



**TABLE OF CONTENTS**

MINNESOTA HANDBOOK SUPPLEMENT ..... 1

    Equal Employment Opportunity .....1

    Policy Against Unlawful Harassment, Discrimination, and Retaliation .....1

    Access to Personnel Files ..... 2

    Meal Periods and Rest Periods ..... 2

    Wage Disclosure Protection ..... 3

    Pregnancy Accommodation..... 4

    Lactation Accommodation ..... 6

    Whistleblower Protection ..... 8

    Minnesota Parental Leave..... 8

    Minnesota Paid Sick and Safe Time ..... 9

    Sick and Safe Time Notice of Employee Rights (Minnesota Paid Family and Medical Leave)  
    ..... 14

    Military Leave .....20

    Family Military Leave .....21

    Crime Victim or Witness Leave .....21

    Time Off to Obtain a Restraining Order .....22

    School Conference and Activities Leave.....22

    Bone Marrow Donor Leave.....23

    Civil Air Patrol Leave .....23

    Political Activity Leave .....23

    Election Judge Leave .....23

    Legislative Leave .....24

    Quarantine Leave.....24

    Alcohol and Drug Policy .....24

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



## MINNESOTA HANDBOOK SUPPLEMENT

**Policies included in this state supplement are intended to be viewed in conjunction with WFS’s Handbook, and may govern only certain employees. In the case where a state policy is more generous than its counterpart contained in WFS’s Handbook, the more generous policy will govern. WFS at its option, may change, delete, or discontinue parts of this supplement.**

### **Equal Employment Opportunity**

In addition to the protected statuses listed in the Handbook, and in accordance with Minnesota law, the Company is committed to providing equal employment opportunities to all applicants and employees without regard to age (above age of 18); association with a person or group of persons who are disabled or who are of different race, color, creed, religion, gender identity, sexual orientation, or national origin; creed; familial status; marital status; membership or activity in local commissions; off-duty use of lawful products (food, tobacco, alcohol, or cannabis, provided an exemption does not exist based on position, duties, or safety); public assistance status; race (including hair textures and hair styles associated with race, such as braids, locs and twists); status as a patient enrolled in the marijuana registry program or a tribal government medical cannabis program; or any other protected status in accordance with applicable federal, state, and local law. Please see our legal postings for additional information.

This policy extends to all aspects of our employment practices including, but not limited to, recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment. Violation of this policy will result in disciplinary action, up to and including immediate termination.

### **Policy Against Unlawful Harassment, Discrimination, and Retaliation**

In addition to the protected statuses listed in the Handbook, and in accordance with applicable law, the Company strictly prohibits all forms of unlawful harassment, discrimination, or retaliation on the basis of an individual’s age (above age of 18); association with a person or group of persons who are disabled or who are of different race, color, creed, religion, gender identity, sexual orientation, or national origin; creed; familial status; marital status; membership or activity in local commissions; off-duty use of lawful products (food, tobacco, alcohol, or cannabis, provided an exemption does not exist based on position, duties, or safety); public assistance status; race (including hair textures and hair styles associated with race, such as braids, locs and twists); status as a patient enrolled in the marijuana registry program or a tribal government medical cannabis program or any other protected status in accordance with applicable federal, state, and local law.

Violation of this policy will result in disciplinary action, up to an including immediate termination.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



## Access to Personnel Files

Employees may review or obtain a copy of their personnel file once per six-month period, by submitting a written request to the Human Resources Department. The Company will attempt to comply with a request within seven (7) workdays, if the file is located within the state, and within fourteen (14) workdays if the file is located outside of the state. The review will take place in the presence of a company representative, at the employee's place of employment or a reasonably nearby location, and during normal business hours. Upon separation from employment, employees may obtain a copy of their personnel file once each year after separation for as long as the personnel record is maintained.

The following records are not subject to inspection: written references or letters of recommendation; certain information pertaining to a criminal or civil investigation; certain protected educational records; results of employer testing (except for cumulative scores); medical records; information relating to the Company's salary system and staff planning; certain information relating to other people, including co-workers; and certain privileged information.

Employees who disagree with any of the information contained in their personnel file should notify the Human Resources Department. If an employee and the Company cannot agree to remove or correct the specified information, the employee may submit a written statement, not to exceed five pages in length, explaining their position regarding the disputed information. The statement will be maintained as part of the employee's personnel file and included in any disclosure to a third party.

The Company will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights or remedies under the Minnesota's Personnel Record Law, including as set forth above. The Company reserves the right to deny review if the request is not made in good faith. Employees who have concerns about requests for review of their personnel record, discrimination or retaliation should promptly contact Human Resources.

## Meal Periods and Rest Periods

### Meal Periods

The Company provides an employee who works [**prior to 1/1/26**]: eight (8) or more consecutive hours and [**effective 1/1/26**]: six (6) or more consecutive hours in a day with sufficient time to eat a meal. The meal period will be a minimum thirty (30) minute unpaid meal period, which should, to the extent possible, be taken between the 3rd and 5th hour of the employee's work shift. An employee taking this meal period is required to clock in and out for the meal period or record the start and end time of the meal period on the employee's timesheet at the end of each work shift. If thirty (30) minutes is not sufficient for such employee's meal period under this policy, that employee must contact their supervisor to discuss additional time.

The Company's policy is to relieve an employee of job responsibilities and duties during meal periods, with an employee being at liberty to use the meal-period as the employee

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



wishes. The Company schedules work assignments with the expectation that the employees will take the duty-free meal periods, and the Company encourages the employee to do so. At no time may an employee perform off-the-clock work or otherwise alter, falsify, or manipulate any aspect of the employee’s timekeeping records to inaccurately reflect or hide meal periods or time spent working during a meal period. An employee may be required to sign a certification providing, among other things, the employee has taken the daily meal periods during the applicable pay period. An employee may not work through the designated thirty (30) minutes unpaid meal period without their supervisor’s prior approval.

