keep track of his or her time even if the Employee is salaried.

Non-exempt Employees should consult with their managers for instructions on properly recording their hours. Where applicable, hours should be recorded in ADP on a weekly basis. For those locations with time clocks, all non-exempt Employees must time in and out at the beginning and end of any meal breaks and at the beginning and end of each day. Any departure from work for personal reasons must also be recorded. Where there are no time clocks, Employees may be required to submit a paper timesheet or manually enter their hours into ADP, or both. Managers must approve ADP entries or timesheets each pay period.

Employees are responsible for ensuring the accuracy of their ADP entries or timesheets. Any Employee found falsifying an ADP record or timesheet shall be subject to immediate discipline, up to and including termination. At no time may an Employee complete a timesheet or time in or out for another Employee.

Employees may only work from home or other location that is not considered their normal work station with the advanced approval of their manager. Non-exempt Employees should not check emails or perform any work-related duties away from their normal workstation without prior approval and without properly documenting their time.

## 5.4 | Overtime

Overtime work may be necessary in order to meet schedules or deadlines. Advanced notice will be given to Employees whenever possible. However, Employees should be aware that emergencies arise that do not permit advanced notification. Employees are expected to work a reasonable amount of overtime when requested. Overtime work performed by non-exempt Employees must be approved in advance by the Employee's supervisor.

Overtime compensation is paid to all non-exempt Employees in accordance with federal and state wage and hour laws. In most cases, overtime is calculated at one and a half times the hourly rate of pay and is paid on hours worked in excess of 40 hours per work week unless otherwise specified by state law.

Overtime pay is based on actual hours worked. Time off for holiday, sick, vacation, jury duty or any leave of absence will not be considered hours worked for purposes of overtime calculations.

Employees will not be required or permitted to claim PTO after completing 40 regular hours worked in a workweek. PTO must be used for absences up to 40 hours total of combined PTO and regular hours worked. Once a non-exempt employee has reached 40 regular hours worked in a workweek, any additional hours worked will be compensated as overtime in accordance with federal, state and local regulations. *Example, if a non-exempt employee is scheduled M-F at 8 hours per day, but has worked 4, 10-hour shifts M-Th and requested 8 hours sick time on Friday, they will not be required or permitted to use sick time to cover Friday, even if that is a scheduled day as they have already worked 40 hours.*

Non-exempt Employees are expected to communicate with their supervisor regarding their work schedule and any concerns about reaching 40 hours in a workweek. Supervisors should maintain open communication with non-exempt employees regarding the availability of PTO and any scheduling concerns. Supervisors should accurately track and document the hours worked by non-exempt employees through WorkForce Manager to ensure compliance with this policy and applicable labor laws. Any instances of PTO usage after 40 hours worked should be promptly addressed and corrected.

### 5.5 | Payroll Deductions

All deductions from an Employee’s wages shall be in accordance with applicable law and, when required, the Employee’s written consent. No deduction from an Employee’s wages for any period shall cause the Employee’s wages for any such period to be less than the wage required to be paid by the Company pursuant to applicable law. Deductions not taken for any pay period may be carried over to succeeding pay periods and deducted from the wages due in the succeeding pay period to the extent allowed by law. The Company is required to comply with all laws and court orders regarding garnishments and/or deductions. Employees must consent in writing to the following deductions:

- Charitable contributions (i.e. United Way)
- Contributions to a retirement plan
- Repayment of loans from the 401(k)
- Assignment of wages

Employees shall be required to complete all applicable forms necessary for deductions as may be required by law; including but not limited to the federal W-4.

### 5.6 | Vacation

Regular Full-Time Employees are eligible for paid vacation benefits. Part-Time, Temporary or Casual Employees are not eligible for any company benefits, including vacation pay. The amount of vacation an Employee earns is based upon the length of the Employee’s most recent period of continuous service with the Company.

