

Gordon Companies Inc.

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# Employee Handbook

Office and Warehouse

A Manual of  
Employee Benefits &  
Personnel Policies

JUNE 2022

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For a complete listing of all Gordon Companies Inc.  
departments, please visit: [gordoncompaniesinc.com/directory](http://gordoncompaniesinc.com/directory)

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## **Welcome and Purpose**

This handbook is designed to acquaint you with Gordon Companies Inc. and provide you with general information about working conditions, benefits and policies affecting your employment and can be changed at any time, without written or verbal notice.

The information contained in this handbook applies to all employees of Gordon Companies Inc. Following the policies detailed within the handbook is considered a condition of continuous employment. The contents of this manual shall not constitute nor be construed as a promise of employment or as a contract between the Company and any of its employees. The handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

## **At-will Employment Statement**

While we hope to have a long and profitable relationship with you, your employment with Gordon Companies Inc. is voluntary and is subject to termination by you or the Company at will, with or without cause, and with or without notice, at any time.

While the Company may have a disciplinary system in place, this system does not have to be used—the Company may make the decision to terminate you without first taking these disciplinary steps.

None of the information provided in our policies signifies a contractual agreement or should be interpreted to conflict with, eliminate or modify in any way your employment-at-will status with the Company.

No individual, except for David M. Gordon, President of Gordon Companies Inc. can approve any contractual agreement. Should a contractual agreement be signed by this person, it must also be notarized to be applicable.

## **Mission Statement**

Our mission is to retain and expand our customer base through superior, personalized service.

We have carefully selected you as a staff member because we believe that you will provide the high-quality service that continually makes us the best in the business. We believe that consistent, ethical, and quality performance in all our endeavors is the key to success and will result in loyal, mutually beneficial relationships. As a member of our staff, dedication to providing the best service to our customers is your number-one priority.

To fulfill this mission, we are committed to:

- Providing competitively priced products and high-quality service
- Be up to date with modern technologies that may benefit us
- Building partnerships
- Exceeding customer expectations

## Employment Termination Policy

1. Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:
  - Resignation—voluntary employment termination initiated by an employee.
  - Termination—involuntary employment termination initiated by Gordon Companies Inc.
  - Layoff—involuntary employment termination initiated by Gordon Companies Inc. for non-disciplinary reasons.
2. If you wish to resign, we ask that you notify HR of your anticipated departure date at least two weeks in advance. Of course, as much notice as possible is appreciated by Gordon Companies Inc. This notice should be in the form of a written statement.
3. If you fail to report to work without informing HR and your Manager of the planned absence, Gordon Companies Inc. will assume that you have voluntarily resigned.
4. Furthermore, any outstanding financial obligations owed to Gordon Companies Inc. will also be deducted from your final check given your prior written permission. If your final check does not sufficiently cover the money owed to the Company, you will remain liable for that amount.
5. If you leave Gordon Companies Inc. in good standing, you may be considered for re-employment.
6. Except as required by law or by separate agreement, employee salary and benefits will end on the date of termination.
7. Upon resigning from Gordon Companies Inc., please continue to provide us with an accurate address for at least one year for tax purposes.
- 8. If you are terminated, your final paycheck will be mailed to the current address on file unless we are informed otherwise.**
- 9. If you are involuntarily terminated, you will not be allowed on any Gordon Company Inc. property.**

### **Equal Employment Opportunity**

It is our policy to provide an equal employment opportunity to all individuals. We are committed to a diverse workforce. We value all employees' talents and support an environment that is inclusive and respectful. We are strongly committed to this policy and believe in the concept and spirit of the law.

We are committed to assuring that:

- All recruiting, hiring, training, promotion, compensation, and other employment-related programs are provided fairly to all persons on an equal opportunity basis.
- Employment decisions are based on the principles of equal opportunity. All personnel actions such as compensation, benefits, transfers, training, and participation in social and recreational programs are administered without regard to any characteristic protected by state, federal or local law.
- Employees and applicants will not be subjected to harassment, intimidation, threats, retaliation, coercion, or discrimination because they have exercised any right protected by law; and

We believe in and practice equal opportunity. HR serves as our Equal Opportunity Coordinator and has overall responsibility for assuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and diversity and assisting our Company in meeting its objectives.

Please contact HR with questions or concerns.

### **I-9 Immigration Reform**

Gordon Companies Inc. complies with the Immigration Reform and Control Act, employing only those persons who are legally eligible to work in the United States.

Please contact HR with questions or concerns.

## Code of Ethics Policy

Gordon Companies Inc. maintains specific policies to assist employees in adhering to certain standards of conduct. These policies are in place to preserve the Company's reputation and prevent adverse consequences to all parties involved.

### Prohibition of Improper Payments

The Company requires all employees to only use lawful practices involving payments to customers. As a result, kickbacks and bribes offered with the intent of inducing or rewarding specific buying decisions or actions are prohibited. No Company employee may offer to make direct or indirect payments of value in the form of compensation, gifts, or contributions to any of the following:

- Persons or firms employed by or acting on behalf of a customer (private or governmental) for the purpose of rewarding favorable actions in a transaction.
- Any governmental officials, political parties or officials of a party or candidate for political office, for the purpose of rewarding favorable actions or influence of the official, party or candidate.

These restrictions are not applicable to ordinary, reasonable business entertainment expenses and gifts of no substantial value. Management should exercise sound judgment and discretion about controlling and authorizing these business expenses on a regular basis.

### Antitrust Laws

Antitrust laws are relevant to many business decisions, and those who engage in illegal actions against such laws are subject to fines and imprisonment. Management will help guide employees in abiding by antitrust decrees applicable to the Company. The Company intends to comply with all U.S. antitrust laws applicable to normal business operations and will hold employees responsible for abiding by these laws as well.

In compliance with Section I of the Sherman Antitrust Act:

- No employee may enter into an agreement (expressed or implied, formal, or informal, written or oral) with any competitor restricting any of the following conditions or business offering:
  - Prices
  - Costs
  - Profits
  - Offerings of products and services
  - Terms of sale conditions
  - Production or sales volume
  - Production capacity

- Market share
  - Quote decisions
  - Customer selection
  - Sales territories
  - Distribution methodology
- No employee may enter into an agreement with a purchaser or lessee restricting the right of the purchaser or lessee to determine the price to resell or lease the product in question. Employees may also not enter into such agreements when the Company is the purchaser or lessee in the agreement.
  - The following situations may be in violation of antitrust laws under certain circumstances. Employees may not enter into these agreements without consulting legal counsel in advance and obtaining clearance to enter into such agreements.
  - Agreements with customers or suppliers regarding the sales or purchases of reciprocal purchases or sales by customers or suppliers.
  - Agreements with purchasers or lessees of products of the Company that would restrict customers from using or reselling products as they choose to do so.
  - Agreements with any party that would restrict all parties involved to manufacture a product or provide a service to a third party.

### **Exchange of Information with Competitors**

Communication with competitors would be an infringement of antitrust laws, specifically if the communication is accompanied by some action. The prohibitions of this policy are intended to avoid antitrust infringements. Under this policy, no employee may discuss information on any subject with a competitor or another third party acting on behalf of a competitor to remain compliant with Section I of the Sherman Antitrust Act, unless the Company's legal counsel determines that the communication would not violate antitrust laws.

When participating in trade associations and other meetings with competitors, employees may not attend:

- Unauthorized meetings with competitors.
- Meetings where the communication with competitors is in violation of the paragraph above.
- Meetings for trade associations held to discuss business without adhering to the formal rules established by the trade association for its meetings.

Employees must recognize that participating in development and product certification events impacting competitors or suppliers may initiate antitrust violations.

### **Violations of this Policy**

If an employee violates this policy, he or she may be subject to termination or other disciplinary action to prevent future violations. The following individuals may be subject to disciplinary action or termination:

- Employees who are in direct violation of this policy.
- Employees who deliberately withhold information concerning the violation of this policy or fail to report a violation of this policy.
- Management personnel who fail to report violation of this policy by their subordinates.

If an employee is accused of violating antitrust laws, yet he or she did consult legal counsel and acted in good faith, the employee may not face disciplinary action under this policy. The Company may also assist in the employee's defense, within the confines of the law.

## Complaint Policy

Gordon Companies Inc. strives to openly communicate with all employees. Any concerns employees have should be promptly reported to HR.

When a complaint is voiced, HR will do its best to remedy the situation. While every employee may not be satisfied with every solution, employee's input is valued, and Gordon Companies Inc. wants to foster an environment where all employees feel comfortable reporting their concerns.

Complaints can also be filed anonymously to: <http://www.HR@ChristmasCentral.com> or to [LarryJ@ChristmasCentral.com](mailto:LarryJ@ChristmasCentral.com) .

The Link can also be found under miscellaneous on the Gordon Companies employee page.

## Disciplinary Action Policy

Disciplinary actions may entail verbal, written and final warnings, and suspension and termination. All these actions may not be followed in all instances. Gordon Companies Inc. reserves the right to exercise discretion in discipline. Warning is not a requirement for termination. If you are disciplined in writing, copies of your warnings are placed in your personnel file.

Gordon Companies Inc. reserves the right to take any disciplinary action the Company considers appropriate, including termination, at any time. In addition to those situations discussed elsewhere in this handbook, listed below are some examples where immediate termination could result. This list is general in nature and is not intended to be all inclusive:

- Theft
- Discourtesy to a customer, provider or the public resulting in a complaint or loss of goodwill.
- Refusal or failure to follow directions from management.
- .
- Altering, damaging, or destroying Company property or records, or another employee's property.
- Dishonesty
- Making, stating, or posting berating or disparaging remarks about any employee or the company on Social Media or any publicly published medium – (interviews etc.)
- Breach of confidentiality relating to employer, employee, customer, or provider information
- Sharing and Discussing Confidential and Proprietary Information on social media.
- Providing false or misleading information to any Company representative or on any Company records, including the employment application, benefit forms, timecards, expense reimbursement forms and similar records.
- Fighting or engaging in disorderly conduct on the Company's or a customer's premises.
- Violations of any of Company's employment policies including, but not limited to, confidentiality, security, solicitation, insider trading, conflict of interest and code of conduct.
- Conduct or performance issues of a serious nature.
- Failure of a drug or alcohol test.
- Failure to Report Absence

### Progressive Corrective Action

We have established a coaching and counseling set of procedures as a means of maintaining the level of service required to meet our standards of performance, dependability, reliability, and trustworthiness as established by Gordon Companies Inc.

The major purpose of any corrective action is to correct a problem and prevent recurrence. Corrective action is considered progressive; however not all corrective action will be required to follow each step in the progression. The level of corrective action will be based on the frequency or severity of the behavior or performance issue, which may depart from the normal progression of corrective action.

**All employees are employed “AT-WILL” and may be terminated at any time with or without cause and with or without notice.**

The general Progressive Corrective Action guidelines are as follows:

**Compliment/Recognition** - This step should be used to celebrate milestones, significant contributions, or topics of recognition. These may be shared to other co-workers and may be in an informal setting with their team/department. The compliment form should be completed so that both the employee receives a copy but also it is added to their HR file.