Rest Periods

The Company provides employees with an adequate paid rest period within each four (4) consecutive hours of work to use the nearest restroom. Adequate time for each four (4) consecutive hours should be [**prior to 1/1/26**]: ten (10) minutes and [**effective 1/1/26**]: fifteen (15) minutes], and the break should be taken so far as practicable in the middle of each work shift. If [**prior to 1/1/26**]: ten (10) minutes] and [**effective 1/1/26**]: fifteen (15) minutes is not sufficient for an eligible employee’s rest period under this policy, that employee must contact their supervisor to discuss additional time. An eligible employee is expected to schedule the rest periods at the employee’s own discretion under these guidelines, unless instructed otherwise by a supervisor. Rest periods may not be combined with meal periods.

Rest periods are counted as hours worked, and thus, the employee is not required to clock out. Rest periods may not be waived to shorten the employee’s workday or be accumulated for any other purpose. An employee may be required to sign a certification providing, among other things, that the employee has taken the rest periods during the applicable pay period.

Employees who are unable to take all of the meal or rest breaks to which they are entitled in accordance with this policy or who have been prevented or discouraged from taking a break to which they are entitled under this policy should immediately notify Human Resources.

**Wage Disclosure Protection**

No employee will be prohibited from disclosing the amount of their wages or discussing another employee's wages that have been disclosed to them voluntarily. The Company will not take any adverse employment action against an employee because the employee makes such a disclosure, engages in such discussion or asserts any rights under this policy.

Nothing in this policy will be construed to require an employee to disclose their wages to anyone. Moreover, this policy does not permit the disclosure of any proprietary information, trade secret or information that is otherwise subject to a legal privilege or protected by law, without the express written consent of management; nor does it condone the disclosure of protected information concerning other employees to a

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



competitor where prohibited by policy or contract. You are encouraged to report violations of this policy to your supervisor. The Company prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who engages in retaliation will be subject to disciplinary action, up to and including immediate termination

Nothing in this policy will be construed to permit an employee to disclose, copy, use, or transfer trade secrets or proprietary materials of the Company or others without appropriate authorization. Additionally, nothing in this policy will be construed to permit an employee to disclose wage information of other employees to a competitor of the Company. Violations may result in disciplinary action, up to and including termination as well as possible civil liabilities or criminal prosecution.

Nothing in this policy will be interpreted, applied or enforced to interfere with, restrain or coerce employees in the exercise of their Section 7 rights under the National Labor Relations Act.

An employee may bring a civil action for a violation of this policy seeking any of the remedies available under Minnesota's wage disclosure protection law, including, if appropriate, reinstatement, back pay, restoration of service credit and expungement of adverse employment records.

**Pregnancy Accommodation**

In addition to the pregnancy accommodations provided in accordance with the federal Pregnant Workers Fairness Act (PWFA), as described in the Handbook, the Company will provide employees with reasonable accommodations for health conditions related to pregnancy or childbirth, in accordance with Minnesota law.

Employees may request reasonable accommodations, such as temporary transfer to a less strenuous or less hazardous position, temporary leave of absence, modification in work schedule or job assignments, seating, more frequent or longer break periods and limits to heavy lifting. A pregnant employee shall not be required to obtain the advice of a licensed health care provider or certified doula, nor will the Company claim undue hardship for the following accommodations: (1) more frequent or longer restroom, food and water breaks; (2) seating; and/or (3) limits on lifting over 20 pounds. The Company and employee will engage in an interactive process with respect to an employee's request for a reasonable accommodation.

For all other requests for reasonable accommodation, employees must obtain the advice of their licensed health care provider or certified doula. The Company reserves the right to refuse such requests if it would impose an undue hardship on the company's business operations.

A reasonable accommodation does not require the Company to create a new or additional position, terminate any other employee, transfer any other employee with greater seniority or promote any employee. Nothing in this policy shall be construed to affect any other provision of law relating to sex discrimination or pregnancy or in any way diminish the

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



coverage of pregnancy, childbirth, or health conditions related to pregnancy or childbirth under any other provisions of any other law.

The Company may require the employee to provide a certification in connection with a request for reasonable accommodation that includes the following:

1. The date the reasonable accommodation became medically advisable;
2. The probable duration of the reasonable accommodation; and
3. An explanatory statement as to the medical advisability of the reasonable accommodation.

If leave is provided as a reasonable accommodation, such leave may run concurrently with the Family and Medical Leave Act (FMLA) and/or any other leave where permitted by law.

During a leave of absence taken in accordance with this policy, the Company will continue to make insurance coverage under any group insurance policy, group subscriber contract or healthcare plan available to the employee and the employee's dependents on the same basis as if the employee were not on leave. This means that, if an employee wants their insurance coverage to continue during their leave, they must continue to make the same payments for benefits for themselves and their dependents as when they were not on leave.

Employees who take a leave of absence under this policy will be reinstated to the same position and pay (including any automatic adjustments that occurred during the leave period) or to a position of comparable duties, hours and pay. Employees returning from a leave lasting longer than one month must notify their supervisor or the Human Resources Department at least two weeks prior to the anticipated return date.

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

The Company will not require an employee to take a leave or accept an accommodation. The Company will not terminate, discipline, penalize, interfere with, threaten, restrain, coerce or otherwise retaliate or discriminate against employees because they request or make use of accommodations in accordance with this policy. This policy does not limit a pregnant employee's rights under any other policy or laws protecting gender, pregnancy and childbirth, or health conditions related to pregnancy or childbirth.

Employees who believe they have been denied an accommodation or break time, retaliated against or otherwise treated in a manner that violates this policy should immediately report this concern to their supervisor or the Human Resources Department. Employees who believe their rights under the Nursing Mothers, Lactating Employees and Pregnancy Accommodations law have been violated can also contact the Minnesota Department of Labor and Industry's Labor Standards Division at [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or 651-284-5075. Individuals have the right to file a civil

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



lawsuit for relief. Additional information about the law can be found at [dli.mn.gov/newparents](http://dli.mn.gov/newparents).

**Lactation Accommodation**

In compliance with Minnesota's Nursing Mothers, Lactating Employees and Pregnancy Accommodations law, the Company will provide reasonable paid break times each day to accommodate an employee desiring to express milk. The break time can run concurrently with rest and/or meal breaks.