Vacation hours begin to accrue during Employees’ first pay period. Employees may only use what they’ve accrued and may not go negative in their vacation bank.

Unless otherwise specified in their offer letter, Employees will accrue vacation based on the following schedule:

Length of Service	Annual Vacation Accrued
0-4 years	2 weeks (80 hours)
5-14 years	3 weeks (120 hours)
15+ years	4 weeks (160 hours)

Once Employees have reached the maximum of 160 hours accrued, they will no longer accrue vacation until vacation time is taken. Vacation days must be taken in increments of four or eight



hours. Employees may not use vacation pay for unpaid days. If a holiday occurs that is recognized as such by the Company during an Employee's vacation, the holiday will not be counted as a vacation day.

Vacations are scheduled individually within each department or terminal. Employees must have approval from their supervisor in advance to take vacation. This will ensure that the vacation does not conflict with the staffing needs of the department. Business needs may cause a vacation request to be denied.

However, supervisors should attempt to work with Employees to schedule a vacation time where possible. Employees should submit their vacation requests in writing to their supervisor with as much advanced notice as is practicable.

Employees on a leave of absence do not accrue vacation benefits while on leave, unless required by law. The last day an Employee actually works is considered their last day of employment. An Employee may not end employment while out on vacation, sick, other leave of absence or after retirement date. Vacation may not be taken after an Employee has given notice of resignation. Vacation should not be taken within the forty-five (45) day period immediately preceding anticipated retirement from employment. Vacation cannot be taken after the actual date of separation/retirement for purposes of extending employment for benefit purposes or their final date of termination.

Any earned, accrued, unused vacation will be paid at separation.

## **5.7 | Absences Due to Illness and Sick Leave**

Employees must call in each day they are absent due to illness and speak with their supervisor or HR (unless prior arrangements have been made), this includes when electing intermittent FMLA Leave. Employees must have two-way communication with their supervisor meaning they must speak to their supervisor on the phone or correspond by email or text. If an immediate supervisor is not available, Employees must use two methods of communication. For example, email and text; or text and voicemail. Supervisors can establish additional call off procedures, which must be in writing and approved by Human Resources. If an Employee is absent from work for two (2) or more consecutive shifts, they are required to provide a doctor's note to management upon returning to work. An Employee may not be allowed to return to work without a doctor's note. Doctor's notes may be required unless this conflicts with local, or state law.

Regular Full-Time Employees are eligible for eighty (80) hours of paid sick leave ("**Sick Leave**"). Sick Leave must be used for time off related to personal or family illness, including for medical appointments. Sick Leave cannot be used for vacation time or to make up lost time due to tardiness. Sick Leave will not be counted as time worked in computing weekly overtime. Sick Leave may not be taken after an Employee has given notice of resignation without a written doctor's excuse.

Regular Full-Time Employees, including salaried Employees, must input all Sick Leave into ADP in increments of four or eight hours. Regular Full-Time Employees will accrue sick leave each pay period at a rate of approximately one and a half (1.5) hours per week.

Once accrual begins, Sick Leave hours will accrue during each pay period and are capped at a maximum of eighty (80) hours. Employees on a leave of absence do not accrue Sick Leave benefits while on any form of leave, unless required by law. Employees may not go negative in their Sick Leave bank. Employees will not be paid out any accrued and unused Sick Leave upon separation.

Employees who need time off beyond what is available to them in their sick leave bank are encouraged to consult with HR about their options, which may include leave under the Family Medical Leave Act or the Americans with Disabilities Act.