**Coaching** - Coaching should be frequently used as both a motivational or developmental tool to help employees with various concerns, training, or guidance. This is a direct face to face conversation between a supervisor and an employee who reports directly to them.

**Verbal Warning** - The Supervisor and employee discuss the behavior or performance that needs correcting or adjusting. The verbal warning is documented on a corrective action form and placed in the employee’s personnel file.

**Final Written Warning and/or suspension** - A formal written document is completed and reviewed by the Supervisor. Prior to the employee receiving this document, it **MUST BE** reviewed by Human Resources or have approval from the Gordon’s. In every case it should be stated on the document **“Any further action may lead to involuntary termination”**. Human Resources is available to coordinate the delivery or attend the issuance of the document with the Supervisor and employee (if necessary).

**Involuntary Termination/Discharge** - An involuntary termination / discharge will occur when all other forms of corrective action have been exhausted or when the severity of a

behavior or performance issue warrants immediate termination of employment. Involuntary termination / discharge is documented and conducted by the employees Supervisor. the involuntary termination / discharge will be issued after review and approval by Human Resources or the Gordon's

### **Drug-free Workplace Policy**

We recognize alcohol and drug abuse to be potential health, safety, and security problems. It is expected that all employees will assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. Compliance with this Drug-free Workplace Policy is made a condition of employment.

Employees are prohibited from the following when reporting for work, while on the job, on Company or customer premises or surrounding areas or in any vehicle used for Company business:

- The unlawful use, possession, solicitation for, sale of, transportation, manufacture, dispensation or other distribution of narcotics, illegal drugs, alcohol, prescription medication without a prescription, controlled substance, or drug paraphernalia.
- Being impaired or under the influence of alcohol, medical marijuana or having a detectable amount of an illegal or controlled substance in the blood or urine ("controlled substance" means a drug or other substance as defined in applicable federal and state laws on drug abuse prevention)

Any employee violating these prohibitions will be subject to disciplinary action up to and including termination.

Any employee convicted under any criminal drug statute for a violation occurring while on the job, on Company or customer premises or in any vehicle used for Company business must notify the Company no later than five days after such a conviction. A conviction includes any finding of guilt or plea of no contest and/or imposition of a fine, jail sentence or other penalty.

Drug and alcohol testing will be carried out in compliance with any applicable state and federal laws and regulations.

Disciplinary action will be taken for drug-related crimes, regardless of whether they happened during working hours or on an employee's own time.

We recognize that employees suffering from alcohol or drug dependence can be treated. We encourage any employee to seek professional care and counseling prior to any violation of this policy.

### **Cannabis - NYSDOL Section 201-D**

**DISCRIMINATION PROHIBITED** The MRTA amended Section 201-D of the New York Labor Law to clarify that cannabis used in accordance with New York State law is a legal consumable product. As such, employers are prohibited from discriminating against employees based on the employee's use of cannabis outside of the workplace, outside of work hours, and without use of the employer's equipment or property.

**PERMITTED EMPLOYER ACTIONS** The MRTA amended New York Labor Law Section 201- D by adding a new subsection 4-a, which provides that employers MAY take employment action or prohibit employee conduct where:

- The employee, while working, manifests specific articulable symptoms of cannabis impairment that decrease or lessen the employee's performance of the employee's tasks or duties
- The employee, while working, manifests specific articulable symptoms of cannabis impairment that interfere with the employer's obligation to provide a safe and healthy workplace as required by state and federal workplace safety laws
- For example, the operation of machinery in an unsafe and reckless manner may be considered an articulable symptom of impairment

#### **USE AT WORK OR DURING WORK HOURS**

- Employees are prohibited from using cannabis during meal or break periods and all "Work hours".
- Employees are prohibited from bringing cannabis onto the employer's property, including leased and rented space, company vehicles, and areas used by employees within such property (e.g., lockers, desks, etc.)
- Employees are prohibited from using Cannabis while operating company vehicles or on the employer's property.

### Drug and Alcohol Testing Policy

Gordon Companies Inc. values the health and safety of its employees and knows that the use of alcohol and/or drugs can have a negative impact on the workplace and on job performance. Because of this, Gordon Companies Inc. prohibits the use, sale, or possession of alcohol and/or illegal drugs always while on Company property or time. Employees are subject to drug and alcohol testing at any time, with or without notice.

In accordance with the Federal Drug Free Workplace Act, individuals convicted of any criminal drug statute, including misdemeanors, for violations occurring on company property or Company time must notify Gordon Companies Inc. within five days of the date of conviction. This includes any findings of guilt, pleas of 'no contest' and impositions of fines, jail sentences or other penalties.

#### Testing Methods

- *Pre-employment Testing:* Every job applicant may be required to take and pass a drug and/or alcohol test before he or she may officially be hired by Gordon Companies Inc. Each applicant will be notified that a drug and/or alcohol test is required as part of the interview process and that all job offers are contingent upon successfully passing a drug and/or alcohol test.
- *Periodic Group Testing:* Employees will periodically be required to submit a specimen for an unannounced drug and/or alcohol test. Employees will be given short notice of the test and will be told when the testing will occur.
- *Random Testing:* Every employee has the chance of being selected to provide a specimen for a drug and/or alcohol test. Such random testing will take place annually. Selection for testing will be done to ensure that the selection of individuals is done at random.
- *Reasonable Suspicion Testing:* If there is suspicion that an employee is under the influence of drugs and/or alcohol while on Company property or time, the employee will be required to take a drug and/or alcohol test. Reasonable suspicion will be based on observable instances or actions such as, but not limited to, the following:
  - Dangerous conduct
  - Unexplained decrease in job performance
  - Hostile interpersonal relations
  - Possession of drug paraphernalia
  - Noticeably reduced short-term memory
  - Physical symptoms (incl. bloodshot eyes, slurred speech, and vomiting)

- Anxiety
- Inability to concentrate
- *Post-accident Testing:* Every employee who is directly involved in, or whose actions contributed to, an accident on the job must submit to a drug and/or alcohol test as soon as possible after the incident occurs. Accidents include all Occupational Health and Safety Administration (OSHA) recordable incidents, actions or omissions that result in near-miss accidents and accidents involving injury requiring first aid or off-site medical attention. Accidents also include property damage caused by human error.
- *Follow-up Testing:* Employees who have tested positive for a drug and/or alcohol test, and employees who have attended drug and/or alcohol-related counseling may not return to work until they have been evaluated by a medical professional in a substance abuse treatment facility and have successfully passed a drug and/or alcohol test. Employees who return to work will be subject to follow-up tests, all of which will be unannounced.

Each of the following actions constitutes a refusal to submit to testing:

- Failure to provide an adequate urine, blood, breath, or saliva specimen for a drug and/or alcohol test without a valid medical explanation
- Failure to be escorted to a testing facility
- Tampering with, adulterating, or diluting a specimen
- Refusing to sign a Chain of Custody form at the testing facility.

Employees do have the option to refuse to submit to drug and/or alcohol tests; however, doing so will constitute a violation of this policy. Refusal to take a drug and/or alcohol test will also be considered a positive test result, which subjects the employee to disciplinary action(s). Job applicants who refuse to submit to drug and/or alcohol testing will be not considered for employment.

### **Disciplinary Actions**

Employees who test positive for drugs and/or alcohol, or who refuse to submit to testing, will be subject to disciplinary action(s), up to and including termination. No employee who tests positive for drugs and/or alcohol will be allowed to return to work until he or she has done the following:

- Signed the Rehabilitation Agreement form
- Successfully completed an assessment and/or treatment for drug and/or alcohol abuse

- Received certification from a qualified medical professional that he or she is free from drug and/or alcohol use
- Taken a drug and/or alcohol test, received negative test results and consented to follow-up testing

### **Collection of Specimens and Testing**

Gordon Companies Inc. subscribes to the collection and testing procedures outlined by the Department of Health and Human Services (HHS). This protocol protects the privacy and confidentiality of the employee. Under certain circumstances, HHS requires that specimen donors provide a fresh specimen in the presence of a witness; however, this only occurs if there is suspicion of any of the following:

- The specimen is not from the donor
- The specimen was altered or tampered with
- The collection is part of a post-treatment monitoring program
- The donor adulterated the previous specimen

All specimens collected for drug and/or alcohol testing will be processed using employees' social security numbers as identification to ensure confidentiality.

### **Necessary Forms**

Specimens will be tracked using a Custody and Control Form from the point of submission through destruction. Employees submitting specimens will be required to sign Chain of Custody Forms. If an employee does not sign these forms, retests will be requested. An employee who refuses to sign after it is requested of him or her will be considered having refused testing and will be subject to disciplinary action.

### **Laboratory Testing**

All drug and/or alcohol testing will be conducted in a laboratory certified by HHS, according to the following procedures: (1) specimens will be screened for amphetamines, benzoylecgonine (cocaine), opiates, phencyclidine (PCP) and tetrahydrocannabinol (THC or marijuana); and (2) test results will be confirmed by gas chromatography/mass spectrometry (GC/MS). Gordon Companies Inc. reserves the right to test for other substances as well.

No specimen will be considered positive until it has been confirmed at the level established by HHS. If no established levels have been set by HHS for a tested substance, Gordon Companies Inc. will hold the testing facility responsible for establishing an acceptable level.

Test results for alcohol revealing a blood alcohol content of .04 or greater will be considered positive.

### **Results**

Positive test results will be reported to the Medical Review Officer (MRO), who will then contact the employee to discuss the results. Should the MRO be unable to contact the employee, he or she will contact Gordon Companies Inc. for assistance. If the MRO cannot contact the employee within five days of testing or the results reveal a major safety concern, the MRO may disclose positive test results to Gordon Companies, Inc. At that point, Gordon Companies Inc. reserves the right to take the employee off active duty until the MRO can contact the employee. When the MRO does contact the employee, and only if he or she can provide a viable reason for why the test came back positive, then the positive test result will be reported to Gordon Companies Inc. as negative.

### **Use of Prescription Medications / Medical Marijuana**

Nothing in this policy prohibits the appropriate use of prescription medication and medical marijuana as legally prescribed by a licensed physician. If an employee is taking prescription medication with potential side effects that may infringe on the safety of the employee or others, he or she must notify Gordon Companies Inc. Failure to do so may result in disciplinary action, up to and including termination.

Gordon Companies Inc. may contact the employee's physician to investigate whether it is necessary to impose restrictions on job duties because of the employee's use of prescription medication. If Gordon Companies Inc. and the physician determine that the employee should be removed from performing his or her job duties, Gordon Companies Inc. will notify the employee immediately.

### **Confidentiality**

Results of all drugs and/or alcohol testing will be kept separate from employee personnel files and treated as confidential information. All results, whether positive or negative, will not be shared with anyone outside of the employee's direct supervisory chain of command, except when necessary for treatment or physician confirmation purposes.

NOTE: Gordon Companies Inc. may disclose the results of a drug and/or alcohol test to decision-makers in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee.