The Company will make reasonable efforts to provide a clean, private and secure room or other location that is not a toilet stall and that has access to an electrical outlet for employees to express milk. Employees should discuss with their supervisor or the Human Resources Department the location to express milk and to store expressed milk and to make any other arrangements under this policy.

Employees should provide reasonable notice to the Company that they intend to take breaks for expressing milk upon returning to work.

The Company will not terminate, discipline, penalize, interfere with, threaten, restrain, coerce or otherwise retaliate against an employee who requests or makes use of the accommodations and break time described in this policy. Employees who believe they have been denied an accommodation or break time, retaliated against or otherwise treated in a manner that violates this policy should immediately report this concern to their supervisor or the Human Resources Department. Employees who believe their rights under the Nursing Mothers, Lactating Employees and Pregnancy Accommodations law have been violated can also contact the Minnesota Department of Labor and Industry's Labor Standards Division at [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or 651-284-7075. Additional information about the law can be found at [dli.mn.gov/newparents](http://dli.mn.gov/newparents), including the notice and posted provided below:

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025

## Nursing Mothers, Lactating Employees, and Pregnancy Accommodations employee notice

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit [dli.mn.gov/newparents](http://dli.mn.gov/newparents).

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



## Whistleblower Protection

WFS, Inc. will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee because:

- The employee, or a person acting on behalf of an employee, in good faith, reports a violation, suspected violation, or planned violation of any federal or state law or common law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;
- The employee is requested by a public body or office to participate in an investigation, hearing, or inquiry; or
- The employee refuses an employer’s order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason.

This policy does not permit an employee to make statements or disclosures that they know are false or are in reckless disregard for the truth.

## Minnesota Parental Leave

Eligible employees will be allowed up to 12 weeks of unpaid parental leave in accordance with the Minnesota Pregnancy and Parenting Leave Act (MPPLA). MPPLA leave can be used for pregnancy, childbirth or related medical condition, as well as care or bonding with a newly born or adopted child. This leave is provided to both biological and adoptive parents, regardless of gender.

MPPLA leave is available to biological or adoptive parents in conjunction with the birth or adoption of a child. A *child* is a person under the age of 18 or under the age of 20 but still attending a secondary school. Leave for this purpose must begin within 12 months of the birth or adoption of the employee's child, or if the child remains in the hospital longer than the mother, within 12 months after the child leaves the hospital.

MPPLA leave is also available to female employees for prenatal care or for incapacity due to pregnancy, childbirth or related health conditions and will begin at a time requested by the employee.

Where the need for leave is foreseeable, employees must notify the Human Resources Department of the date and duration of the requested leave no later than 30 days before the commencement of the leave.

Where both the federal Family and Medical Leave Act (Fed-FMLA) and MPPLA apply, the leave provided by each will count against the employee's entitlement under both laws. Where applicable, this leave may run concurrently with the federal Family and Medical Leave Act (FMLA), the MPPLA, and/or any other leave permitted by law.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



Employees who are eligible for leave under only one of these laws will receive benefits in accordance with that law only. The amount of pregnancy or parenting leave will also be reduced by any company-provided paid leave, including disability, personal, medical or sick leave or accrued vacation time, so the total leave (pregnancy/parenting plus paid leave) is generally not more than 12 weeks. However, the length of pregnancy or parenting leave will *not* be reduced by any period of paid or unpaid leave taken for prenatal care medical appointments.

The Company will continue to make insurance coverage under any group insurance policy, group subscriber contract or healthcare plan available to the employee and their dependents on the same basis as if the employee were not on leave. This means that, if an employee wants their insurance coverage to continue during their leave, they must continue to make the same payments for benefits for themselves and their dependents as when they were not on leave.

Upon return, employees will be reinstated to the same position and pay (including any automatic adjustments that occurred during the leave period) or to a position of comparable duties, hours and pay. However, if during such leave, the Company experiences a layoff and the employee would have lost their position had the employee not been on leave, the employee will not be reinstated.

Employees returning from a leave lasting longer than one month must notify the Human Resources Department two weeks prior to the anticipated return date.

The Company will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce or otherwise retaliate or discriminate against an employee for requesting or taking a pregnancy or parenting leave of absence in accordance with this policy.

**Minnesota Paid Sick and Safe Time**

The Company provides eligible employees with sick leave according to the Minnesota Earned Sick and Safe Time Law (ESSTL). Certain eligible employees in Minnesota begin to accrue Minnesota ESSTL, while other eligible employees in Minnesota will receive ESSTL leave frontloaded at the beginning of each calendar year, with leave prorated for newly hired employees. Please see Human Resources for more information regarding whether your ESSTL leave is subject to the accrual, or frontloading, method.

Eligibility

All employees anticipated by the Company to work in Minnesota for at least 80 hours in any year are eligible to receive sick leave under this policy. Eligible employees under this policy do not include individuals who are covered under a Minnesota local paid sick leave law. They will be provided paid sick leave under the applicable local paid sick leave policy only.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



Accrual and Carryover of Leave

For employees subject to the “accrual” method of leave calculation, they are entitled to earn Sick and Safe Time at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued per year. Employees may carry over unused Sick and Safe Time into the next year. However, at no time can an employee’s accrued Sick and Safe Time exceed eighty (80) hours. The Company does not pay out any unused sick leave at year-end in lieu of carryover.

The benefit year starts on the employee’s first calendar day of employment with the Company or their date of eligibility under this policy, whichever is later; the benefit year ends at the end of the 12-month period following the first calendar day of employment with the Company, or at the end of the 12-month period after the employee’s date of eligibility under the policy, whichever is later.

While there are caps on the number of hours an employee will be awarded during a year, there is no cap on the number of Sick and Safe Time Hours an employee may use during a benefit year within the applicable caps.

Once an employee’s sick leave balance reaches 80 hours, no further sick leave will accrue until previously accrued sick leave is used. Employees will not be given retroactive credit for any period of time in which they do not accrue sick leave because their balance was at the accrual cap. For purposes of this policy, the “benefit year” is calendar year.