## 5.8 | Holidays

Regular Full-Time Employees are eligible for holiday pay. Part-Time, Temporary or Casual Employees are not eligible for any Company benefits, including holiday pay. To be eligible to be paid for a Company observed holiday, an Employee must be actively employed before and after the holiday. If an Employee uses a sick day or no-shows to their shift directly before or after a holiday, they will not be paid for that holiday. The employee must work their scheduled workday directly before and after a holiday or have a scheduled approved day to receive holiday pay. The following holidays will be observed:

Martin Luther King Day  
Good Friday  
Memorial Day  
Fourth of July  
Labor Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve  
Christmas Day  
New Year's Eve  
New Year's Day

Hourly Employees that work on a holiday are paid for 8 hours straight time for the holiday and straight time for all hours worked during the work week until they reach 40 hours. Overtime is paid on actual hours worked in excess of 40 hours per work week. Salary Non-Exempt Employees that work on a holiday are paid for 8 hours straight time for the holiday and straight time for all hours worked during the work week until they reach 40 hours. Unless this conflicts with state or local law.

Exempt Employees may make arrangements with their direct supervisor, where possible, to take an alternative day off if they work over a holiday. However, that alternative day must be within the same calendar week. Normally, a holiday falling on Saturday will be observed on Friday and a holiday falling on Sunday will be observed on Monday. Employees may be scheduled to work at the discretion of their supervisor if necessary to assure adequate coverage of operations on holidays.

Holiday pay will not be granted to an Employee on leave-without-pay status. An Employee's last day of separation is the last day actually worked. In other words, Employees may not end employment on a holiday.

## **5.9 | Company Paid Parental Leave**

In recognition of the importance of family and work-life balance, the Company will provide Employees up to two (2) weeks of paid, job-protected leave for the birth, adoption, or foster placement of a child. An Employee is eligible for paid Parental Leave if he or she:

- Is a full time, non-union Employee;
- Is the "Parent" of the child, meaning the Employee:
  - Is the biological mother, the spouse of the biological mother, or the biological father of a newborn baby;
  - Is the legal and newly adoptive mother or father of a child; or
  - Has had a child legally placed in foster care in his or her home.

The Employee must provide to HR thirty (30) days advance notice of the requested leave (or as much notice as practicable if the leave is not foreseeable) as well as documentation supporting the Employee's parental status and timing of the birth, adoption or foster placement of the child. Employees are eligible for up to two weeks of leave per rolling twelve months. Leave must begin within ten calendar days of the birth, adoption, or placement of the child and may not be taken intermittently.

Parental Leave benefit is effective the first of the month following the Employees date of hire. This leave will not be charged against the Employee's other paid leave credits. After Parental Leave has been exhausted, subsequent time off may be covered under other policies such as sick pay, vacation pay, or disability pay. This policy will run concurrently with FMLA leave, if applicable. This benefit has no cash value; foregoing Parental Leave may not be exchanged for cash, cash equivalents or "banked" vacation time. See HR for more details.

The Company reserves the right to modify this policy in whole or in part, at any time, at the discretion of the Company. This policy is not intended to and in fact does not create an implied or express contract with any Employee of the Company, but shall be used as a guideline for the fair and consistent application of benefits to Company Employees.

## **5.10 | Child Loss Leave Policy (New)**

The Company will provide 1 week of additional paid leave to eligible Employees who have been affected by Child Loss. To be eligible, Employees must be the legal or biological parent of the child; or the prospective legal parent of the child. To be eligible for this benefit, Employees must contact HR to determine what documentation is appropriate based on your experienced loss.

Child Loss for purposes of this policy include the following:

- miscarriage
- stillbirth
- ectopic pregnancy
- molar pregnancy
- neonatal loss

- unsuccessful assisted reproduction
- failed adoption matches
- adoptions that do not finalize due to legal contestation
- pregnancy loss using surrogacy
- death of a dependent, minor child

The Company will provide an additional week of paid leave to the biological mother of the child if the Child Loss occurs during pregnancy and after twenty (20) weeks' gestation.

Child loss leave may be taken in addition to Bereavement Leave where applicable. This policy will not preclude any eligible Employee from receiving any other benefit, leave, or entitlement under FMLA, Short Term Disability, the Pregnant Workers Fairness Act, Americans with Disabilities Act, or any applicable local, state, or federal laws. Employees experiencing Child Loss should consult with HR to determine if they are eligible for additional leave.

