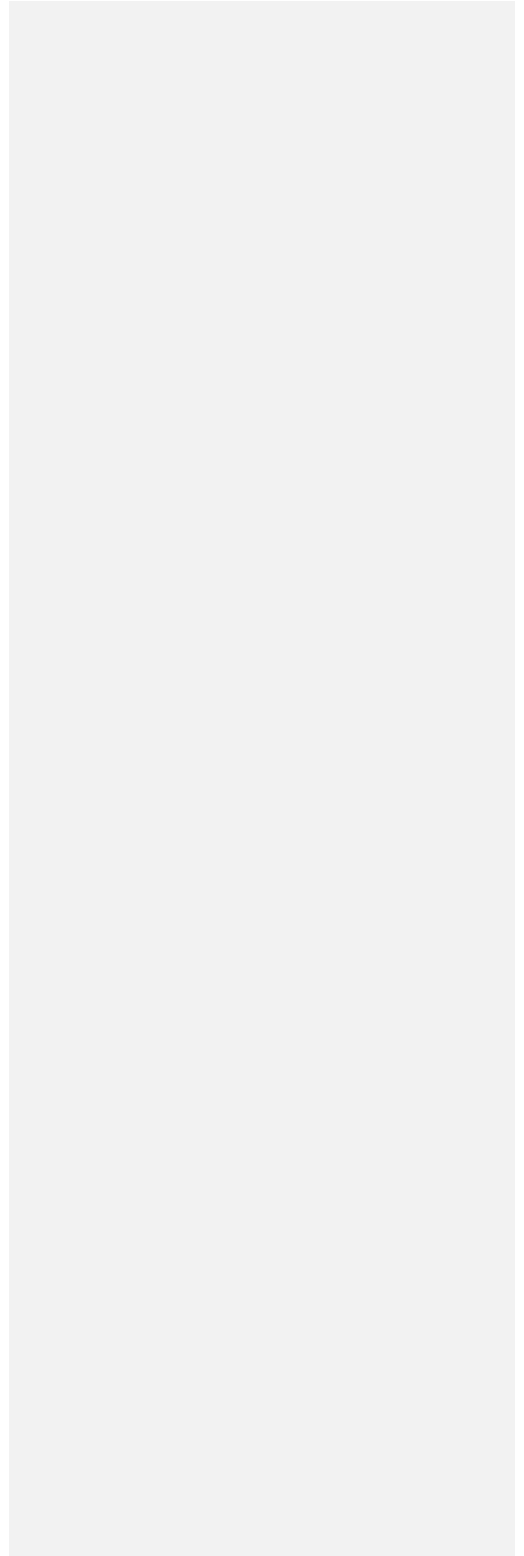


**ELITE STAFFING, LLC**  
**EMPLOYEE HANDBOOK**  
**PENNSYLVANIA**

*October 2023*

Elite Staffing, Inc  
Employee Handbook

Dated: October 2023  
Revised: \_\_\_\_\_



**DISCLAIMER**

**THIS HANDBOOK IS FOR INFORMATIONAL PURPOSES ONLY AND SUPERSEDES ANY PRIOR HANDBOOK. NEITHER THIS HANDBOOK NOR ANY OTHER GUIDELINES OR POLICIES OF Elite ARE INTENDED TO CREATE OR TO BE CONSTRUED AS A CONTRACT OR TO CREATE ANY RIGHTS. THE POLICIES IN THIS HANDBOOK ARE TO BE USED AS GENERAL GUIDELINES ONLY AND ARE NOT BINDING PROMISES MADE BY Elite.**

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**NOTHING IN THIS HANDBOOK IS INTENDED TO INTERFERE WITH ANY EMPLOYEE'S RIGHTS UNDER SECTION 7 OF THE NATIONAL LABOR RELATIONS ACT.**