For accrual purposes, exempt employees are assumed to work 40 hours per workweek unless their normal workweek is fewer than 40 hours per week, in which case sick leave accrues based upon the employee’s normal workweek hours. Nonexempt employees accrue sick leave based on all hours worked, including overtime.

Frontloading Method and Carryover of Leave

Eligible Minnesota employees subject to the “frontloading” method of leave calculation are awarded forty-eight (48) hours of leave at the beginning of every benefit year (see definition of “benefit year” in the section discussing accrual). Unused hours do not carry over from year to year and will not be paid out at the end of the benefit year. Please see Human Resources to determine how and whether your ESSL leave is subject to frontloading, and how it applies to the calculation and entitlement of your ESSL leave.

Employees will be able to determine the amount of sick leave available for use by reviewing their paystubs.

Using Leave

Employees must use at least a minimum of one (1) hour of ESSL sick leave per occurrence, to cover all or part of a workday.

Employees are not required to search for or find a replacement worker to cover the period during which they use sick leave.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



Covered Reasons for Use

Sick leave may be used only during times that an employee cannot work for the following reasons:

- The employee’s mental or physical illness, injury or health condition; need to seek medical diagnosis, care or treatment for the illness, injury or health condition; or need for preventive medical or health care.
- A family member’s mental or physical illness, injury or health condition; need to seek medical diagnosis, care or treatment for the illness, injury or health condition; or need for preventive medical or health care.
- Closure of the employee’s place of business, or family member’s school or place of care, due to weather or public emergency.
- The employee’s inability to work or telework because the employee is:
  - Prohibited from working by the Company due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
  - Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the Company has requested a test or diagnosis.
- Health authorities having jurisdiction or a health care professional determines that the employee’s or a family member’s presence in the community would jeopardize others’ health because of the individual’s exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.
- The employee’s need to make arrangements for or attend funeral services or a memorial, or to address financial or legal matters that arise after the death of a family member.
- Absences due to domestic abuse, sexual assault or stalking of the employee or a family member, provided the absence is to:
  - Seek medical attention related to a physical or psychological injury or disability;
  - Obtain services from a victim services organization;
  - Obtain psychological or other counseling;
  - Seek relocation or take steps to secure an existing home; or
  - Seek legal advice or take legal action, including preparing for or participating in a civil or criminal legal proceeding.

For purposes of this policy, “family member” means the employee’s:

- Spouse or registered domestic partner;
- Child, regardless of age or dependency status (including a biological child, adopted child, stepchild, foster child, legal ward, child for whom the employee is a legal guardian and child for whom the employee stands or stood *in loco parentis*);
- Parent (including a biological parent, stepparent and person who stood *in loco parentis* when the employee was a minor child);

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



- Grandchild (including a foster grandchild and stepgrandchild);
- Grandparent (including a foster grandparent and stepgrandparent);
- Sibling (including a foster sibling and stepsibling);
- Parent’s sibling;
- Sibling’s child;
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; or
- Designated person (i.e., a person identified annually by the employee as another person for whom the employee requests sick leave).

A “family member” also includes a family member of the employee's spouse or registered domestic partner.

Notice Required

If the need to use sick leave is foreseeable, such as for prescheduled medical appointments or court dates in domestic violence cases, employees must provide at least seven days’ advance notice of an absence from work to the Human Resources Department.

If the need to use Sick and Safe Time is unforeseeable (for example, a sudden illness, injury or emergency), an eligible employee must provide reasonable notice as required by the Company (generally, before the start of the work shift or as otherwise indicated in our Handbook). Employees must follow the Company’s normal attendance call-out and absence procedures when requesting leave.

When notifying the Company of the need to use sick leave, the employee should include the anticipated duration of the absence, when possible.

A request for the use of Sick and Safe Time may be denied if the employee fails to provide proper notice.

In all circumstances, employees are responsible for specifying that the time off is for sick leave reasons (as opposed to, for example, vacation), so that the absence may be designated as a sick leave absence.

Verification of Absence

If an employee uses sick leave for more than two consecutive scheduled workdays, the Company may require a doctor’s note or other verification of the employee’s need for the absence. Depending on the circumstances, verification may include a doctor’s note (for the employee’s or a family member’s health condition); police report, court document or court order of protection (indicating domestic violence, stalking, etc.); and other verification as permitted by applicable law.

The Company will accept any form of reasonable documentation required by law. The Company will not require disclosure of details relating to domestic abuse, sexual assault

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



or stalking or the details of an employee’s or an employee’s family member’s medical condition.

The Company will maintain the confidentiality of information provided in connection with leave to the extent required by law.

Discipline for Unprotected Use of Leave

Discipline, up to and including termination, may be taken against an employee who:

- Uses sick leave for a purpose not covered by, or in a manner not consistent with, the ESSTL; or
- Violates this policy’s requirements concerning requesting, using, recording, verifying and/or documenting sick leave.

Rate of Pay

The rate of pay for sick leave will be calculated in accordance with applicable law. Sick and Safe Time will not count as hours worked for the purposes of any overtime calculation.

Separation from Employment and Rehire

The Company does not pay employees for unused sick leave at any time, including upon separation from employment for any reason.

If an employee is rehired within 180 days of employment ending, the employee’s previously accrued but unused sick leave balance will be reinstated and made available for use in accordance with the ESSTL.

Concurrent Leave

Some circumstances that allow an employee to use Sick and Safe Time also may qualify for leave under the Family Medical Leave Act and any other applicable federal, state, or other local laws. All applicable leaves will run concurrently to the fullest extent permitted by applicable law.

No Discrimination or Retaliation

If the use of sick leave complies with the requirements of this policy and the ESSTL, the Company will not count employees’ use of sick leave as an absence or “occurrence” under any Company attendance policy. Therefore, any such use of sick leave will not lead to or result in discipline, demotion, suspension or termination.

The Company will not retaliate or discriminate against any employee for requesting or using sick leave for authorized circumstances; making a complaint or informing a person about a suspected violation of this policy; cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation; opposing any

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



policy or practice prohibited by any sick and safe time or mandatory paid leave law; or informing any person of their potential rights under the law.

Additional Information

Employees who have questions about this policy should contact the Human Resources Department.