### Harassment Policy

Gordon Companies Inc. strives to provide a work environment that is free from harassment. Therefore, Gordon Companies Inc. will not tolerate harassment based on age, race, gender, color, religion, national origin, disability, marital status, covered veteran status, sexual orientation, status with respect to public assistance and other characteristics protected under state, federal or local law. This conduct is prohibited in any form at the workplace, at work-related functions or outside of work if it affects the workplace. This policy applies to all employees, clients, customers, guests, vendors, and persons doing business with the Company.

Harassment consists of unwelcome conduct toward an individual because of his or her age, race, gender, color, religion, or other protected status when the conduct creates an intimidating, hostile or offensive work environment that causes work performance to suffer or negatively affects job opportunities.

Types of prohibited harassment include, but are not limited to, the following:

- Verbal or written comments related to a trait someone possesses, including name-calling, jokes, slurs, negative stereotyping, or threats
- Explicit or degrading verbal comments about another individual or his or her appearance
- Nonverbal conduct, such as staring, leering, or giving inappropriate gifts
- Physical conduct, such as assault or unwanted touching
- Visual images, in hard copy or electronic form, relating to a trait someone possesses (for example, cartoons, drawings or pictures)

**Appropriate performance reviews, counseling or discipline by your manager does not constitute harassment.**

If you feel that you are being harassed, take the following steps:

- Tell the harasser that his or her actions are not welcome, and they must stop, if you feel comfortable enough to do so.

Report the incident immediately to HR or file a complaint anonymously to the Company website at: <http://www.HR@ChristmasCentral.com> or [LarryJ@ChristmasCentral.com](mailto:LarryJ@ChristmasCentral.com).

- Report any additional incidents or retaliation that may occur to HR. ext. 1320 or (716) 206-3401
- All reports will be investigated immediately and thoroughly. Complaints and actions taken to resolve complaints will be handled as confidentially as possible. Appropriate actions will be taken to stop and remedy such conduct, including interim measures during a period of investigation.

Retaliating or discriminating against an employee who reports a suspected incident of harassment or who cooperates in an investigation is prohibited. Employees who violate this policy or retaliate against an employee in any way will be subject to disciplinary action, up to and including termination.

### **Sexual Harassment Policy**

Gordon Companies Inc. prohibits sexual harassment of all kinds. This policy applies not only to employees, but also to clients, customers, guests, vendors, and anyone else doing business with Gordon Companies Inc. Any employee who feels that he or she has been a victim of sexual harassment, or who believes that he or she has witnessed sexual harassment, should notify Personnel immediately.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition, either explicitly or implicitly, of an individual's employment
- Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's employment
- Such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment
- Sexual harassment includes many forms of offensive behavior, including the harassment of a person of the same gender as the harasser.

**In accordance with NYS Labor law every employee will participate in sexual harassment prevention training on an annual basis.**

It is important to Gordon Companies Inc. that all employees are protected from harassment. Any incidents that are perceived as harassment will be investigated and appropriate action will be taken by Gordon Companies Inc.

## **Anti-discrimination Policy**

Gordon Companies Inc. does not discriminate against anyone based on race, color, ethnicity, religion, gender, sexual orientation, disability status or any other trait that is protected under local, state, or federal law. In addition, we do not allow discrimination of any kind in the workplace. We are an equal opportunity employer and take affirmative action measures against discrimination in all aspects of employment and Company business. This policy applies not only to personnel decisions, but to all aspects of business.

We ask that you respect those around you—co-workers, customers, and management alike. Any reports of discrimination will be investigated, and disciplinary measures will be taken.

### Standards of Conduct Policy

The work rules and standards of conduct for Gordon Companies Inc. are important, and the Company regards them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their jobs and conducting business on behalf of Gordon Companies Inc. Please note that any employee who deviates from these rules and standards will be subject to disciplinary action, up to and including termination of employment.

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action.

- Theft or inappropriate removal or possession of property
- Falsification of records including:
  - Time records to improperly manipulate payroll records to adjust hours or wages or misrepresenting time worked.
  - Fraudulent reporting of travel or business expenses.
  - Altering, falsifying, destroying, or misusing any company documentation including computerized materials and any company property.
  - Falsifying reports, medical excuses, employment application, testaments of “Fit for Duty” or any untruthful statements/records/reports/ including “incorrectly altering audit counts/inventory totals.
- Working under the influence of alcohol, Cannabis, prescription medication or illegal drugs causing impairment.
- Possession, manufacture, distribution, sale, transfer, dispensation or use of alcohol or illegal drugs
- Making, stating, or posting berating or disparaging remarks about any employee or the company on Social Media or any publicly published medium – (interviews etc.)
- Fighting or threatening violence in the workplace
- Immoral actions or intimidating others
- Making intentionally FALSE reports of harassment or other false statements about other employees or intentionally omitting material/information in any report or statement.
- Boisterous, disruptive activity or foul language in the workplace
- Negligence or improper conduct leading to damage of Company or customer property
- Insubordination or other disrespectful conduct

- Refusal of work assignments or to follow directions unless doing so would violate company policy, be considered unethical or immoral or place the employee in harm.
- Violation of safety or health rules
- Smoking in the workplace
- Sexual or other unlawful or unwelcome harassment or touching
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones or other Company equipment
- Using Company equipment for purposes other than business (e.g., playing games on computers, personal Internet usage or actively seeking outside employment)
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct
- Terminated employees are not allowed on any Gordon Company property at any time

These rules apply to all interactions with customers, fellow employees, or anyone else associated with the workplace.

### **Violence in the Workplace Policy**

It is Gordon Companies Inc.'s policy to provide a workplace that is safe and free from all threatening and intimidating conduct. Therefore, the Company will not tolerate violence or threats of violence of any form in the workplace, at work-related functions or outside of work if it affects the workplace. This policy applies to Company employees, clients, customers, guests, vendors, and persons doing business with the Company.

It is a violation of this policy for any individual to engage in any conduct, verbal or physical, that intimidates, endangers, or creates the perception of intent to harm persons or property. Examples include but are not limited to:

- Physical assaults or threats of physical assault, whether made in person or by other means (i.e., in writing, by phone, fax or email)
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker
- Any other conduct or acts that management believes represent an imminent or potential danger to workplace safety or security

Anyone with questions or complaints about workplace behaviors that fall under this policy may discuss them with HR. The Company will promptly and thoroughly investigate any reported occurrences or threats of violence. Violations of this policy will result in disciplinary action, up to and including immediate termination of employees. Where such

actions involve non-employees, the Company will act appropriate for the circumstances. Where appropriate and/or necessary, the Company will also take whatever legal actions are available and necessary to stop the conduct and protect Company employees and property.

### **Weapons in the Workplace Policy**

Unless prohibited by state law, Gordon Companies Inc. prohibits the possession of firearms or any other lethal weapon on Company property, in a vehicle being used on Company business, in any company-owned or leased parking facility or at a work-related function. This applies to all employees, visitors, and customers on Company property, even those who are licensed to carry weapons. The only exception to this is an employee who is required to possess weapons to fulfill his or her job duties.

Some examples of prohibited weapons include:

- Firearms (pistols, revolvers, shotguns, rifles, and bb guns)
- Knives (switchblades, gravity knives or any knife with a blade longer than three inches)
- Metal knuckles
- Bows and arrows
- Tasers

If a weapon is discovered on the property, **DO NOT TOUCH IT**. Report the discovery immediately to your supervisor, onsite police officer, a Gordon or HR. The proper Authorities will handle the situation.

We prohibit weapons to ensure the safety and security of all employees and persons visiting the Company. Any employee found in violation of this policy will be subject to disciplinary action, up to and including immediate termination. If you have questions or concerns regarding this policy, please contact HR.

### **Workplace Bullying Policy**

Gordon Companies Inc. is committed to providing a safe and healthy work environment for all employees. As such, the Company prohibits bullying of any kind and will deal with complaints accordingly. This policy applies to employees while working, at work functions and while traveling on business.

Bullying is defined as unwelcome or unreasonable behavior that demeans, intimidates, or humiliates an individual or a group of individuals.

#### **Bullying can be:**

- An isolated incident or persistent incidents
- Carried out by a group or an individual
- Either direct or indirect
- Verbal or physical

#### **Some examples of bullying include:**

- Abusive or offensive language
- Unwelcome behavior
- Unreasonable insults or criticism (especially in public)
- Teasing and/or spreading rumors
- Trivializing of work or achievements
- Exclusion or isolation

Bullying can have devastating results. If you witness bullying or suspect bullying is taking place, report it to HR immediately. All suspected incidents of bullying will be thoroughly investigated, and disciplinary measures will be taken accordingly.

### **Respect**

Gordon Companies Inc. is committed to providing an environment of mutual respect, free of harassment and discrimination of our employees, guests, and vendors. Employees are expected to treat fellow employees, guests, vendors, and customers with courtesy and to resolve any differences in a professional, non-abusive, non-inflammatory and non-threatening manner.

### **Employment Taxes & Voluntary Deductions Policy**

As an employee of Gordon Companies Inc., you are responsible for paying federal, state, and local taxes. This includes income, Social Security and Medicare taxes. These taxes will be automatically withdrawn from each of your paychecks at a rate that is determined by the number of deductions you claim.

The employment taxes and voluntary deductions described above will continue to be deducted from your paycheck until changes are made to the number of deductions you claim, or until you change your benefit elections.

Forms can be obtained from the HR Department.

## **Communicable Disease Policy**

A communicable disease is a disease that can be transmitted from one individual to another via: (1) direct physical contact, (2) the air (cough, sneeze or particle inhaled), (3) through a transmission vehicle (either ingested or injected) or (4) through a vector (animals or insects). Examples of some of the most common communicable diseases include measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV), AIDS, Aids-Related Complex (ARC), leprosy, severe acute respiratory syndrome (SARS) and tuberculosis (TB). This definition may be broadened in accordance with the recommendations and information provided from the Centers for Disease Control and Prevention (CDC).

Gordon Companies Inc. will make decisions involving those with communicable diseases based on medical information concerning the disease in question, the risks of transmission to others, symptoms and any special circumstances of the individuals involved. The Company will weigh potential risks and available alternatives before making any decisions.

### **Reporting Procedure**

Those employees who demonstrate signs or symptoms of a communicable disease that poses a credible threat of transmission in the Gordon Companies Inc. workplace should report that potential infection or disease immediately to HR. The employee is then responsible for keeping Gordon Companies Inc. informed of his or her condition that may require extended care, missed work, etc. The employee may also be required to provide written documentation from a physician to return to the worksite.

### **Hiring and Employment**

Gordon Companies Inc. will not discriminate against job applicants or employees with a communicable disease. These individuals will not be denied access to the worksite solely because they have a communicable disease, but may be excluded from Company facilities, programs and functions of Gordon Companies Inc. determines that restriction is necessary to protect the welfare of the infected individual or the welfare of others.

Gordon Companies Inc. will comply with all applicable statutes that protect the privacy of individuals with communicable diseases.

Abuse of this policy will result in disciplinary action up to and including termination. Gordon Companies Inc. reserves the right to revise this policy without notice during changing pandemic conditions.