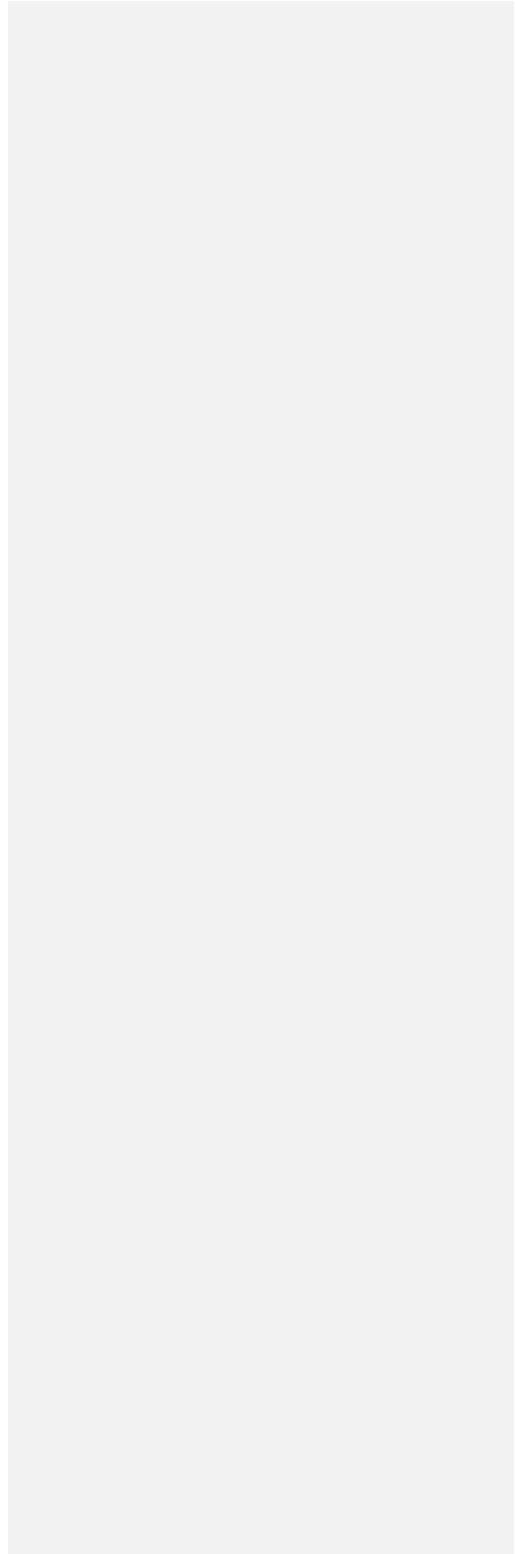
**THIS HANDBOOK APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.**

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## I. INTRODUCTION

Welcome to Elite Staffing, LLC (Elite). Inside this Handbok you will find everything you need to know concerning our office policies, code of conduct, benefits and other important information that you'll need in order to become a successful employee.

We ask that you please take the time to read this information carefully and to ask us questions about anything that you don't understand.

Although this Handbook is not a contract, it does provide a working guide for use in understanding and applying all policies and practices of Elite and describes the specific opportunities and responsibilities that exist for you within Elite.

Please understand that circumstances may arise from time to time requiring changes to our policies, practices, and benefits. Except for the policy of at-will employment, which can only be changed by Management of Elite in a signed written contract, Elite reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook must be in writing. No oral statements or representations can change the provisions of this Employee Handbook.

Nothing in this Employee Handbook is intended to unlawfully restrict an employee's right to engage in any of the rights guaranteed them by Section 7 of the National Labor Relations Act, including but not limited to, the right to engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in this Employee Handbook will be interpreted, applied, or enforced to interfere with, restrain or coerce employees in the exercise of Section 7 rights.

**ELITE IS AN AT-WILL EMPLOYER. THIS MEANS THAT REGARDLESS OF ANY PROVISION IN THIS EMPLOYEE HANDBOOK, EITHER YOU OR ELITE MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE HANDBOOK OR IN ANY DOCUMENT OR STATEMENT, WRITTEN OR ORAL, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF ELITE IS AUTHORIZED TO ENTER INTO ANY AGREEMENT—EXPRESS OR IMPLIED—WITH ANY EMPLOYEE FOR EMPLOYMENT FOR A SPECIFIED PERIOD OF TIME UNLESS SUCH AN AGREEMENT IS IN A WRITTEN CONTRACT SIGNED BY MANAGEMENT OF ELITE.**

## II. YOUR EMPLOYMENT AT ELITE

### Equal Employment Opportunity

Elite Staffing is committed to equal employment opportunity. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Elite Staffing will be based on merit, qualifications, and abilities. Elite Staffing does not discriminate or retaliate in employment opportunities or on the basis of race, color, creed, national origin, age, religion, ancestry, sex, pregnancy, sexual orientation (including actual or perceived heterosexuality, homosexuality, bisexuality or asexuality), domestic partnership, civil Company or marital status, physical or mental handicap or disability, military status, genetic predisposition or carrier status, genetic information, familial status, partnership status, alienage, domestic violence victim status, citizenship status, or any other characteristic protected by federal, state or local law.