**Sick and Safe Time Notice of Employee Rights (Minnesota Paid Family and Medical Leave)**

Effective January 1, 2026, eligible Minnesota employees will be eligible to take paid family and medical leave. This benefit is paid and administered by the State of Minnesota, not by an individual employer. Accordingly, decisions regarding eligibility and payments will be made by the State, not by the Company.

Eligible Employees

Any employee who has earned at least 5.3% of the state average annual wage in the preceding 52-week period preceding the first date of leave is eligible (this includes wages earned by a previous employer during the 52-week period).

Employees are eligible if they work at least 50% of their time in Minnesota, or if they live in Minnesota at least 50% of the time and perform some job duties in Minnesota.

Absences Eligible for Minnesota Paid Family and Medical Leave

Eligible employees may receive benefits for any week in which the employee was unable to perform regular work for the following reasons:

- Medical leave for an individual employee due to a serious health condition, including pregnancy and childbirth (up to twelve (12) weeks); or
- Family or other types of leave, including a qualifying exigency, safety leave, family care, or bonding (up to twelve (12) weeks).

To claim paid leave under the program, the employee must have been unable to perform regular work for at least seven (7) calendar days related to a single qualifying event. The days must be consecutive, unless the leave is intermittent. The seven (7) calendar day qualifying event under this paragraph is a retroactively payable period, not an unpaid waiting period.

Amount of Minnesota Paid Family and Medical Leave

Employees can take up to twelve (12) weeks of leave in each of the above two categories, with the limitation that an employee may take up to twenty (20) total weeks of leave if both types of leave are necessary within a benefit year. For example, if a pregnant employee takes twelve (12) weeks of medical leave during a benefit year related to the birth of her

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



child, the employee would also be able to take up to eight (8) weeks of leave that year to care for her ill parent as family leave. There is a maximum of twenty (20) weeks total leave in a benefit year.

Intermittent Leave

Intermittent leave may be taken in increments consistent with the Company’s timekeeping policy, provided that the policy permits a minimum increment of at most one (1) calendar day of intermittent leave.

An applicant is not permitted to apply for payment for benefits associated with intermittent leave until the applicant has eight (8) hours of accumulated leave time, unless more than thirty (30) calendar days have lapsed since the initial taking of the leave.

Amount of Benefit

Most employees will receive between 55% and 90% of their regular wages, as determined by the State of Minnesota, while on leave under this program, with a maximum weekly benefit set at the state average wage. The benefit amount is reviewed and updated by the state each October. Benefits are paid weekly.

Interaction with Sick and Safe Time/Vacation

Employees may choose to -- but are not required to -- use accrued sick and safe time, vacation pay, or other paid leave benefits in lieu of paid family and medical leave, or to supplement paid family and medical leave up to the amount of the employee’s normal wages. If an employee receives Company benefits in excess of the employee’s normal wages, the employee must refund the overpayment to the Company.

Interaction with Other Leaves

If a leave qualifies for coverage under other leave entitlements, such as federal Family and Medical Leave (FMLA) or Minnesota Parental Leave, then Minnesota Paid Family and Medical Leave will run concurrently with those leaves and any other leave where allowed by law.

Job Protections

Upon return from Minnesota Paid Family and Medical Leave, employees who have worked for the Company for at least ninety (90) days have the right to return to their job

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



or to an equivalent position. Employee health insurance and other benefits must be continued during the leave period. Retaliation for taking leave is prohibited.

How to Apply for Benefits

To apply for benefits to receive Minnesota paid family and medical leave, employees must submit their application through the Minnesota Department of Employment and Economic Development online portal, which will be available starting January 1, 2026.

Notice to the Company

If the need for leave is foreseeable, an employee must provide the Company with at least thirty (30) days' advance notice before leave is to begin. If thirty (30) days' notice is not possible, notice must be given as soon as practicable. Whether leave is to be continuous or is to be taken intermittently, notice need only be given one time, but the employee must advise the Company as soon as practicable if dates of scheduled leave change or are extended or were initially unknown. In those cases where the employee is required to provide at least thirty (30) days' notice of foreseeable leave and does not do so, the employee must explain the reasons why notice was not practicable upon request from the Company.

Definitions

**Benefit Year:** The period of fifty-two (52) calendar weeks beginning the effective date of leave. For an effective date of leave that is any January 1, April 1, July 1, or October 1, the benefit year will be a period of fifty-three (53) calendar weeks.

**Bonding Leave:** Begins at a time requested by the employee. Bonding leave must end within twelve (12) months of the birth, adoption, or placement of a foster child, except

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



that, in the case where the child must remain in the hospital longer than the mother, the leave must end within twelve (12) months after the child leaves the hospital.

Employees may also use bonding leave before the actual placement or adoption of a child in situations that include but are not limited to where the employee may be required to:

- (1) attend counseling sessions;
- (2) appear in court;
- (3) consult with the attorney or doctors representing the birth parent;
- (4) submit to a physical examination; or
- (5) travel to another country to complete an adoption.

Family Member: For purposes of this policy, a family member is defined as:

- (1) a spouse or domestic partner;
- (2) a child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, or child to whom the applicant stands in loco parentis, is a legal guardian, or is a de facto custodian;
- (3) a parent or legal guardian of the applicant;
- (4) a sibling;
- (5) a grandchild (a child of the applicant's child);
- (6) a grandparent or spouse's grandparent;
- (7) a son-in-law or daughter-in-law; or
- (8) an individual who has a personal relationship with the applicant that creates an expectation and reliance that the applicant care for the individual without compensation, whether or not the applicant and the individual reside together.

The term "parent" means the biological, adoptive, de facto custodian, or foster parent, stepparent, or legal guardian of an applicant or the applicant's spouse, or an individual who stood in loco parentis to an applicant when the applicant was a child.

Pregnancy: Includes prenatal care, incapacity due to pregnancy or recovery from childbirth, stillbirth, miscarriage or related health conditions.

Qualifying Exigency:

- (1) a need arising out of a military member's active duty service or notice of an impending call or order to active duty in the United States armed forces, including providing for the

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



care or other needs of the family member's child or other dependent, making financial or legal arrangements for the family member, attending counseling, attending military events or ceremonies, spending time with the family member during a rest and recuperation leave or following return from deployment, or making arrangements following the death of the military member.