## **Contagious Illness Policy**

Gordon Companies Inc. realizes that employees with contagious temporary illnesses, such as influenza, colds, and other viruses, need to continue with normal life activities, including working. However, the Company also seeks to maintain a healthy workplace for its employees and customers.

In deciding whether an employee with an apparently short-term contagious illness may continue to work, the Company considers several factors. The employee must be able to perform normal job duties and meet regular performance standards.

In the judgment of the Company, the employee's continued presence must pose no risk to the health of the employee, other employees, and customers. If an employee disputes the Company's determination that this type of risk exists, the employee must submit a statement from his or her attending health care provider that the employee's continued employment poses no risk to the employee, other employees, and customers.

## **COVID 19 Policy**

Covid 19 remains an ever-present, and continuously mutating disease. Gordon Companies Inc. remains vigilant in protecting everyone who works or enters our properties and is compliant to all recommendations and guidelines from OSHA, CDC, NYS Department of Health and Safety standards, and all other Government mandates.

Due to the nature of this evolving "State of Health", Gordon Companies Inc. will constantly revise and adhere to the conditions presented, and endeavor to publish all relevant information and guidelines to everyone who enters any of our properties.

As a result, our policy will change as needed to maintain the general safety of everyone.

The changes are in tandem to the existing Hero Act policy established.

## **Federal Family and Medical Leave Policy**

As an employee of Gordon Companies Inc., you may be eligible to take unpaid family and medical leave under the federal Family and Medical Leave Act (FMLA). This policy introduces the rights and provisions of the federal FMLA. An FMLA summary that is based on the Department of Labor's (DOL's) model notice is attached to this policy and further explains the FMLA. If you have questions regarding the FMLA, please contact Human Resources.

### **Eligibility**

To be eligible for leave, you must have been employed by the Company for at least 12 months. In the 12 months immediately preceding the beginning of the leave, you must also have worked at least 1,250 hours to qualify for federal FMLA. In addition, you must work in an office or work site where 50 or more employees are employed within 75 miles of that office or work site.

### **Amount of Leave Available**

Eligible employees may take up to a total of 12 weeks of FMLA leave within a rolling 12-month period, measured backward from the date an employee uses any FMLA leave, for any combination of the following reasons:

- The birth of an employee's newborn child or the placement of a child with the employee for adoption or foster care.
- To care for the employee's spouse, child, or parent with a serious health condition.
- The employee has a serious health condition that makes him or her unable to perform the functions of their job.
- A qualifying exigency that arises because the employee's spouse, child or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty).

Where leave is taken to care for a covered service member with a serious injury or illness, a spouse, child, parent or next of kin may take up to 26 weeks of unpaid FMLA leave during a single 12-month period.

Under the federal FMLA, spouses employed by the Company are jointly entitled to a combined total of 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care and to care for a parent who has a serious health condition. The federal FMLA does not cover care for parents-in-law. Spouses employed by the Company are jointly entitled to a combined total of 26 weeks of leave to care for a covered service member with a serious injury or illness, for the birth of a newborn child, for the placement of a child for adoption or foster care and to care for a parent who has a serious health condition.

### Types of Leave Available

*Birth or Placement for Adoption or Foster Care:* FMLA leave is available to eligible male and female employees for the birth of a child or for the placement of a child with the employee for purposes of adoption or foster care. FMLA leave must be completed within 12 months of the birth or placement. This type of leave may not be taken intermittently or on a reduced schedule unless the Company agrees to this request. See below for more details on non-continuous leave.

*Serious Health Condition of Employee:* If, as an eligible employee, you experience a serious health condition as defined by the FMLA, you may take medical leave under this policy (see “Definitions” for the definition of serious health condition). A serious health condition generally occurs when you:

- Receive inpatient care in a hospital, hospice, or nursing home
- Suffer a period of incapacity accompanied by continuing outpatient treatment or care by a healthcare provider
- Have a history of a chronic condition that may cause episodes of incapacity

The following provisions apply to leave for the serious health condition of an employee:

- *Non-continuous leave*—Medical leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by your treating health care provider through our medical certification process (see below).
- *Fitness-for-duty statement*—A fitness-for-duty statement will be required for you to return from a medical leave. Failure to provide the statement will result in a delay in your return to work.

*Serious Health Condition of Immediate Family Member:* If, as an eligible employee, you need family leave to care for your child, spouse or parent who experiences a serious health condition as defined by the FMLA (see “Definitions” for definitions of child, spouse, parent, and serious health condition), you may take a leave under this policy.

- *Non-continuous leave*—Leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

*Qualifying Exigency Because of Active Duty:* If, as an eligible employee, you need family leave because of any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty in the Armed Forces (including the National Guard or Reserves), or has been notified that they will be called or ordered to covered active duty in the Armed Forces (including the National Guard or Reserves), you may take family leave under this policy. (See “Definitions” for a definition of qualifying exigency)

## Time Away from Work

- *Non-continuous leave*— Family leave for any qualifying exigency arising out of the covered active duty of a family member may be taken all at once, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented through our certification process (see below).

*Service Member Family Leave:* If, as an eligible employee, you need family leave to care for a covered service member who is your spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy. (See “Definitions” for a definition of covered service member and serious injury or illness)

Effective March 8, 2013, an eligible employee may take service member family leave to care for a covered veteran who is the employee’s spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. (See “Definitions” for a definition of covered veteran)

- *Non-continuous leave*—Service member family leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

### **Notifying the Company of the Need for Family or Medical Leave**

Generally, an application for leave must be completed for all leave taken under this policy. A non-emergency leave should generally be requested from Human Resources at least 30 days, or as soon as practical, in advance of the date the leave is expected to begin. In cases of emergency, you (or your representative, if you are incapacitated) should give verbal notice as soon as possible, and the application form should be completed as soon as practical. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay or denial of leave. It is your responsibility to notify your manager and Human Resources of absences that may be covered by the FMLA.

You must provide sufficient information regarding the reason for an absence for the Company to know that protection may exist under this policy. Failure to provide this information will result in delay or forfeiture of rights under this policy. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters.

### **Medical Certification Process**

In addition to an application for leave, you will be required to complete a medical certification form when leave is for a family member or your own serious health

condition. The certification form needs to be signed by the health care provider. The short-term disability certification may be sufficient where the information required is duplicative. These forms are available from Human Resources. Second or third certifications from health care providers and periodic recertification at the Company's or your expense may be required under certain circumstances.

We may also require periodic reports during federal FMLA leave regarding your status and intent to return to work.

### **Military Family Leave Certifications**

In addition to an application for leave, you will be required to complete a Certification of Qualifying Exigency for Military Family Leave form when leave is for a qualifying exigency. A copy of the military member's active-duty orders or other military documentation may also be required to substantiate your need for FMLA leave.

If you request leave to care for a covered service member with a serious injury or illness, you will be required to complete a medical certification form, which must be signed by the service member's health care provider. The certification form will request additional information, such as information regarding the relationship between you and the covered service member, to substantiate your need for FMLA leave.

### **Substituting Paid Leave for Unpaid Leave**

Federal FMLA leave is unpaid. The Company requires you to substitute vacation days according to the schedule below. You may also choose to substitute additional paid or unpaid leave that you have accrued.

When you substitute vacation days or other paid leave, the absence will be counted against your entitlement to FMLA leave under this policy and will not extend your leave. In other words, you are using your paid leave concurrently with your FMLA leave.

<b>Eligible Vacation Remaining</b>	<b>Required Substitution</b>
Less than 5 days	None
5-8 days	3 days
9-12 days	5 days
13-16 days	7 days
17-20 days	9 days

When an employee is absent due to a work-related illness or injury that meets the definition of a serious health condition, the absence will be counted against the employee's entitlement under this policy. In other words, the employee is using FMLA

leave concurrently with the workers' compensation absence. An employee is not required to substitute paid time off for an absence covered under workers' compensation.

You may be paid for all or part of a medical leave to the extent you are eligible for benefits such as short-term disability. An employee is not required to substitute paid time off for an absence covered under a disability benefit plan.

### **Non-Continuous Leave**

Intermittent or reduced leave will be permitted only when it is medically necessary or for a qualifying exigency, as explained above. In all cases, the total amount of leave taken in a calendar year should not exceed your total allotment as defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent possible, medical appointments and treatments related to an employee's or family member's serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

If you request non-continuous federal FMLA leave which is foreseeable based on planned medical treatment for yourself, a family member or a covered service member, you may be required to transfer temporarily to an available alternative position offered by the Company for which you are qualified, and which better accommodates recurring periods of leave than your regular employment position. You will be entitled to equivalent pay and benefits but will not necessarily be assigned the same duties in the alternative position. This provision may also apply if the Company approves a non-continuous leave for the birth of a child or the placement of a child for adoption or foster care.

### **Returning to Work**

If the reason for FMLA leave is for your own serious health condition, you will be required to present a fitness-for-duty certification immediately upon return to work.

If you wish to return to work before the scheduled expiration of FMLA leave, you must notify the Company of the change in circumstances as soon as possible, but no later than two working days prior to your desired return date.

If you exhaust all leave under this policy and are still unable to return to work, you must notify the Company as soon as possible. Your situation will be reviewed to determine what rights and protections might exist under other Company policies.

### **Rights upon Return from Leave**

Upon return from family or medical leave, you will be returned to the position you held immediately prior to the leave, if the position is vacant. Certain exceptions exist for key employees, as defined by law. If the position is not vacant, you will be placed in an equivalent employment position with equivalent pay, benefits and other terms and conditions of employment.

The law provides that an employee has no greater rights upon a return from leave than the employee would have had if the employee had continued to work. Therefore, you may be affected by a layoff, termination or other job change if the action would have occurred had you remained actively at work.

### **Other Types of Leave**

If you do not qualify for the types of leave described in this policy, the Company may approve a personal leave of absence, depending on your circumstances. Except where mandated by law, we cannot guarantee that your position will remain open in your absence.

### **Definitions**

“Spouse”—A husband or wife, as defined or recognized under state law for purposes of marriage in the state where the employee resides.

“Parent”—A biological parent, adoptive parent, stepparent, foster parent, or an individual who provides or provide day-to-day care or financial support to the child. Parent does not include a parent-in-law under this law.

“Child”—A biological, adopted, or foster child, stepchild, legal ward or a child who is receiving day-to-day care or financial support from the employee and is under the age of 18. Child also includes a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. For military family leave, the child does not have to be a minor (under the age of 18) and can be of any age.

- “Incapable of self-care”—The child requires active assistance or supervision to provide daily self-care in three or more “activities of daily living,” or “instrumental activities of daily living,” including adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating or instrumental activities such as shopping, taking public transportation or maintaining a residence.
- “Physical or mental disability”—A physical or mental impairment that substantially limits one or more major life activities of the individual.

“Covered Service Member”—A member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or

therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness.

“Covered Veteran”—An individual who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

“Next of Kin”—Used with respect to an individual, this means the nearest blood relative of that individual, other than the spouse, parent, or child.