Elite Staffing reasonably accommodates all religious beliefs and disabilities, as well as victims of domestic violence, as required by law, unless doing so would create an undue hardship. Employees requesting any accommodation should contact Elite Staffing Management.

In accordance with applicable federal, state, and local laws, this policy governs all aspects of employment, including, but not limited to, hiring, job assignment, compensation, promotion, discipline, termination, access to benefits and training, and all other terms and conditions of employment.

Any employees with questions or concerns about any type of discrimination or retaliation in the workplace should promptly bring these issues to the attention of Elite Staffing Management. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

### Americans with Disabilities Act

Elite is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job. It is your responsibility to notify Management of the need for accommodation. Upon doing so, Elite Management may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. Elite will not seek genetic information in connection with requests for accommodation. All medical information received by Elite in connection with a request for accommodation will be treated as confidential.

### **Anniversary Date**

The first day you report to work will be recorded in Elite records as your anniversary date. This date may be used to calculate many different Elite benefits. If you have any questions regarding your anniversary date, please see Elite Management.

### **Immigration Reform and Control Act**

In compliance with the federal Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, Elite is committed to employing only individuals who are authorized to work in the United States.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by Elite.

### **New Employee Orientation**

Upon joining Elite, you were given this copy of our Employee Handbook. After reading this Employee Handbook, please sign the receipt page and return it to Management. You will be asked to complete personnel, payroll, and benefit forms.

If you lose your Employee Handbook or if it becomes damaged in any way, please notify Management as soon as possible to obtain a replacement copy.

## **III. ANTI-HARASSMENT POLICY**

### **Equal Employment Opportunity**

Elite provides Equal Employment Opportunity to all employees and job applicants. Employment decisions are made based on how individuals' skills and qualifications meet the responsibilities of the position for which they have applied. No employee or job applicant will be discriminated against based on characteristics protected by law such as race, color, religion, age, sex, sexual orientation, ancestry, national origin, handicap, or disabled or Vietnam-era veteran status or any other group status protected by law. . Discrimination and/or harassment based on any protected category is inconsistent with our philosophy of doing business and will not be tolerated at any time. Elite is committed to offering equal employment opportunities to all qualified individuals in every aspect of employment such as, but not limited to, hiring, promotions, transfers and compensation.

### **Harassment or Discrimination based on a Protected Category**

Elite is committed to maintaining a work environment for all employees free from the effects of harassment or discrimination based upon any category protected under the laws. Currently, the



protected categories under Pennsylvania State Law are race, color, religion, ancestry, age, sex, national origin, handicap and disability. The protected categories under federal law for employers covered by that federal law include age, race, creed, color, religion, national origin, sex, disability and genetic information.

Harassment may take the form of jokes, cartoons, innuendo, pranks, or comments that show hostility toward a particular individual based upon a protected category.

Individuals who believe that they are being harassed or have witnessed harassment based on a protected category may choose to promptly notify the offender that the behavior is unwelcome and unacceptable. Whether or not the person chooses to do so, the individual experiencing or witnessing harassment should notify Management immediately. When reporting a harassment complaint based on a protected category, an individual should be prepared with specific incidents and supporting details. If possible, witnesses to these events should be named which will assist in the investigation. Elite will investigate the complaint and take prompt and effective remedial action. Remedial action may include but is not limited to informal measures, formal disciplinary action such as warnings or reprimands, referral to training or counseling sessions, demotion, reassignment, temporary suspension without pay, compensation adjustments or termination.

Confidentiality will be maintained throughout the investigatory process to the extent practical consistent with Elite's obligation to investigate the complaint.