(2) a "military member" means a current or former member of the United States armed forces, including a member of the National Guard or reserves, who, except for a deceased military member, is a resident of the state and is a family member of the applicant taking leave related to the qualifying exigency.

Safety Leave: Leave taken from work because of domestic abuse, sexual assault, or stalking of the applicant or applicant's family member, provided the leave is to:

- (1) seek medical attention related to the physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
- (2) obtain services from a victim services organization;
- (3) obtain psychological or other counseling;
- (4) seek relocation due to the domestic abuse, sexual assault, or stalking; or
- (5) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to, or resulting from, the domestic abuse, sexual assault, or stalking.

Serious health condition:

(A) "Serious health condition" means a physical or mental illness, injury, impairment, condition, or substance use disorder that involves:

- (1) inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or
- (2) continuing treatment or supervision by a health care provider which includes any one or more of the following:
  - (i) a period of incapacity of seven or more days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - (a) treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances beyond the individual's control prevent a follow-up visit from

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



occurring as planned, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider; or

(b) treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider;

(ii) a period of incapacity due to medical care related to pregnancy;

(iii) a period of incapacity or treatment for a chronic health condition that:

- requires periodic visits, defined as at least twice a year, for treatment by a health care provider or under orders of, or on referral by, a health care provider;
- continues over an extended period of time, including recurring episodes of a single underlying condition; and
- may cause episodic rather than continuing periods of incapacity;

(iv) a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The applicant or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or

(v) a period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

- restorative surgery after an accident or other injury; or
- a condition that would likely result in a period of incapacity of more than seven full calendar days in the absence of medical intervention or treatment.

(B) For the purposes of paragraph (A), clauses (1) and (2), treatment by a health care provider means an in-person visit or telemedicine visit with a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider.

(C) For the purposes of paragraph (A), treatment includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition.

(D) Absences attributable to incapacity under paragraph (A) qualify for leave under this chapter even if the applicant or the family member does not receive treatment from a

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



health care provider during the absence, and even if the absence does not last more than seven consecutive, full calendar days.

### Military Leave

In addition to the rights set forth in the Handbook, an employee who engages in active service in the military forces in time of emergency declared by the proper authority of any state is entitled to leave and reinstatement as set forth in this policy. "Active service" means either state active service, federally funded state active service, or federal active service. The provisions of this policy do not apply to situations in which the employee's reemployment rights are protected by United States Code Annotated, appendix 50, section 459(g) of the Selective Service Act of 1967.

Subject to the provisions set forth in this policy, employees who (1) engage in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the state or of the United States for which leave is not otherwise allowed by law, or (2) during convalescence for an injury or disease incurred during active service, as documented by a line-of-duty determination form signed by proper military authority, and any other documentation as reasonably requested by the Company, will be entitled to leave of absence from the Company's employment without pay during such service, with right of reinstatement as set forth below. Such leave of absence without pay will not extend beyond four (4) years, plus such additional time in each case as such an employee may be required to serve pursuant to law.

Except as otherwise provided in this policy, upon completion of such service, the Company will reinstate employees returning from military leave to the same position or a position of like seniority, status and pay, provided that the:

- The position has not been eliminated or abolished;
- Leave does not exceed four years, unless a period of additional service is imposed by law;
- Employee is not precluded by a mental or physical disability from performing the duties of the position;
- Employee provides a certificate of honorable discharge or other official document that shows satisfactory completion of service; and
- Employee applies to the Company for reinstatement within 90 days of discharge from actual service or from hospitalization for a service-connected injury, provided that such application is made within one (1) year and 90 days after termination of such service notwithstanding such hospitalization or medical treatment;

Upon reinstatement, employees will have the same rights with respect to accrued and future seniority status, efficiency rating, vacation, sick leave and other benefits as if they were actually employed during the time of military leave. The employee reinstated under this policy is entitled to vacation and sick leave with pay as provided in any applicable compensation plan and accumulates vacation and sick leave from the time the person enters active military service until the date of reinstatement.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



The Company will not discriminate or retaliate against an employee because they take a leave of absence in accordance with this policy.

**Family Military Leave**

Eligible employees who are the spouse, parent, legal guardian, child, grandparent, grandchild, sibling or fiancé, of a member of the U.S. Armed Forces who has been ordered into active service in support of a war or other national emergency may take up to one (1) day of unpaid military ceremonies leave each calendar year to attend a send-off or homecoming ceremony for the service member, unless the time off would unduly disrupt the operations of the Company. The time off will be limited to the actual time necessary to attend the send-off or homecoming ceremony for the mobilized service member, not to exceed one day in any calendar year.

Employees must provide reasonable notice when requesting time off for these purposes. Employees will not be required to use vacation time.

Employees will also be allowed a leave of absence of up to 10 working days in the event that an immediate family member is injured or killed while engaged in active service as a member of the United States armed forces. For purposes of this leave, "immediate family members" include an employee's parent, child, grandparent, sibling or spouse. Employees must give as much notice to the Company as practicable of the intent to take this leave. The Company may require employees to use any available paid leave.

Where applicable and allowed by law, time off under this policy will run concurrently with time off under the federal Family and Medical Leave Act.

Time of under this policy will be unpaid, except that exempt employees will be paid when required by applicable federal or state law.

The Company will not discriminate or retaliate against employees who request or take leave in accordance with this policy.

Employees with questions about this policy or who would like to request a leave of absence should contact the Human Resources Department.

**Crime Victim or Witness Leave**

Employees who are crime witnesses or crime victims and who are subpoenaed or requested by a prosecutor to attend court for the purpose of giving testimony in a criminal proceeding will be given reasonable time off from work to do so.

Additionally, employees will be allowed reasonable time off from work to attend criminal proceedings related to a violent crime, if they are: (1) the victim of the crime; (2) the spouse or next of kin of the victim; or (3) the family member, guardian or custodian of a minor, incompetent, incapacitated or deceased individual who was the victim.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



Employees seeking leave under this policy must provide 48 hours' advance notice unless it is impracticable or an emergency prevents them from doing so. The Company may require that employees provide verification to support the need for this leave.