“Serious Health Condition”—Illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility.
- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: 1) treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by or under the orders of a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider. The first (or only) visit must occur in person within seven days of the first day of incapacity.
- Any incapacity due to pregnancy or for prenatal care.
- Chronic conditions requiring periodic treatment by or under the supervision of a health care provider, which continue over an extended period and may cause an episodic rather than a continuing period of incapacity (for example, asthma, diabetes, and epilepsy).
- Permanent or long-term conditions requiring supervision for which treatment may not be effective (for example, Alzheimer’s, a severe stroke, or the terminal stages of a disease).
- Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy) or kidney disease (dialysis).

“Serious Injury or Illness”—can be:

- In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

## Time Away from Work

- In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran and is:
  - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating.
  - A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for service member family leave.
  - A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - An injury, including a psychological injury, based on which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Qualifying Exigency"—includes:

- Short-notice deployment (seven days or less)
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation (up to five days; effective March 8, 2013, up to 15 days)
- Post-deployment activities
- Parental care (effective March 8, 2013)
- Additional activities agreed to by the Company and the employee

### More Information

Please contact HR for additional information.

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

#### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

#### **Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active-duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

#### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. To use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When a 30 day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**

## Jury Duty Policy

While it is the duty of every citizen to serve on a jury when called, Gordon Companies Inc. recognizes that this often means the loss of income. Gordon Companies Inc. provides jury duty leave to eligible employees in compliance with federal and state laws. Gordon Companies Inc. pays the difference between the jury pay and regular wages for days when you are unable to report to work because of jury service, assuming you have been employed by the Company for at least 90 days prior. If state law requires a different arrangement, Gordon Companies Inc. will comply with state law. Questions regarding the Company's jury duty leave policy should be directed to Personnel.

The above statement applies if you:

- Provide HR with a copy your summons to serve on a jury prior to the time that you are scheduled to serve
- Furnish HR with evidence of having served on a jury for the time claimed

Jury absence will be noted on your timesheet or timecard. Time spent on jury duty will not be counted as hours worked for the purpose of computing overtime pay. Regular wages are paid until jury pay is received. Jury pay is then deducted from your regular wages.

This benefit cannot be applied to any court appearance other than jury duty unless such appearance is related to your employment.

## Lunch and Rest Periods Policy

Employees are allowed an unpaid 30-minute lunch break. The schedule for lunch periods should be established based on work requirements in each department. Staggered lunch periods may be necessary to ensure the continuity of operations and services.

### **Hourly employees must punch out/in for lunch.**

Employees will be afforded 2 ten-minute breaks (1 before lunch and 1 after lunch) which will be provided at the discretion of the Company. Breaks are a privilege and can be suspended or changed at any time without notice. Also, employees must remain on Company property during break time. If an employee needs to leave the property during break time, pre-approval must be given by the Supervisor and the employee must punch out prior to leaving the building.

Breaks and lunch periods **may not** be taken at your desk or work area in an effort not to disturb your co-workers and assuring that your break or lunch period is uninterrupted.

Additionally, the Reception Lobby is not to be used for breaks or lunch.

## **Military Leave Policy**

Gordon Companies Inc. provides military leave to eligible employees in compliance with federal and state laws, including the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). Questions regarding the Company's military leave policy should be directed to Human Resources.

Employees should notify their managers as soon as they become aware of a military service obligation.

### **Leave for Annual Training**

Employees who are members of the U.S. Army, Navy, Air Force, Marines or Coast Guard Reserves or the National Guard may be granted leaves of absence for the purpose of participating in Reserve or National Guard training programs.

Employees will be granted the minimum amount of leave needed to meet the minimum training requirements of their units. No employee will be required to use vacation time for military duty, but employees who do elect to schedule their vacations to coincide with military duty will receive their full regular vacation pay in addition to any pay from the military.

In recognition of the public service performed by Reservists and members of the National Guard, employees will receive the difference between their regular pay and their service pay, excluding any military subsistence allowance or other expense allowances during the training period. If state law requires a different arrangement, Gordon Companies Inc. will comply with state law. Please contact Human Resources with any questions.

### **Leave for Military Service**

Permanent employees who perform service in the uniformed services may be granted leaves of absence for the purpose of participating in military service. Under USERRA, "uniformed services" consists of the U.S. Army, Navy, Marine Corps, Air Force and Coast Guard and their Reserve components, U.S. National Guard and Air National Guard, the Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or emergency.

Employees will be granted leave as required to complete the military service, for up to five years of cumulative uniformed service-related absences. Some special categories of military service are exempt from this five-year limit.

Employees with leaves of less than 31 days must report back to work by the beginning of the first regularly scheduled work period after the end of the last calendar day of service, plus the time required to return home safely and have an eight-hour rest period.

## Time Away from Work

Employees with leaves between 31 and 180 days must apply for re-employment no later than 14 days after completion of uniformed service. Employees with leaves longer than 180 days must apply for re-employment no later than 90 days after completion of uniformed service.

The reporting or application deadlines are extended for persons who are hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service.

Returning service members will be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority (escalator position). The Company will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. However, certain exceptions apply, and a service member may be placed in an alternative reemployment position if he or she cannot qualify for the escalator position.

Re-employed service members are entitled to the seniority and rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.

During a period of military service, the employees will be treated as if they are on a furlough or leave of absence. Consequently, during their period of service they are entitled to participate in any rights and benefits not based on seniority that are available to employees on comparable nonmilitary leaves of absence.

If an employee's health plan coverage would terminate because of an absence due to military service, he or she may elect to continue the health plan coverage for up to 24 months after the absence begins or for the period of service (plus the time allowed to apply for reemployment), whichever period is shorter. The employee may be required to pay up to 102 percent of the full premium for the coverage. However, if the military service is for 30 or fewer days, the employee cannot be required to pay more than the normal employee share of any premium.

## Paid Company Holidays

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Christmas Day

### Holiday Pay Eligibility:

1. Employees who have completed 90 days of continuous employment with Gordon Companies Inc. as of their hire date, are eligible for holiday pay.
2. If you do not report to work on the day prior to and/or following a holiday, you will not receive holiday pay, unless you have been pre-approved for vacation time by your Supervisor, Manager and HR.
3. Full time employees (an employee who consistently works at least 32+ hours per week) will receive 8 hours pay for a Company paid holiday which will be paid at their regular hourly rate. Employees working 10-hour shifts will receive 10 hours pay for a Company paid holiday which will be paid at their regular hourly rate.
4. Part time employees (an employee who consistently works less than 32 hours per week) will receive 4 hours pay for a Company paid holiday which will be paid at their regular hourly rate.

\* **PLEASE NOTE:** Due to the nature of Gordon Companies Inc. business, it is **mandatory** that all office and warehouse employees report to work, no exceptions, on the day following Thanksgiving.

## **Sick/Personal Time Policy – Accrual Based Time off**

Gordon Companies Inc. understands that, at times, employees will need to be absent from work due to illness, or other personal reasons.

Therefore, employees accrue sick leave at a rate of not less than one (1) hour per every thirty (30) hours worked. There is a maximum of 56 hours of paid sick leave per calendar year.

Sick/personal days must be used in half day (4 hour) or full day (8 hour) increments only (no single hours).

Sick/personal days are not to be used for vacation time.

**Unused sick/personal days are not accumulated from year to year.**

### **Sick/Personal Time**

Sick/Personal time is time away from work that you elect to use if you or one of your family members are sick, for physician and dental appointments for yourself or a family member, or for any personal reasons.

Sick/personal time is a benefit provided to you in the event you need to take time off because of your health or for any personal reason. It is not merely additional paid vacation. **Thus, no pay is provided for unused sick leave at the end of employment.**

Contact your supervisor or HR if you will need to take a PTO day.

If state law requires a different arrangement, Gordon Companies Inc. will comply with state law. Questions about the Company's PTO policy should be directed to HR.

### **Abuse of PTO**

Regular attendance is crucial to the success of this and any other business. Paid sick/personal leave is provided as a financial buffer for employees who are too injured or ill to work, not as additional time off for employees who are well. Employees should be prepared to furnish a signed doctor's note or similar evidence of inability to work if HR requests one. Abuse of sick leave is grounds for discipline, up to and including termination.

### **Extended Leave**

Employees who have used up their available Sick/Personal time and remain unable to report for work due to extended illness may be eligible for unpaid family medical leave (FMLA). Eligibility for health care benefits continues during FMLA leave.

## Vacation Policy

Gordon Companies Inc. believes that vacation time is vital in keeping employee morale high.

**Full time employees** (an employee who consistently works 32+ hours per week) are eligible to receive five (5) days paid vacation after completing one continuous year of employment.

**After five years** of continuous employment, full time employees are eligible to receive ten (10) days paid vacation.

**Part time employees** (an employee who consistently works 32 hours per week or less) are eligible to receive two (2) days paid vacation to be paid at 4 hours per day at their regular hourly rate after completing one continuous year of employment.

**After five years** of continuous employment, part time employees are eligible to receive four (4) days paid vacation to be paid at 4 hours per day at their regular hourly rate.

**Vacation days must be used in half day or full day increments only (no single hours).**

**Unused vacation time may not be carried over from year to year.**

All employees are requested to submit a written request for vacation leave for HR and their Supervisor at least one week prior to the vacation leave, whenever possible.

If more than one employee requests the same vacation day(s), vacation time will be granted to the employee who submits the request first. If the requests are submitted on the same day, seniority will prevail.

If your employment is terminated, either voluntarily or involuntarily, you will be paid for unused vacation leave.

**Due to the nature of our business, vacation time cannot be used for the period of October 1<sup>st</sup> to December 31<sup>st</sup> of each year.**

Please contact HR with all questions or concerns.

## Bereavement Policy

Employees who have completed 90 days of continuous employment with Gordon Companies Inc. as of their hire date, will be afforded 2 days off, with pay, for the death of a spouse, domestic partner, significant other, child, parent, in-law, sibling, or grandparent. Employees will be granted 1 day off with pay for the death of an extended family member, aunt, uncle, cousin, niece, nephew.

This time will only be approved upon receipt of certification of the death, mass card, or newspaper announcement.

## Unpaid Time Off

Requests for additional time off, **without pay**, will only be granted as follows:

Full time employees (an employee who consistently works 32+ hours per week) with less than 5 years of service are eligible to take up to an additional 5 days off, 40 hours, **without pay**.

For employees working 10-hour days, they are eligible for an additional 4 days off, 40 hours without **pay**.

**Part time employees** (an employee who works 32 hours per week or less) with less than 5 years of service are eligible to take up to an additional 2 days off (4 hours per day) **without pay**.

In cases of extreme hardship, extended periods of unpaid days off may be authorized only if direct approval from the Gordon Executive branch is awarded.

NOTE: Employees who have completed 5 years of service or more, **are not eligible** for any unpaid time off.

## **Employee Photo Identification, Timecard and Door Access Card**

Upon employment with Gordon Companies Inc., you will be given an Employee Photo Identification Tag which contains your picture and personal employee identification number.

A Door Access Card will also be assigned to every employee allowing access to specific doors in the office and warehouse.

A U-Attend Timecard will be assigned to every employee and be used with our time clock.