In addition, in order to minimize needless rumors and other adverse consequences, any employee bringing a complaint, or assisting in the investigation of a complaint, should use his or her best efforts to keep the complaint and investigation process strictly confidential, except to the extent necessary to pursue the complaint.

Retaliation against an individual for reporting harassment or assisting in providing information relevant to a claim of harassment based on a protected category is a serious violation of this policy and will be treated with the same strict discipline as would the harassment itself. Acts of retaliation should be reported immediately and will be promptly investigated and remedied.

Elite will maintain a written record of each harassment complaint which will contain details as to how it was investigated and resolved. Written records will be maintained in confidence to the extent practical and will be separated from personnel files.

False and malicious complaints of harassment, as opposed to complaints that, even if erroneous, are made in good faith, will be the subject of appropriate disciplinary action, up to and including termination of employment.

### **Sexual Harassment**

The following is our policy in relation to sexual harassment. Much of the information and the reporting procedure is equally applicable to harassment or discrimination based on other protected categories.

Elite is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Elite’s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees are urged to report sexual harassment by filing a complaint internally with Elite, or with a government agency, or in court under federal, state or local antidiscrimination laws.

**Policy:**

1. Elite’s Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Elite, regardless of immigration status. In the remainder of this document, the term “employees” refers to this collective group but does not constitute any admission that any person is an employee for any purpose.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Elite will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Elite who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees<sup>1</sup> working in the workplace who believe they have been subject to such retaliation should inform a member of Management of Elite. While the person can confront the alleged harasser, the report should be made to someone other than the alleged harasser. All employees, paid or unpaid interns or non-employees working in the workplace who believe they have been a victim of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Elite to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual

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<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. Elite will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Elite will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Elite has a complaint form for employees to report harassment and file complaints. It is attached to this Handbook as Appendix A.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment they observe or become aware of to the highest level of management that is not the alleged harasser.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

A. What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at

an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is called "quid pro quo" harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### B. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform

- the job;
- Sabotaging an individual’s work;
- Bullying, yelling, name-calling.

C. Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sexual orientation, identity, or gender. The harasser, as well as the victim, can be a male or female. The harasser can be your supervisor, a supervisor in another area, a co-worker, or someone who does not work for your employer, such as a client or customer.

D. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises on personal devices or not during work hours.

E. Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The Pennsylvania Human Relations Act and Title VII of the Civil Rights Act protect any individual who has engaged in “protected activity.” Protected activity includes, for example:

- filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- communicating with a supervisor or manager about employment discrimination, including harassment
- answering questions during an employer investigation of alleged harassment
- refusing to follow orders that would result in discrimination
- resisting sexual advances, or intervening to protect others
- requesting accommodation of a disability or for a religious practice
- asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the actions were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### Reporting Sexual Harassment

**Preventing sexual harassment is everyone's responsibility.** Elite cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee, who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a member of Management, other than to the alleged harasser. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a member of Management of Elite, other than to the alleged harasser.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form.

Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

#### **Anti-Harassment Training**

Within a few weeks of your commencement of employment, and then every year thereafter, Elite provides anti-harassment training for all employees.

#### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Elite President or Vice President.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

#### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and will be completed as soon as practicable. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses

and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Elite will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Elite will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting;
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them;
- Request and review all relevant documents, including all electronic communications;
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events.
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

A complaint form that you may use is attached as Appendix “A”.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by Elite but is also prohibited by state, federal, and, where applicable, local law.

Aside from Elite’s internal process employees may choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### **Pennsylvania Human Relations Act (PHRA)**

The Pennsylvania Human Relations Commission (PHRC) enforces state laws that prohibit discrimination, including the [PHRA](#), which covers discrimination in employment, housing, commercial property, education, and public accommodations.

For more detailed information, please contact the PHRC at (717) 787-4410 or visit their website at: <https://www.phrc.pa.gov/Pages/default.aspx>

The PHRA, codified as Title 43 P.S., Ch. 17, applies to employers in Pennsylvania. State with four or more employees with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the PHRA must be filed with the PHRC.

Complaints with the PHRC may be filed any time **within 180 days** of the alleged violation.

Complaining internally to Elite does not extend your time to file with the PHRC or in court. The 180 days is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the PHRC, and there is no cost to file with the PHRC.