Time off under this policy will be without pay except that exempt employees will receive pay when required under applicable law.

The Company will maintain as confidential any information related to an employee's leave under this policy.

**Time Off to Obtain a Restraining Order**

Employees who are the victim of harassment or physical or sexual assault; the guardian or conservator of such a victim; or the parent, guardian, conservator or stepparent of a minor who is such a victim will be allowed reasonable time off from work to obtain or attempt to obtain a restraining order.

If practicable, employees seeking leave under this policy must provide 48 hours' advance notice except in cases of imminent danger to the health or safety of the employee or the employee's child. The Company may require that employees provide verification to support the need for this leave.

Time off under this policy will be without pay except that exempt employees will receive pay when required under applicable law.

The Company will maintain as confidential any information related to an employee's leave under this policy. The Company will not terminate, discipline, threaten or otherwise discriminate or retaliate against an employee because they take reasonable time off in accordance with this policy.

**School Conference and Activities Leave**

Eligible employees are entitled to up to sixteen (16) hours of unpaid leave during any 12-month period in order to attend school conferences or school activities related to the employee's child (including foster child) that cannot be scheduled during non-working hours. Employees may also use this leave to attend a conference or activity related to specified childcare services or prekindergarten (regular or special education program), or to observe and monitor the services or program, if such conference, activity, or observation cannot be scheduled during non-working hours.

If the need for leave is foreseeable, employees are required to provide reasonable prior notice of their intent to take such leave. Employees must also make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations.

Employees are permitted to use any accrued vacation leave for any part of the leave provided for in this policy. However, if the employee chooses to do so, the employee will still be limited to a total of sixteen (16) hours of leave.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



### **Bone Marrow Donor Leave**

Employees who work an average of 20 hours or more per week will be allowed a paid leave of absence to undergo a medical procedure to donate bone marrow. The length of the leave may not exceed 40 work hours.

Employees must provide reasonable notice of the need for leave and must submit verification from a physician detailing the purpose and length of the leave requested. If there is a medical determination that the employee does not qualify as a donor, the paid leave of absence provided to the employee prior to that medical determination will not be forfeited.

The Company will not retaliate against an employee for requesting or obtaining leave under this policy.

Employees with questions or concerns regarding this policy or who would like to request a leave of absence should contact the Human Resources Department.

### **Civil Air Patrol Leave**

Eligible employees will be allowed an unpaid leave of absence to serve as a member of the Civil Air Patrol upon the request and under the authority of the state or any of its political subdivisions, unless the leave would unduly disrupt the operations of the Company.

Eligible employees are those who work for the Company an average of 20 or more hours per week. Employees may be required to provide certification from a civil air patrol authority of eligibility for the requested leave.

### **Political Activity Leave**

Employees who are members of a state central committee or executive committee or who are a delegate to a party convention will be allowed a leave of absence to attend such a meeting or convention. Employees wishing to take leave under this policy should notify the Human Resources Department in writing at least 10 days in advance. Leave under this policy will be unpaid, except that exempt employees will be paid when required by applicable federal or state law.

### **Election Judge Leave**

Employees will be allowed time off to serve as an election judge to fulfill their duties on election day. An employee taking leave will be paid the difference between their normal rate of pay and the amount paid to them for services as an election judge.

Employees taking leave under this policy must provide at least 20 days' written notice of the need for leave and certification from the appointing authority indicating the hours to be served and compensation to be paid.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



The Company may restrict the number of persons absent for purposes of serving as an election judge to no more than twenty (20) percent of the total workforce at any single site of employment.

**Legislative Leave**

An employee who is elected to public office will be allowed time off to attend meetings required for that office. Time off under this policy will be without pay, except that exempt employees will receive pay as required under applicable federal or state law. In addition, the Company may, in its discretion, allow an employee to make up time spent away from work for this purpose.

The Company will not retaliate against an employee for absences to attend meetings that are required as part of the employee's public office.

**Quarantine Leave**

The Company will not terminate, discipline, threaten or otherwise penalize an employee who is absent from work as a result of being isolated or quarantined due to an illness caused by bioterrorism or certain communicable diseases, or who has assumed responsibility for all or part of the care of a person in quarantine or isolation who is a minor or who is an adult family member and a disabled or vulnerable adult, for up to 21 consecutive workdays.

The Company will not retaliate against employees for requesting or obtaining a leave of absence under this policy.

***Exempt employees may be provided time off with pay for any of the above leaves when necessary to comply with state, local, and/or federal wage and hour laws. Any employee who uses leave for unauthorized purposes will be subject to disciplinary action, up to and including termination.***

**Alcohol and Drug Policy**

In addition to the provisions of the Alcohol and Drug policy in the Handbook, including the Drug-Free Workplace policy, please note that the Company sets forth further information about its cannabis, drug and alcohol testing policy. To the extent words or phrases below are undefined, the Company directs the employee to consult Minnesota’s Drug and Alcohol Testing in the Workplace Act at Minn. Stat. § 181.950, et seq. (also known as DATWA) The Company may test all employees for alcohol, and controlled substances, including heroin, cannabis, cocaine, amphetamines, opiates, phencyclidine, barbiturates, and other substances specified by the Minnesota Department of Health. The circumstances under which the Company may conduct such testing involve “reasonable suspicion testing” and “random testing” as set forth below. All testing will be conducted by an independent, certified laboratory. The testing laboratory shall conduct a confirmatory test on any sample that produced a positive test result on an initial screening test.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



The Company may discipline or discharge an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer during working hours, on work premises, or while operating an employer's vehicle, machinery, or equipment, or if a failure to do so would violate federal or state law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations. If the Company intends to take an adverse action against an applicant or employee for a positive drug test for cannabis components or metabolites because failure to take the adverse action would violate federal or state law or regulations or cause the Company to lose a monetary or licensing-related benefit under federal law or regulations, then the Company will, where required by law, provide fourteen (14) days advance notice citing the legal authority that the Company determines would be violated and any monetary or licensing-related benefit that the Company determines be lost for failure to take adverse action.