These cards **MUST** be always worn or kept on your person while on Gordon Company Inc. property.

If the card or tag is lost, stolen, or destroyed, one free replacement will be provided. If additional cards are requested, it is the responsibility of the employee to pay, in cash, the \$5.00 replacement fee for each additional card requested.

## **Gordon Company Inc. Visitors Policy**

All visitors must announce their arrival by using the telephone in the front foyer of the office. They will be required to sign-in and obtain a Visitors Pass during their visit.

Visitors are not permitted to enter the building through any warehouse entrances.

Visitors must be always accompanied by a Gordon Company Inc. employee while on Gordon Company Inc. property.

## **General Computer Usage Policy**

Gordon Companies Inc. is committed to accomplishing its business objectives in a secure and timely manner. Each employee must assist in achieving this goal while safeguarding corporate information assets. The basic regulations for using the Company computer systems are as follows:

- Computers are for business use only.
- The Company may access any information created, transmitted, or stored on its information systems.
- Any and all documents created or downloaded shall be considered the property of Gordon companies including everything contained on the computer or drive.
- Copying or downloading software of any kind is prohibited without prior permission.
- The Internet is for business use only incidental and occasional personal use is not permitted including personal email, social media, and job searching.
- The Company provides email accounts to its employees for business use only.
- Any email of an offensive, pornographic, or otherwise inappropriate nature is prohibited. Violations may result in disciplinary action, up to and including Termination.
- Company proprietary information must be protected.
- Instant messaging services may be provided to ease communication between employees—non-business use is prohibited.

## **Recording Devices Prohibited Policy**

Gordon Companies Inc. respects the privacy of its employees and strives to protect all confidential Company information.

The Company prohibits the use of any recording device on Company property or during working hours unless specifically permitted by the Company. The Company prohibits the use of picture phones or any other camera or device that may capture visual images. More specifically, the use of picture phones or other recording of visual images is prohibited in locker rooms, restrooms, and any other area where members of the public or co-workers would expect a reasonable degree of privacy and in any areas in which sensitive or closely guarded corporate or business materials are used or housed.

- Any employee found in violation of this policy will be subject to disciplinary action and may also be subject to prosecution to the fullest extent permitted under the law.

## Attendance and Standard Working Hours Policy

Gordon Companies Inc. expects that every employee will be regular and punctual in attendance. This means being in your work location, ready to work at the starting time each day. Absenteeism and tardiness place a burden on both co-workers and Gordon Companies Inc. and will be subject to the disciplinary policies as outlined below.

### Call In Procedures:

**Office Employees:** Employees unable to work due to illness or personal reasons must contact their supervisor prior to the beginning of the workday. If using email, a copy must also be sent to HR. If they are unavailable, you can call the main office number at **(716)-706-0320** and leave a message along with a contact number where you can be reached.

**Warehouse Employees:** Employees unable to work due to illness or personal reasons, must contact their immediate Supervisor at least 1 hour prior to the beginning of the shift. If using email, a copy must also be sent to HR. If they are unavailable, you can call the main office number at **(716)-706-0320** and leave a message including your name, building location and contact number where you can be reached.

**NO CALL – NO SHOW:** Employees who do not call or show up for work will receive a written warning. For 2 consecutive days of No Call – No Show, employees will be required to provide a doctor's note or legal documentation for the absence. If mentation cannot be provided it will be considered as job abandonment and subject to Termination.

If you become ill at work or must leave work for any other reason before the end of the workday, be sure to inform your Supervisor and HR of the situation.

Standard working hours vary from department to department. Please check with your supervisor if you have questions regarding your hours.

The disciplinary policy, listed below, applies to any employee who clocks in (5) minutes late or clocks out (5) minutes early without prior approval.

## Disciplinary Policies for Arriving Late/Leaving Early

Gordon Companies Inc. understands that personal emergencies arise from time to time necessitating that an individual may have to arrive late or leave early. Please make every effort to schedule your appointments either before or after work. A minimum 24-

hour notice must be given to your Manager and HR if you need to arrive late or leave early. If not, the following disciplinary actions will be taken:

1. A verbal warning will be issued to an employee after (3) incidents of arriving late/leaving early within a 2-month period.
2. After 3 verbal warnings, such employees will be given a written warning along with suspension without pay for a minimum of 2 days. Those days will be at the discretion of the Manager or Supervisor.
3. After suspension, if the employee does not make personal improvement, such employee may be terminated.
4. Consistent, repeated abuse may result in termination without prior notice.
5. This policy also applies to break and lunch time.

## **Business Expense Reimbursement Policy**

All Business expenses must first be approved before they are initiated. All Business expenses must be submitted on the appropriate reimbursement form along with RECEIPTS. All reimbursement receipts must be submitted to HR or the Gordon Executive branch for signed approval before submission of payment.

All approved expense submissions shall be processed in a timely manner.

## **Company Credit Card Policy**

Gordon Companies Inc. offers company credit cards for employees who travel frequently for their duties, purchase large volumes of goods for use by the company or incur frequent business expenses that can be paid by credit card.

As a rule, corporate credit cards cannot be used to obtain cash advances, bank checks or electronic cash transfers for anything other than the expenses incurred by the employee whose name appears on the credit card. The card is not to be used for personal expenses of the employee, either.

- Misuse of a Company credit card will result in cancellation of the card. If the card is used for personal expenses, Gordon Companies Inc. has the right to recover these expenses from the cardholder. All employee cardholders will be required to sign an agreement authorizing Gordon Companies Inc. to recover any amounts that are incurred for personal reasons out of their salaries.
- Credit card expenditures must be submitted with original receipts to Accounts Payable within 5 days of the purchase or the return from business travel.
- Lost or stolen Company credit cards must be reported to Accounts Payable immediately.

## **Employer-provided Mobile Devices Policy**

Gordon Companies Inc. may always require access to some employees. For this reason, the Company may provide and pay for a mobile device for these employees.

We expect that all employees using employer-provided mobile devices will:

- Act professionally
- Avoid exceeding the number of allotted minutes
- Use the device for business purposes only
- Do not use the devices while driving

Gordon Companies Inc. provides these mobile devices to increase productivity and allow employees to maintain adequate contact with both the Company and its customers. If you are the recipient of an employer-provided mobile device, you will be asked to sign a company property agreement and expected to use the device appropriately.

## Personal Mobile Device Policy

The use of personal cell phones, headphones and all personal devices is strictly prohibited while you are working, operating machinery, and operating a company vehicle. This includes texting. Violation of this policy is subject to disciplinary action up to and including Termination.

I have been informed and understand that my cell phone is NOT to be on my person or on the work floor during working hours unless it is deemed necessary and approved for use to perform my job.

I am fully aware that I am only to use my cell phone during my breaks and lunch time.

Should I need to receive an emergency call from home or school, I will have them contact the main receptionist at 716-706-0320 and have the call relayed to me through my Department Supervisor/Manager.

## **Confidential Information and Company Property Policy**

During your employment at Gordon Companies Inc., you may have access to confidential and proprietary data, which is not known by competitors or within the company's field of business generally. This information (hereinafter referred to as "Confidential Information") includes, but is not limited to: data relating to the Company's marketing and servicing programs; procedures and techniques; the criteria and formula used by the Company in pricing its products and services; the structure and pricing of special packages that the Company has negotiated; lists of customers and prospects; the identity, authority and responsibilities of key contacts at Company accounts; the composition and organization of accounts' businesses; the peculiar risks inherent in their operations; sensitive details concerning the structure, conditions, and extent of their existing products and services; contract expiration dates; commission rates; service arrangements; proprietary software, Web applications and analysis tools; and other data showing the particularized requirements and preferences of the accounts. This Confidential Information is an asset of the Company, developed over a long period of time and at substantial expense.

To protect the Company's interest in this asset, you must (a) not use any such Confidential Information for your personal benefit or for the benefit of any person or entity other than the Company, and (b) use your best efforts to limit access to such Confidential Information to those who have a need to know it for the business purposes of the Company. In addition, you should minimize those occasions on which you take documents, computer disks or a laptop containing such Confidential Information outside the office. On those occasions where it is necessary, consistent with the best interests of the Company and doing your job effectively, to take documents, computer disk or a laptop containing Confidential Information outside the office, all appropriate precautionary and security measures should be taken to protect the confidentiality of the information.

During your employment with the Company, you will be provided with, and some will generate correspondence, memoranda, literature, reports, summaries, manuals, proposals, contracts, customer lists, prospect lists, and other documents and data concerning the business of the Company. All such records and data, whether maintained in hard copy or on a computer or other medium, is the property of the Company, regardless of whether it is or contains Confidential Information. Upon termination of your employment at the Company, you are required to return all such records to the Company and may not retain any copy of such records or make any notes regarding such records. We reserve the right to search for such information and property in personal items while on Company premises such as vehicles, purses, briefcases, etc. All company materials -emails, chats, documents, information are subject to be reviewed and monitored at any time on any company equipment – computer, laptop, phone etc. without notice.

## **Conflicts of Interest Policy**

All employees have a duty to further the Company's aims and goals, and to work on behalf of its best interest. Employees should not place themselves in a position where their actions or personal interests may be in conflict with those of Gordon Companies Inc. Examples include: soliciting or profiting from the Company's client or prospect base or other Company asset for personal gain; acting on behalf of Gordon Companies Inc. in servicing or obtaining a client, and limiting the best solution for the client or prospect for personal financial gain; and acting as director, officer, employee or otherwise for any business or institution with which Gordon Companies Inc. has a competitive or significant business relationship without the written approval of the Chief Executive Officer.

Employees should report to their Supervisor and HR any situation or position (including outside employment by an employee or any member of an employee's immediate household) which may create a conflict of interest with Gordon Companies Inc.

## **Improper Payments and Gifts Policy**

We prohibit the solicitation, acceptance, offer or payment to any person or organization of any bribe, kickback, or similar consideration, including money, services, goods, or favors (other than goods or favors which are nominal in amount and not prohibited by any federal, state or local law). Do not accept or give gifts, gratuities, entertainment or favors of such value or significance that their receipt might reasonably be expected to interfere with the exercise of independent and objective judgment in making or participating in the business decisions of Gordon Companies, Inc., or the party with whom the Company is dealing.

## **Dress Code**

Gordon Companies Inc. believes that your pride in both yourself and the Company is reflected in your appearance and in the image you create. We feel that our business image is important and, therefore, request that our employees maintain standards of dress and appearance appropriate to both the organization as a whole and your individual position responsibilities.

Dress, grooming, personal hygiene, cleanliness, and professional behavior standards contribute to the professional image we strive to present to our customers and visitors. Therefore, while performing duties for the Company, employees are expected to dress in attire appropriate to the business environment and to always behave in a professional manner to best represent our business.

### **Hairstyles**

While at work, employees should keep their hair clean, groomed and styled with SAFETY in mind. Long hair should be banded or gathered to prevent getting caught in rollers, racking, and pickers.