The PHRC will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. If PHRC determines there is sufficient evidence to support a reasonable suspicion that the law was violated in your case, it will issue a “Finding of Probable Cause.” Once PHRC issues a Finding of Probable Cause, the case will go to conciliation, where the parties will have the opportunity to negotiate a voluntary resolution. If no voluntary resolution is reached, the PHRC will convene a public hearing at which testimony under oath is presented. Your complaint will be represented by a PHRC attorney, or a private attorney if you prefer.

If PHRC determines there is not sufficient evidence to support a reasonable suspicion that the law was violated in your case, it will issue a “Finding of No Probable Cause.” A Finding of No Probable Cause is a final determination by PHRC on the merits of your claim.



Within one year after you file a complaint with the PHRC, you may bring an action in a Court of Common Pleas or in Commonwealth Court if the complaint has not been resolved or the PHRC dismisses your complaint.

If PHRC finds that a violation occurred in your case, it can order the respondent to remedy the harm caused by its conduct. That may include the payment of money damages, including compensatory damages (lost wages and out of pocket expenses), damages for mental and emotional anguish, and attorneys' fees. PHRC can also order other make-whole relief, such as job reinstatement or hiring. It can also order equitable or affirmative relief to prevent discrimination or harassment from recurring, including requiring respondent to create new policies, procedures, or programs; hire new staff; undergo training; or take other affirmative measures.

PHRC's main office contact information is: PHRC Executive Offices, 333 Market Street, 8th Floor, Harrisburg, PA 17101-2210, (717) 787-4410, or

Contact DHR at (717) 787-4410 or visit <https://www.phrc.pa.gov/Pages/default.aspx> for more information about filing a complaint.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **IV. Hours of Work and Compensation**

### **Personnel Records Policy**

Maintaining accurate personnel records can be important to you with regard to compensation, deductions, benefits, and other matters. Elite needs this information to alert you in case of emergency and update employment records and fringe benefit policies. If you have a change in any of the following items, please be sure to immediately notify Management.

Coverage of benefits that you and your family receive under Elite's benefits package could be negatively affected if the information in your personnel file is incorrect.

- Legal name
- Home address
- Home telephone number
- Cell phone telephone number or another contact telephone number
- Email address
- Person to contact in case of emergency
- Dependents
- Insurance beneficiaries
- Change of beneficiary for your 401(k) plan
- Social Security number
- Driving record or status of driver's license (if driving privileges are a part of your job responsibilities)
- Exemptions claimed on your W-4 tax form
- Training certificates or licenses maintained
- Educational development, i.e., college, post-graduate studies, seminars, continuing education courses, etc.

- Current resume
- Immigration or employment eligibility status for your Federal Form I-9
- Wage Garnishments and/or Court Orders affecting method and payment of compensation
- Court Ordered Subpoena and/or Notification of Jury Service

Employee files are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with applicable laws. Representatives of government such as the Department of Labor or law enforcement agencies, in the course of their duties, are allowed access to file information. Personnel files may also be subject to disclosure pursuant to subpoena or in the course of litigation or investigation.

### **Employee Absenteeism**

Our philosophy at Elite on absenteeism is this: first, absenteeism is controllable; second, there is no reason why all employees cannot be on time, all the time. Therefore, absence control is best achieved through individual treatment aimed at the irresponsible, chronic absentee.

We define absence as failure to report and/or remain at work as scheduled; this includes late arrivals as well as leaving early. Absence then includes all time lost from the job whether excused or unexcused, avoidable, or unavoidable. The only exceptions to this definition of absence are holidays, vacations, death in the immediate family, Workmen’s Compensation cases, approved leaves of absence, and days for which no work is scheduled.

You are expected to report to work on time, on a regular basis. Unnecessary absenteeism and lateness are expensive, disruptive, and places an unfair burden on other employees and your supervisor. Unsatisfactory attendance will also result in disciplinary action, up to and including discharge. It will also have an adverse effect on any promotion considerations.

If you are going to be late or absent for any reason, telephone the Manager as far in advance as possible and no less than three (3) hours before the commencement of your start time. Explain why you are going to be absent and when you expect to return to work.

NOTE: It is your responsibility to ensure that proper notification is given. Asking another employee, friend or relative to give this notification is not considered proper, except under emergency conditions.