For hourly Employees, calculation of pay for this benefit will be based on the Employee's average hours worked over the previous four (4) weeks, not to exceed forty (40) hours.

## **5.11 | Bereavement Leave**

Employees will be entitled to up to three (3) days of paid time off to attend the funeral of a member of the immediate family. The "immediate family" is defined as grandparents, parents, mother-in-law, father-in-law, siblings, spouse, registered domestic partners, and children of the Employee. The paid day or days must fall within the Employee's regularly scheduled workweek. Time off for the death of any other relative is available using sick or vacation time.

## **5.12 | Jury Duty**

An Employee summoned to jury duty will be given time off from work equal to the time spent in court, plus reasonable travel time, in order to meet his or her obligations as a juror. Upon receipt of notice from the court for jury duty, Employees should notify their supervisor and provide documentation. Employees will receive their regular pay when reporting for jury duty. If Employees are excused from jury duty on any day they are scheduled to serve, they are expected to return to work for the balance of the day.

## **5.13 | Military Leave**

A military leave of absence will be granted, consistent with applicable laws, to an Employee to serve in the uniformed services of the United States. Persons who perform and return from service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, and other benefits as provided by applicable federal or state law. Employees who are going to miss work for military leave (both active duty and reserve duty) should notify their supervisor as promptly as possible regarding their need for a military leave of absence. Employees returning from military duty should report back to their supervisor to coordinate their return to the work force. Employees unsure of who to contact should contact HR for assistance. The Employee and the Company will act in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

## 5.14 | Meal & Rest Periods

**Meal Periods** - Non-exempt Employees are entitled to a 30 minute unpaid, uninterrupted meal period.

No Employee shall be required to work more than five consecutive hours without a meal period.

- Meal periods are to be logged (through time keeping).
- Meal period cannot be less than 30 minutes.
- Meal period must be taken before the end of their 5<sup>th</sup> hour worked.
- Meal periods must be uninterrupted in which an Employee is relieved of all work responsibilities. Non –exempt Employees working 12 or more hours shall be allowed a second 30 minute meal period. Second meal periods can be waived if mutually agreed upon between employer and Employee. \*First meal period cannot be waived.

*\*If an Employee does not take a full meal period, or fails to take it in a timely manner, and fails to notify his/her supervisor, it will be presumed that the Employee voluntarily waived the meal period.*

**Rest Periods** - All non-exempt Employees shall be allowed one 10-minute paid rest period for each four-hour shift worked.

- Rest periods cannot be added together.
- Rest periods cannot be added to a meal period.
- Rest periods shall be taken as near as possible to the midpoint of the work period, insofar as practicable.
- No Employee shall be required to work more than three hours without a rest period during a work shift.

Non-exempt Employees must self-police their rest breaks and ensure that they take their breaks every day. If any Employee is unable to take his/her rest period, the Employee must notify his/her supervisor at the time the Employee is unable to do so. *Failure to follow this notification requirement may lead to discipline, at the Company's discretion.*

### **Breast-Feeding & Medical Related Breaks**

The Company will provide reasonable break time to Employees each time they need to:

- Express milk, for up to two years after the birth of their child; and
- Conduct medical related testing.

We will provide a private location, other than a bathroom, to express breast milk. If no such location exists at the worksite, then the Employee must discuss with their supervisor an alternative, convenient location and work schedule to meet the Employee's needs.

## 6.0 | Employee & Family Medical Leave of Absence Policy (FMLA)

### 6.1 | FMLA Policy

In compliance with the Family and Medical Leave Act of 1993, (“FMLA”) the Company provides eligible Employees unpaid, job-protected leave for certain qualifying reasons explained further below (“FMLA Leave”). FMLA Leave is provided to fulfill family obligations relating to (i) the birth, adoption or foster placement of a child; or (ii) to handle critical issues arising out of a serious illness of the Employee or his or her Family Member. “Family Member” means a spouse, parent, or child as defined under the FMLA. When the Employee returns from an approved FMLA Leave, he or she will be restored to the same position or to a position with equivalent pay, benefits and other terms and conditions of employment.