The Company is not required to permit or accommodate cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working or while an employee is on the Company's premises or operating the Company's vehicle, machinery, or equipment.

Reasonable Suspicion Testing

The Company may conduct reasonable-suspicion cannabis, drug or alcohol testing if it reasonably suspects, based on specific facts and rational inferences drawn from those facts, that an employee:

- (1) Is under the influence of cannabis, drugs or alcohol or the suspected influence of cannabis, drugs, or alcohol;
- (2) Has violated the Company's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working, while the employee is on the Company premises or operating the Company's vehicles, machinery, or equipment. Please see the Company's written work rules contained in the Handbook;
- (3) Has sustained a personal injury or caused another employee to sustain a personal injury, as the term "personal injury" is defined by Minnesota's Workers Compensation Law, Minn. Stat. § 176.011, subd. 16; or
- (4) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Random Testing for Safety-Sensitive Positions

The Company may randomly test employees who are employed in "safety-sensitive" positions. A safety-sensitive position means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol or cannabis

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



usage would threaten the health or safety of any person. Please consult Human Resources with questions regarding whether you are in a safety-sensitive position. Such testing will be done on a random selection basis meaning a mechanism for selection that results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected and that does not give the Company discretion to waive the selection of any employee selected under the mechanism.

The Company may also randomly test employees as part of Treatment Program Testing in accordance with Minn. Stat. § 181.951, subd. 6.

Limitations On Cannabis Testing

As to cannabis testing, the following rules will apply to such testing.

(1) The Company will not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.

(2) Unless otherwise required by state or federal law, the Company will not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by this section and the results of the test indicate the presence of cannabis.

(3) The Company will not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.

(4) Any cannabis testing will comply with the safeguards for testing employees provided in sections 181.953 and 181.954 of the Minnesota statutes as amended.

Positions Which Are Subject to Cannabis Testing

Safety-sensitive positions as defined in Minn. Stat. §181.950, and other defined positions are subject to the drug and alcohol testing provisions in §§181.950 to 181.957 and this policy regarding testing for cannabis and its metabolites. Please direct any questions to Human Resources regarding whether your position is subject to the testing provisions of this policy.

Employee Rights

Before requesting an employee to undergo cannabis, drug or alcohol testing, the Company shall provide the employee with a form on which to acknowledge that the employee has seen this Company’s cannabis, drug and alcohol testing policy.

If an employee or job applicant tests positive for drug use, the employee must be given written notice of the right to explain the positive test and the Company may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result. Within three (3)

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



working days after notice of a positive test result on a confirmatory test, the employee or job applicant may submit information to the Company, in addition to any information already submitted, to explain that result, or may request a confirmatory retest of the original sample at the employee's or job applicant's own expense.

An employee has the right to refuse to undergo cannabis, drug and alcohol testing. The consequence of a refusal is immediate termination from employment.

The testing laboratory shall conduct a confirmatory test on any sample that produced a positive test result on an initial screening and shall disclose the result to the Company within three (3) working days after a confirmatory retest. Within three (3) working days after receipt of a test result report from the testing laboratory, the Company shall inform an employee of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test and the right the employee has to request and receive a copy of the test result report.

An employee may request, at the employee's own expense, a confirmatory retest of the original sample after notice of a positive test result on a confirmatory test. Within five working days after receiving notification of a confirmatory test result, the employee shall notify the Company in writing of the employee's intention to obtain a confirmatory retest of the original sample. The Company will notify the original testing laboratory of the confirmatory retest request within three (3) working days after receiving the employee's confirmatory retest request. If the confirmatory retest is negative or does not confirm the original positive test result, no adverse personnel action will be taken against the employee. The Company reserves the right to suspend an employee, without pay, while awaiting the results of a confirmatory test or confirmatory retest and also reserves the right to transfer the employee to another position at the same rate of pay pending the outcome of the confirmatory test or confirmatory retest. An employee who has a negative result on a confirmatory test or confirmatory retest will be reinstated with back pay.

If an employee tests positive (both initially and with confirmation) for cannabis, drug or alcohol use that violates this policy, the Company will offer the employee an opportunity to participate in cannabis, drug or alcohol counseling or a rehabilitation program, at the employee's expense (or as may be covered by the Company's current benefit plan). During the employee's participation in the rehabilitation program and for two years following the completion of the program, the Company may require the employee to undergo cannabis, drug or alcohol testing without prior notice.

An employee shall have access to the information in the employee's personnel file relating to positive test result reports and other information acquired in the cannabis, drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

The Company may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of: (1) a positive test result from an initial screening test that has not been verified by a confirmatory test; and/or (2) medical information revealed to the company pursuant to the employee's submission of

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



information and/or request for a confirmatory retest as provided in this policy, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.

The Company may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a cannabis, drug or alcohol test requested by the Company unless the following conditions have been met: (1) the Company has first given the employee an opportunity to participate in, at the employee’s own expense or pursuant to coverage under an employee benefit plan, either a cannabis, drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the Company after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and (2) the employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

The Company will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights and remedies provided under applicable sections of Minnesota’s Drug and Alcohol Testing in the Workplace Act (“DATWA”), including rights and remedies as set forth above.

Additional Limitations on Cannabis Testing

The following additional limitations shall apply to cannabis testing:

The Company may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on the Company’s premises, or operating the Company’s vehicle, machinery, or equipment as follows:

- (1) If, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
- (2) If cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
- (3) As provided in the Company’s written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by Minn. Stat. §181.952; or
- (4) As otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause an employer to lose a monetary or licensing-related benefit under federal law or regulations.

Doc No:	EHSSG18	Requestor:	Amanda Gayles
Rev:	00	Author:	Lockton
		Rev Date:	09/30/2025



Confidentiality

The Company will keep confidential test result reports and other information acquired in the cannabis, drug or alcohol testing process and will not disclose such to another employer or third-party individual, governmental agency, or private organization without the written consent of the employee, except that evidence of a positive test result on a confirmatory test may be: (1) used in a judicial proceeding, provided that information is relevant to the hearing or proceeding (except a criminal proceeding against the employee); (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

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