Any employee who fails to give such notification will be charged with an unexcused absence. If an employee is absent for three (3) consecutive days without notifying Elite, he/she will be considered to have abandoned their job and will be notified by Elite accordingly regarding,

amongst other things, whether the employee is entitled to receive COBRA benefits. If notice is given and Elite does not think it justifies the absence, it will be considered unexcused.

If you are absent because of an illness for five (5) or more successive days, you may be required to submit written documentation from your doctor stating you are able to resume normal work.

A consistent pattern of questionable absences can be considered excessive, and may be cause for concern. In addition, excessive lateness or leaving early without approval will be considered a “lateness pattern” and may carry the same weight as an absence. Other factors, like the degree and reason for the lateness, will be taken into consideration.

### **Employment Classifications**

At the time you are hired, all employees are classified as either “exempt” or “non-exempt.” You will be told whether you are classified as hourly versus salaried and, in some cases, will be provided with a job description. This classification as either “exempt” or “nonexempt” as necessary because, by law, employees in certain types of jobs are entitled to overtime compensation for hours worked in excess of forty (40) hours per work week. These employees are referred to as “non-exempt” in this Handbook.

Exempt employees are supervisors, executives, managers, outside sales representatives, officers, directors, owners, and others whose duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted.

### **Full-Time Employees**

All Elite employees are considered full time.

FULL-TIME REGULAR EMPLOYEES work 40 hours or more per week.

### **Lactation Breaks**

All employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk. Elite encourages all eligible employees who intend to take breaks under this policy to notify Management of their intent.

Management will provide information about the designated location for lactation breaks.

Lactation breaks under this policy are unpaid. However, employees who use meal/lunch/rest/other break time to express breast milk should let Management know, and will be compensated in accordance with Elite’s policy on break periods.

Employees who are required to record time must accurately record the start and end of lactation breaks on their time sheets/clock in and out for their lactation breaks in accordance with Elite’s timekeeping policy. Uninterrupted lactation breaks do not count as hours worked.

### **Payday**

You will be paid every Friday. You will be notified in advance of any changes.

When our payday is a holiday, you normally will be paid on the last working day before the holiday.

Please review your paycheck for errors. If you find a mistake, or in the event of a lost paycheck, HR must be notified in writing as soon as possible and before a replacement check can be issued.

### **Overtime**

Nonexempt employees who work in excess of 40 hours in a workweek should record their time to the nearest tenth of an hour. Overtime must be approved by Chief of Staff/Office Manager. Hours worked between 35 and 40 hours shall be paid at straight time. Hours worked above 40 hours in a work week shall be paid at time and one half. Paid leave, such as holiday, sick or vacation pay, does not apply toward work time.

The workweek begins at 12:00 a.m. on Sunday morning and ends at 11:59 p.m. on Saturday night. Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval before working hours that extend beyond their normal schedule. During busy periods employees may be required to work extended hours.

### **Direct Deposit**

It is the Company's policy that employee paychecks will be directly deposited into their bank account, though a paper check is available upon request. Unless a waiver is signed, the check or paystub only be given personally to that employee or mailed to his/her home address.

### **Mandatory Deductions from Paycheck**

Elite is required by law to make certain deductions from your paycheck each time one is prepared. Among these are your federal, state, and local income taxes and your contribution to Social Security. These deductions will be itemized on your check stub. The amount of the deductions may vary depending on your earnings and based on the information you furnish on your W-4 form regarding the number of dependents/exemptions you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to the Manager immediately to ensure, amongst other things, proper credit for tax reporting purposes. Any other mandatory deductions to be made from your paycheck, such as court ordered attachments, are explained below.

If questions or concerns about any pay deductions arise, employees may discuss and resolve them with Management.

### **Garnishment/Child Support**

When an employee's wages are garnished by a court order, Elite is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck. Elite will, however, honor federal and state guidelines which protect a certain amount of an employee's income from being subject to garnishment.