### 6.2 | Eligibility Criteria

FMLA Leave may be taken for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or child birth;
- Care for the Employee’s newborn child or placement of a child with the Employee for adoption or foster care; (leave must be completed within twelve (12) months of the birth, placement, or adoption);
- When the Employee is needed to care for a child, spouse, or parent who has a serious health condition;
- When the Employee is unable to perform the functions of his or her position because of his or her own serious health condition;
- Because of a qualifying exigency arising out of the fact that the Employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or
- To care for a covered servicemember with a serious injury or illness if the Employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

Employees are not eligible for FMLA Leave if:

- Eligibility requirements are not met;
- Adequate notice is not given for a foreseeable leave;
- Sufficient medical certification of a serious health condition is not provided within a reasonable timeframe of request; or
- Leave request is for the care of a family member other than a child, spouse or parent.

An Employee is eligible for an approved FMLA Leave if he or she:

- Has worked at least 1,250 hours of service in the twelve (12) calendar months immediately preceding the request for leave (this calculation applies to only actual hours worked);
- Is employed at a work site that has fifty (50) or more Employees within a seventy-five (75) mile radius; and
- Has a qualifying condition.

If an Employee is exempt from overtime and among the top ten percent of the Company’s highest paid Employees, reinstatement may be denied if it would cause the Company substantial and

grievous economic injury. Upon requesting FMLA Leave, such Employee will be notified if there is any known possibility that reinstatement will be denied for this reason.

### **6.3 | Length of FMLA and Return to Work**

An eligible Employee may take FMLA Leave up to a maximum of (i) twelve (12) weeks within a calendar year (restarting each year on January 1st); or (ii) twenty-six (26) weeks in any twelve-month period for military caregiver leave under the Military Family Leave (restarting one year after the first day of Military Family Leave taken).

Upon the expiration of any approved FMLA Leave, an Employee must (i) return to work; or (ii) clearly communicate his or her intent and ability to return to work within a reasonable amount of time. An approval of additional leave beyond twelve (12) weeks will be considered under an ADA framework and will be granted wherever such additional leave would be a reasonable accommodation that does not place an undue burden upon the Company. Please contact HR for additional information or to request additional leave under the ADA.

If the Employee is on FMLA Leave for his/her own serious health condition, a release to return to work is required before reinstatement.

### **6.4 | Certification**

The Company has engaged a third-party administrator, Broadspire, to assist the Company with tracking FMLA Leave. Employees who are requesting FMLA Leave may contact Broadspire directly by calling (877) 232-0448, or may reach out to HR for additional information.

Broadspire uses the Department of Labor's Certification of Health Care Provider for Employee / Family Member's Serious Health Condition (forms WH-380-F & E). The Employee is responsible for providing Broadspire a complete and sufficient certification within fifteen (15) calendar days after he or she has been provided the form unless there are extraordinary and extenuating circumstances. The Employee is responsible for paying any cost associated with the completion of the medical certification forms and ensuring the certification is provided to Broadspire. If the medical certification form is incomplete or insufficient, Broadspire will notify the Employee that he or she has seven (7) calendar days to have his or her treating physician correct the errors and return the form to Broadspire. If the Employee fails to provide the requested medical certification or the certification is not complete and sufficient within the outlined timeframes, the FMLA Leave may be denied.

### **6.5 | Intermittent Leave**

FMLA Leave may be taken for a continuous period, on an intermittent basis, or on a reduced schedule basis according to the health needs of the Employee or his or her Family Member or as otherwise required by law.