### **Appropriate Attire**

Casual attire is acceptable, which includes clean, un-ripped, well-fitting jeans. Pants should be worn at hip or waist level. Shirts should be fitted so that no mid-body skin is showing. Clothing should be properly fitted so that when bending over no skin or undergarments are visible. Shorts are acceptable; however, they must not be any shorter than mid-thigh above the knee.

If you are assigned a shirt or vest as part of a uniform, it must be kept clean and worn during your shift.

Office personnel should always wear appropriate business casual attire including appropriate footwear. Scandals are permitted in the office only. Everyone is expected to have -on site and appropriate pair of closed toe/ closed heeled footwear to change into in the event they are requested to enter any warehouse.

### **Inappropriate Attire**

- Gym shorts – (Not allowed in the office), “daisy dukes”, crop tops, revealing tank tops, extremely short dresses, and skirts
- Any clothing item displaying an offensive comment, graphic illustration, **political in nature**, cartoon characters, etc.
- Dirty, ragged, un-groomed, sexually provocative, revealing, or see-through clothing
- Office personnel are not permitted to wear hats or hoods. Dew rags are acceptable as long as they don’t become fashion statements or ornate head wrapping..
- Flip flops
- Any other attire or appearance Gordon Companies Inc. deems to be inappropriate in the business environment

No blankets are allowed to be used as sweaters while sitting at your desk. Please dress appropriately for the weather.

If you come to work in unacceptable attire, you will be sent home, without pay, for the day.

Continued or frequent departures from these guidelines will not be permitted and employees who appear for work inappropriately dressed or groomed repeatedly will be subject to disciplinary action.

**PLEASE NOTE:** ANY OFFICE EMPLOYEE ENTERING THE WAREHOUSE, AT ANY TIME, MUST BE WEARING CLOSED TOE/CLOSED HEELED SHOES. - NO SCANDALS/CROCS TYPE FOOTWEAR.

**Warehouse employees are required to always wear closed toe/closed heel shoes. Crocs or Similar open back shoes are not allowed.**

## **Driving While on Company Business Policy**

Driver inattention plays a role in many motor vehicle accidents. We are not only concerned about your welfare as a Gordon Companies Inc. employee, but also the welfare of others who could be put in harm's way.

While driving, your first responsibility is to pay attention to the road. When driving on Gordon Companies Inc. business or driving while conducting business on behalf of the Company in any other capacity, the following applies:

### **Cell phone Use**

Cellular phone use while driving is a common, often harmful, distraction. We are concerned about your safety as well as the safety of others. For this reason, the use of cell phones while driving is not permitted. If you must use your cellphone while driving, please use a hands-free device.

### **Obey the Law**

Gordon Companies Inc. is not responsible for any moving traffic violations, parking tickets or any other city ordinances or state or federal laws regarding your driving habits and operation and care of your personal motor vehicle. Any tickets issued are the employee's responsibility, even if the ticket is issued while conducting business for Gordon Companies Inc.

### **Other Safe Driving Precautions**

- Use your best judgment when road conditions are poor. Limit or avoid driving when rain or snow threatens your safety.
- Try to avoid distractions such as eating, applying makeup, paying too much attention to your radio or music device.
- Do not drive if your ability to drive safely is impaired by the influence of medications (prescription or otherwise), alcohol, illegal drugs, illness, fatigue, or injury.
- Laptop computers should never be used at any time while driving.
- Be sure to properly adjust the mirrors and familiarize yourself with the vehicle's controls before operating.
- Be concerned for your coworkers' safety. Ask them to call you back at a safer time if they call you while they are driving.

Drinking while operating any company vehicle or machinery will not be tolerated and will be cause for immediate dismissal.

Employees who drive for company business must have a current, valid driver's license and agree to an annual MVR.

## Employee Classification Policy

**Full-time** - Employees who work at least (32+) hours per week are full-time.

**Part-time** - Employees who work fewer than (32) hours per week are part-time.

**Independent contractors** - Consultants, freelancers and independent contractors are not employees of Gordon Companies Inc. In addition, Gordon Companies Inc. is not required to satisfy income, Social Security, Medicare or unemployment tax withholdings or payment requirements for independent contractors.

## Employee Fraternalization Policy

Gordon Companies Inc. wants to preserve a working environment that has clear boundaries between personal and professional relationships. This is believed to be the best practice for conducting business in a professional manner. This policy establishes clear boundaries about how relationships develop at work and within the confines of the work area.

- During working hours and in work areas, employees of Gordon Companies, Inc. are expected to keep all personal interactions limited and at a professional level to avoid distracting or offending others.
- Employees are prohibited from engaging in any physical interactions that would be seen as inappropriate in the work area. What constitutes inappropriate conduct is at the discretion of the Company.
- Employees who engage in personal relationships with others and allow these relationships to negatively affect the working environment will be subject to disciplinary action. If said employees fail to change their behavior after disciplinary action takes place, they may be subject to termination.
- Romantic relationships between supervising, managing or executive employees and subordinates are strictly prohibited. If a relationship does develop between a supervising employee and his or her subordinate, management should be notified immediately so that a department transfer may be considered.

## Employee Discount Policy

Gordon Companies Inc. offers a discount to its employees.

Employees are entitled to a discount off the “selling price” of in stock Dave’s Christmas Store items. All food items are excluded. Should there be an item that is only available on Christmascentral.com, please contact the Wholesale Manager. You will be required to show your Company identification to make any purchase.

Please see the Accounting Department when making a purchase from Christmascentral.com.

## Returns Room Merchandise

**ALL Employees** are prohibited from taking any merchandise- (even if damaged) from the returns room unless it is approved or purchased. **This includes EVERY ITEM.**

**All merchandise** should be purchased through the - (front office). Once payment is made in full, the merchandise may exit the building. **Any violation of this procedure will result in immediate termination.**

## Employment of Relatives Policy

Members of your immediate family will be considered for employment based on their qualifications. Your immediate family may not be hired, however, if it would:

- Create a direct supervisor-subordinate relationship with a family member
- Have the potential for creating an adverse effect on work performance
- Create either an actual conflict of interest or the appearance of a conflict of interest

This policy must be considered when hiring, assigning, or promoting an employee.

If a circumstance arises that results in a direct supervisory relationship between immediate family or close personal relatives (including marriage, reduction in force, reorganization, priority placement, etc.), one of the relatives may be reassigned to an appropriate vacancy. During the period that a direct supervisory relationship exists between immediate family members or close personal relatives, the supervisory relative will not be involved in any personnel action involving his or her relative. Typical first-level supervisory responsibilities will be referred to the next higher level in the supervisory chain.

For purposes of this policy, your immediate family includes your mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, stepparent, grandchild, or grandparent. This policy also applies to close personal relatives such as uncles, aunts, first cousins, nephews, nieces, or half-siblings.

Any questions should be directed to HR.

## **Injury & Illness Reporting Policy**

Gordon Companies Inc. is committed to establishing and maintaining a comfortable and safe working environment for all employees.

Safety is often taken for granted in an office environment. Though we may not be exposed to the same degree of risk as employees of a typical manufacturing firm or health care facility are, we should still recognize that safety risks are present and take steps to reduce the risk of injury or illness. Safety is everyone's responsibility.

All work-related injuries and illnesses should be reported immediately to your supervisor. An Incident Report with accompanying C2-F should be completed and given to HR by the end of the day on which the injury occurs.

If medical treatment is sought, the injured employee must advise their supervisor that they are seeking treatment. Copies of any medical paperwork and billing should be given to HR as soon as possible.

If you see any potential hazards that need attention, please notify your supervisor or HR immediately.

In depth policy and procedures can be found in the Gordon Companies Inc. Safety Manual.

## Online Social Networking Policy

Gordon Companies Inc. is committed to maintaining a good relationship with its employees and the marketplace. The way the public views Gordon Companies Inc. is vital to maintaining business, gaining new business, retaining first-class employees, recruiting new employees, and marketing our products and services.

While Gordon Companies Inc. has no intention of controlling employee actions outside of work, employees should practice caution and use discretion when posting content on the Web. Employees have the right to use social media for personal expression on their own time, and Gordon Companies Inc. will not violate employee privacy by attempting to access content that has not been made available publicly. This policy serves as a notice on the practice of social networking for all employees to read and understand. As more concerns develop and legislation is released, this policy is subject to change.

The purpose of this policy is to:

- To guarantee a constructive relationship between the company and its employees
- To manage risk and preserve Gordon Companies Inc.'s positive reputation
- To discourage the use of company time for personal social media activities
- To promote awareness among employees of the number of individuals who can access information presented on social networking sites

### Definitions

*Social networking* and *social media* refer to any activity that involves interaction in online communities. This interaction includes, but is not limited to, browsing profiles and photos, reading messages sent through social networking forums and participating in instant messaging services.

A *social networking site* is any website that links individuals electronically and provides a forum where users can connect and share information. These websites can be tailored to specific interests or to certain types of users. Examples of popular social networking sites include Facebook, Twitter, Myspace, Flickr, Friendster, Classmates.com, LinkedIn, Xanga and Bebo. The list of social networking sites is constantly growing and changing because of the nature of the Web.

A *social networking profile* is a user's personalized page within a specific social networking site, usually containing personal information such as name, birthday, photo, and interests.

*Micro-blogging* is the practice of publishing your recent whereabouts, thoughts, or activities on a social networking site for other users to see. While not all social networking sites use micro-blogging, this is a primary focus of sites such as Twitter and Facebook.

*Business purposes* is considered using a social networking site for the company's gain, usually as a task or assignment given by a manager or supervisor. This can be done either through a specific company account on a given social networking site or through a personal account set up for the purposes of recruiting or marketing for Gordon Companies Inc.

The term *Working Hours* includes any time employees are being paid to conduct company business.

### **Procedures**

#### *Prohibited Use*

It is important that employees use their time at work for business purposes. Employees are not blocked from access to social networking sites on Gordon Companies Inc. computers because, under some circumstances, social networking is a powerful business tool that can be channeled to gain positive publicity for the company and to connect with clients. However, access to such websites should follow company policy. The following actions are prohibited during working hours:

- Using social networking sites to conduct personal or non-company business with a company computer or device.
- Browsing social networking sites for non-company business on company time with a company computer or device.
- Reading email alerts regarding personal social networking account activity or using Gordon Companies Inc. e-mail to correspond with personal social networking contacts.
- Updating information, uploading photos, or otherwise engaging with one's personal social networking profile for non-business purposes with a company computer or device.
- Micro-blogging for a non-business purpose on a social networking site throughout the day, whether it is on a company-provided computer or a personal smartphone device.

#### *Prohibited Conduct*

Having your own individual social networking account and using it on your own time is certainly permissible. However, keep in mind that some actions on your personal site are visible for the entire social networking community and may no longer be considered private matters. Gordon Companies Inc. has put in place a set of conduct guidelines to protect its brand and prevent the unwanted disclosure of confidential information. Please follow these guidelines:

- Do not use microblogging features to disclose trade secrets, publish internal reports, provide tips based on inside information or participate in other activities that may be considered insider trading.