**Policy for deductions for advances and overpayment**

**A. Advances and Recovery of Payment through deductions from wages:**

Except for extreme emergencies and vacation pay, no salary advances will be made, and only when authorized by the President. In the event such an advance is approved:

1. Elite may agree to provide advances in its discretion to be recouped by deductions from wages, in a writing signed by the employee authorizing the advance and providing for repayment. In the event that Elite authorizes an advance, the following rules apply:
2. The advance will be without interest or fees.
3. Elite and the Employee must agree in advance upon the duration of repayment.
4. No further advance may be given or deducted until the first advance has been paid in full.
5. If the advance has not been repaid before the end of employment, the total remaining balance will be repaid through deduction of the last wage payment
6. The authorization by the employee may only be revoked prior to Elite actually providing the advance.
7. The employee may contest any deduction which is not in accordance with the terms of the written advance authorization.
8. To dispute the amount and frequency of deductions, the employee shall follow the following process:
  - a. The employee shall provide written notice of the objection to Elite.
  - b. Elite shall reply in writing as soon as practical, addressing the issues raised by the employee, and stating whether Elite agrees or disagrees with the employee's position. If it disagrees with the employee's position, it will provide a reason.
  - c. At such time as Elite receives the written notice of objection, Elite shall cease deductions until the reply has been provided and any appropriate adjustments made.

- d. Any delay in repayment caused by this process shall extend the authorized time frame within which the employer may recover the advance through deductions.

**B. Overpayments and Recovery of Payment through deductions from wages:**

1. Elite may also deduct from wages to recover an overpayment of wages due to a mathematical or other clerical error by Elite.
2. Elite shall provide the employee with notice of the intent to commence deductions to recover the overpayment.
3. If the entire overpayment is less than or equal to net wages after other permissible deductions in the next wage payment, the entire overpayment may be recovered in the next wage payment. If so, Elite shall provide at least three (3) days' notice of the intent to commence deductions.
4. Where the overpayment is more than net wages after other permissible deductions in the immediately subsequent wage payment, deductions will equal 125% of gross wages earned in that wage payment or any lesser amount which does not reduce the effective hourly wage below the statutory state minimum hourly wage. Notice of intent to commence deductions in this case shall be given no less than three (3) weeks before the deductions commence. The notice will contain the amount overpaid in total and per pay period, the total amount to be deducted, and the date each deduction shall occur followed by the amount of the deduction.
5. Wage deductions to recover overpayments will only be made once in each pay period, and only for overpayments made in the eight (8) weeks prior to issuance of a notice of intent to commence deductions to recover overpayments. Deductions to recover overpayments may be made for a period of six (6) years from the original overpayment.
6. To dispute the amount and frequency of deductions, the employee shall follow the following process:
  - a. The employee shall provide written notice of the dispute to Elite within one week from the date of receipt of the notice of intent to recover overpayments.
  - b. Elite shall reply in writing within one week of receipt of the employee's response, addressing the issues raised by the employee, and stating whether Elite agrees or disagrees with the employee's position. If it disagrees with the employee's position, it will provide a reason.

- c. Within one week of receiving Elite’s reply, Elite shall give the employee written notice of the opportunity to meet to discuss any disagreements that remain regarding the deductions.
  - d. Elite shall provide the employee with written notice of Elite’s final determination.
  - e. At such time as Elite receives the written notice of the dispute, Elite may not make the anticipated deduction until at least three (3) weeks after the final determination.
  - f. Where the entire overpayment may be reclaimed in the next wage payment after the overpayment, the employee shall provide their response within two (2) days of receipt of the notice of intent to deduct the overpayment to postpone the deduction.
  - g. In the event that any deduction is found to be improper, Elite must repay the employee within the same time frame applicable to payment of wages earned on the day of the deduction.
7. Any delay in repayment caused by this process shall extend the authorized time frame within which the employer may recover the advance through deductions.

**Government Required Coverage**

C. Workers’ Compensation

Depending on the circumstances, employees may be entitled to Workers’ Compensation benefits. This coverage protects you should you incur an on-the-job injury. An on-the-job injury is defined as an accidental injury suffered in the course of your work, or an illness which is directly related to performing your assigned job duties. This job-injury insurance is paid for by Elite. If you cannot work due to a job-related injury or illness, Workers’ Compensation insurance pays your medical bills, provided you are under the care of a compensation approved physician, and provides a portion of your income until you can return to work. Your entitlement and number of benefits is regulated by the Pennsylvania’s Workers’ Compensation Law.