If intermittent FMLA Leave is requested for the purpose of attending a medical or therapy appointment, the Employee must ensure that medical treatment is scheduled in a manner that does not unduly disrupt the Company's operation and, wherever possible, during a time that does not conflict with Employee's scheduled work hours. If this is not reasonably possible, the manager may require the Employee to transfer, temporarily, to an "alternative" position which better

accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent rate of pay and benefits.

## **6.6 | Obligation to Provide Notice of Leave**

Eligible Employees are required to provide notice of their need for FMLA Leave at least thirty (30) calendar days before their FMLA Leave begins, if the need for leave is foreseeable. If the FMLA Leave is not foreseeable, the Employee is required to give notice as soon as practicable. Unless there are extenuating circumstances, FMLA Leave may be denied if proper notice is not received.

Prior to the start of each shift where an Employee will be using intermittent (not continuous) FMLA Leave, unless prohibited by law or collective bargaining agreement, Employees must notify both:

- Their supervisor; AND
- Broadspire at (877) 232-0448

Employees with intermittent FMLA Leave must call both their supervisor AND Broadspire each day they will be absent. When notifying their Supervisor, Employees must have two-way communication with their supervisor meaning they must speak to their supervisor on the phone or correspond by email or text. If an immediate supervisor is not available, Employees must use two methods of communication. For example, email and text; or text and voicemail. Supervisors can establish additional call off procedures, which must be in writing and approved by Human Resources. If the Employee fails to comply with the normal procedures for reporting an absence, the time off may be denied protection under the FMLA.

## **6.7 | Paid Leave and Benefits during FMLA Leave**

Unless law or a collective bargaining agreement dictate otherwise, Employees must use any eligible paid time off at the beginning of any FMLA Leave in this order: sick leave, earned accrued vacation, Short-term Disability, Long-term disability or Workers' Compensation (if applicable). All paid time off for an approved FMLA Leave will count toward the twelve (12) week period. If the Employee is not eligible for paid benefits, or if these benefits are exhausted, the duration of the approved FMLA Leave will be unpaid.

Accrual of sick and/or vacation benefits will stop when the Employee is no longer receiving wages for hours worked before the leave, and will resume when the Employee starts receiving wages again, unless prohibited by applicable law. An Employee is not eligible to receive holiday pay if they are not receiving wages, vacation or sick pay from the Company.

During FMLA Leave, the Company will continue to pay for group health coverage. For the Employee's portion of the premium(s) for any voluntary coverage while still receiving monies from the Company, the Company will continue to take applicable payroll deductions to collect the Employee's share of the premium(s); or, while on unpaid leave or on disability pay, the Employee is responsible for making payments to cover the Employee contribution. Employees must submit a check or money order made payable to the Company. This payment must be received in HR at the Kansas City office by the first of each month. If the payment is more than



30 days late, the Employee's optional coverage may be dropped for the duration of the leave. It is the Employee's responsibility to ensure payments have been received.

If an Employee fails to return to work after FMLA Leave and the failure is not due to the continuation, recurrence or onset of a serious health condition as defined by the FMLA or other circumstances beyond the Employee's control, the Company is entitled to recover its share of health plan premiums paid during the leave.

## **6.8 | Compliance and Questions**

The purpose of this policy is to provide Employees with helpful resources in the event they need or are not sure if they need FMLA Leave. Wherever this policy conflicts with local, state, or federal law, including the FMLA, the Company will follow such laws over this policy.

Employees with questions about FMLA, this policy, or their eligibility for FMLA Leave should contact HR for additional assistance.

## **6.9 | Let Us Know Line**

Employees may contact HR at 844-677-2178 to discuss conflicts and concerns in their work environment. While we cannot solve every problem and resolve every conflict, the HR Team commits to listening with an open mind, investigating any complaints, and developing solutions wherever possible. You may also email HR anytime at [hrcommunications@jackcooper.com](mailto:hrcommunications@jackcooper.com).