- We urge you to consider resolving workplace grievances internally. If you choose to address a grievance using social media, we recommend you refrain from posting comments and materials that could be viewed as malicious, obscene, threatening, and intimidating or that could create a hostile environment based on race, sex, disability, religion, or any other status protected by law.
- We also recommend you refrain from posting any opprobrious, reckless, or maliciously untrue comments. These communications may not be protected by law.
- Do not impersonate Gordon Companies Inc. or its employees, make statements on behalf of Gordon Companies Inc. without authorization, or make statements that can be construed as establishing Gordon Companies Inc.'s official position or policy on any issue.

As stated above, the purpose of this policy is to protect Gordon Companies Inc.'s brand and prevent the disclosure of confidential information. It is not Gordon Companies Inc.'s intent to interfere with its employees' legal rights. Whenever state or federal law governs an area of social media participation, Gordon Companies Inc. policies should be interpreted as to comply with them.

## Overtime Pay Policy

Gordon Companies Inc. will compensate all hourly, non-exempt employees one-and-a-half times their regular wage rate for all approved hours worked more than 40 hours each week.

The Company's workweek begins on Monday and ends on Sunday.

At times, employees will be asked to work overtime to complete necessary work tasks. The employee's Supervisor or Manager will notify the employee as early as possible regarding scheduling needs.

### **Working At Home/Remote**

There may be times that employees may be asked to do additional work at home - **it is not at the employee's discretion.** Speak with your Supervisor for clarification.

**Employees who are off due to vacation or illness are not allowed to make up time by working from home.**

## Pay Periods and Check Distribution Policy

Employees will be paid on a weekly basis. Regular paydays occur on Friday of each week. If paydays fall on a holiday, employees will be paid on the last workday prior to the regularly scheduled payday.

If an employee is absent on the date of paycheck distribution, his or her check will be held until they return to work, unless otherwise specified.

Paychecks will only be released to the employee whose name appears on the check, or to an individual whom the employee has designated and approved through written consent.

Direct deposit is available for all employees. Please see HR for the appropriate forms.

## **Performance Evaluation Policy**

Gordon Companies Inc. is committed to providing you with feedback, both formal and informal, about your performance on the job. Supervisors and Managers are responsible for providing ongoing performance feedback to each employee. In addition, your supervisor may formally discuss and document your performance on a regular basis (generally annually).

Your performance appraisal discussion will review your strengths and identify any areas needing improvement, as well as goals and objectives that need to be achieved. Specific performance problems may be addressed outside the performance appraisal cycle through either informal discussions or formal disciplinary action. Formal performance feedback becomes a permanent part of your personnel file.

## **Personnel Records Policy**

Gordon Companies Inc. strives to keep accurate and up-to-date personnel records.

Employee personnel files may include, but not be limited to, the following:

- Employee demographic information
- Job application
- Job description
- Resume
- Training records
- Salary history
- Disciplinary action records
- Performance reviews
- Coaching and mentoring records

To ensure the accuracy of your personnel records, please notify us immediately of the following changes:

- Name
- Address
- Telephone number
- Marital status
- Dependent status
- Tax status

Personnel records are confidential and are not available to anyone outside of the Company unless you have personally authorized their release. A release may not be required when reporting certain information as required by law or when an authorized governmental agency inspects certain records.

## **Cell Phone / Phone Call / Headphones Policy**

Please adhere to the following guidelines, based on the type of call you are making or receiving:

**Business phone calls** - Much of our business is conducted over the phone, making our telephone techniques extremely important. A friendly but businesslike telephone manner should always be projected. When you are away from your work area, make a habit of forwarding your calls to the appropriate extension. Customer Service calls and G-chats are recorded for quality purposes.

**Personal cell phone calls** - To provide an optimum work environment cell phones must be turned off and put away during work hours. Cell phones can only be used during break or lunch time in designated areas (i.e., break/lunchrooms) and outside of the office. **Absolutely no texting while at your desk or in the warehouse. Bringing your cell phone into the rest room is also prohibited.**

**Voicemail** - Company telephones are also equipped with voicemail. Voicemail was installed to help maintain our high quality of service for clients and to increase efficiency throughout the office.

**Headphones – For Safety Purposes – The use of headphones is prohibited while working in the warehouse.** Employees must observe safety precautions and be able to hear and be free from distractions while performing their duties. Employees who fail to comply with this policy will be subject to disciplinary action and/or termination.

**I have been informed and understand that my cell phone is NOT to be on my person or on the work floor during working hours unless it is deemed necessary and approved for use to perform my job.**

**I am fully aware that I am only to use my cell phone during my breaks and lunch time.**

**Should I need to receive an emergency call from home or school, I will have them contact the main receptionist at 716-706-0320 and have the call relayed to me through my Department Supervisor/Manager.**

### **Safety Policy**

Gordon Companies Inc. wants to ensure that our employees always remain safe and injury-free. The Company intends to comply with all applicable safety laws. To guarantee that accidents are avoided whenever possible, we expect our employees to refrain from horseplay, careless behavior, and negligent actions.

While working, employees must observe safety precautions for their safety and for the safety of others. All work areas must be kept clean, and free of clutter and debris. Any hazards or potentially dangerous conditions must be corrected immediately or reported to a supervisor or HR.

Employees who fail to comply with this procedure may be subject to disciplinary action.

Any employee injury, which occurs either outside of the office or at work, must be reported to your Supervisor and HR immediately.

Only employees that have been trained and certified by Gordon Companies Inc. are allowed to operate Company machinery.

Please review the Gordon Companies Inc. Employee Safety Manual for specific policies and procedures.

## **Severe Weather Policy**

Unless you are informed otherwise, always assume that Gordon Companies Inc. is open for business during normal hours. Use common sense and your best judgment, however, when traveling to work in severe weather.

In the event of severe weather, you are expected to report for work if it is at all possible to do so safely. In the event we close due to weather, it is your responsibility to check your business email. Please keep HR, your Manager and Supervisor informed on how to reach you on such occasions.

If you arrive at work after the scheduled opening time, you will be paid from the time you clocked in for the day.

When potentially dangerous weather develops during the day and a decision is made by management to close, you will be paid up until the time you clock out for the day.

## **Smoke-free Environment Policy**

Gordon Companies Inc. is a smoke-free environment. Smoking, chewing, use of e-cigarettes/pipes and other tobacco and nicotine products is not permitted at any time in Company work areas or vehicles, or in client work areas or vehicles.

If smoking is allowed outside of the building, smokers should be considerate of colleagues, customers, and members of the public. Help to maintain a clean entryway by depositing cigarettes in appropriate containers and staying far enough away from doors so that smoke does not blow into the building.

Employees who smoke or chew must observe the same guidelines as non-smokers for the frequency and length of break periods.

This policy applies equally to all employees, customers, and visitors.

## **Timecard Regulations Policy**

Gordon Companies Inc. uses the U-Attend Time System to keep record of work attendance. All employees will be issued a Time Swipe Card and be required to swipe in at the beginning and end of their shift. Hourly employees will also need to swipe out and back in from lunch.

Each employee must only use his or her own timecard. Employees who swipe a timecard for another employee will be subject to disciplinary action.

Employees may not clock in more than five minutes before the beginning of their shift and may not clock out more than five minutes after their shift ends unless overtime hours were previously approved by their supervisor or Manager.

For accurate Accounting, please advise your supervisor of any adjustments that need to be made to your time by Monday at 10AM.

Should an employee lose or misplace their card, they will be allowed one free replacement card. All additional requests to replace with be at the employee's cost of \$5.00 each occurrence.

## **Workers' Compensation Policy**

Gordon Companies Inc. will provide workers' compensation, a type of accident and injury insurance, which compensates an employee for lost time, medical expenses and loss of life or dismemberment from an injury arising out of or in the course of work. Employees must report any work-related injury or disease immediately (or as soon as practicable) to their Supervisor and HR so that the necessary paperwork can be completed in a timely manner. Please note that under state laws, employees who fail to report work-related injuries in a timely manner may see a reduction or denial of their workers' compensation benefits.

While out on Workers' Compensation, an employee's position will be held for 3 months. If an employee is unable to return after 3 months, Gordon Companies will separate employment and re-post their position.

Employees returning to work from an injury or illness for which they were receiving workers' compensation must provide proof of rehabilitation or treatment from a licensed physician and verification that they are able to complete all job-related tasks. If the employee returns to work under strict medical restrictions, the Company will make every reasonable effort to accommodate the employee's work ability and job responsibilities. Once a physician removes work restrictions, the employee is expected to perform his or her regular duties and will no longer receive workers' compensation benefits.

### **Addendums**

HERO ACT - In compliance with all current mandates. Gordon Companies Inc. has implemented a Hero Act policy to be enforced in the event it is deemed necessary to use. The policy is available to all employees through the company website and a hard copy is located next to each facility's DOL information board.

# Receipt of Gordon Companies Inc. Employee Handbook

The Employee Handbook (sometimes referred to as a Personnel Policy Manual, or the "Manual") is a compilation of personnel policies, practices, and procedures currently in effect at Gordon Companies Inc., an equal opportunity employer. The Manual handbook and the information within it are confidential.

This handbook is designed to introduce employees to the organization, familiarize you with Company policies as they pertain to you as an employee, provide general guidelines on work rules, disciplinary procedures and other issues related to your employment, and to help answer many of the questions that may arise in connection with your employment.

This handbook and any other provisions contained herein do not constitute a guarantee of employment or an employment contract, express or implied. You understand that your employment is "at-will" and that your employment may be terminated for any reason, with or without cause, and with or without notice. Only the CEO or other authorized representative(s) of Gordon Companies Inc. has the authority to enter into a signed written agreement guaranteeing employment for a specific term. This handbook is intended solely to describe the present policies and working conditions at Gordon Companies Inc. This handbook does not purport to include every conceivable situation; it is merely meant as a guideline and, unless laws prescribe otherwise, common sense shall prevail. Of course, federal, state, and local laws will take precedence over Gordon Companies Inc. policies when applicable.

Personnel policies are applied at the discretion of Gordon Companies Inc. Gordon Companies Inc. reserves the right to change, withdraw, apply, or amend any of our policies or benefits, including those covered in this handbook, at any time. Gordon Companies Inc. may notify you of such changes via email, posting on the Company's intranet, portal, or website, or via a printed memo, notice, amendment to or reprinting of this handbook, but may, in its discretion, make such changes at any time, with or without notice and without a written revision of this handbook.

By signing below, you acknowledge that you have received a copy of Gordon Companies Inc.'s Employee Handbook and understand that it is your responsibility to read and comply with the policies contained within it and any revisions made to it. Furthermore, you acknowledge that you are employed "at-will" and that this handbook is neither a contract of employment nor a legal document.

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Signature

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Date

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Please print your full name

## Receipt of Harassment Policies

As described in the Harassment Policy and the Sexual Harassment Policy, harassment is prohibited at Gordon Companies Inc. By signing below, you acknowledge that you have received a copy of Gordon Companies Inc.'s Harassment Policy and Sexual Harassment Policy and understand that it is your responsibility to read and comply with both policies and any revisions made to them.

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Signature

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Date

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Print your full name

## Confirmation of Understanding Cell Phone and Returns Room policies

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Signature

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Date