All injuries or illnesses arising out of the scope of your employment must be reported to the Manager immediately. Prompt reporting is the key to prompt benefits.

D. Unemployment Compensation

Depending on the circumstances, employees may be eligible for unemployment insurance benefits upon termination of employment with Elite. Eligibility for Unemployment Compensation is determined by the Pennsylvania Office of Unemployment Compensation.

Unemployment Compensation is designed to provide you with a temporary income when you are out of work through no fault of your own. For your claim to be valid, you must have a



minimum amount of earnings determined by the State, and you must be ready, willing, and able to work. Information regarding these benefits is available from Management.

E. Social Security and Medicare

The United States Government operates a system of mandated insurance known as Social Security. As a wage earner, you are required by law to contribute a set amount of your weekly wages to the trust fund from which benefits are paid. As your employer, Elite is required to deduct this amount from each paycheck you receive. In addition, Elite matches your contribution dollar for dollar, thereby paying one-half of the cost of your Social Security benefits.

Your Social Security number is used to record your earnings. Employees are encouraged to protect your Social Security record by ensuring your name and Social Security number on your pay stub and W-2 are correct. You may also want to make sure your earnings statement is accurate each year by requesting a Personal Earnings and Benefit Estimate Statement from the U.S. Social Security Administration by calling 1-800-772-1213 or you may even access them online at [www.ssa.gov](http://www.ssa.gov).

V. Legal Breaks and Leaves of Absence

**Family and Medical Leave Act (FMLA) Leaves of Absence**

The Family and Medical Leave Act (“FMLA”) was signed into law for eligible employees on February 5, 1993. The Act became effective August 5, 1993. Revised regulations, which are incorporated herein, became effective January 16, 2009.

Below is an outline of key points of this Act and Elite’s FMLA Policy. This information is somewhat complex, therefore, please review this section in detail and if you have any questions, contact the Office.

FMLA leave runs concurrently with other leave entitlements provided under this handbook and/or federal, state, and local law including, but not limited to, Workers’ Compensation and disability leaves.

**The Leave Policy.** Employees are eligible to take up to 12 weeks of unpaid family/medical leave within a 12 month period and be restored to either the same or equivalent position upon his/her return from leave provided the employee: (1) has worked for the Elite for at least 12 months, and for at least 1250 hours in the last 12 months; and (2) is employed at a work site that has 50 or more employees within a 75 mile radius. Elite will measure the twelve-month period as a rolling 12-month period measured backward from the date the employee used any FMLA leave.

Under the “rolling” 12-month period (measured backward), each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1,

2009. However, beginning February 2, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day for FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009.

If an employee is out on FMLA leave due to a 9/11-related illness, the Elite will pay that employee's wages and benefits in full, up to three (3) months, until they begin receiving disability benefit payments for same.

**Reasons For Leave.** The employee may take family/medical leave for any of the following reasons:

- (1) the birth of a child and in order to care for that child (leave to be completed within one year of the child's birth);
- (2) the placement of a son or daughter with an employee for adoption or foster care;
- (3) to care for an immediate family member (i.e., spouse, son, daughter, or parent) ("covered relation") with a serious health condition; or
- (4) because of the employee's own serious health condition that renders the employee unable to perform the functions of his/her position.
- (5) a qualifying exigency of a spouse, child or parent who is a military member on covered avitice duty or called to active duty status (or has been notified of an impending call or order to covered active duty).

Leave because of reasons "1" or "2" must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses employed by Elite who request leave because of reasons "1" or "2" to care for an ill parent may only take a combined total of 12 weeks leave during any 12-month period.

In addition, as discussed below in the Section entitled "**Employee Entitlement to Service Members FMLA**", employees may also take leave arising out exigencies related to a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan or operation or to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that renders the family member unable to perform his/her servicemember duties. Please see that section for additional information.

**Leave Notice.** If the employee's need for family/medical leave is foreseeable, s/he must give the Elite at least 30 days prior written notice. If this is not possible, s/he must at least give notice as soon as practicable in conformance with Elite's usual and customary practice. Failure to provide notice may be grounds for delay of leave or discipline, up to and including discharge. Where the need for leave is not foreseeable, the employee is expected to notify Elite as soon as the employee learns of his/her need for leave in conformance with Elite's usual and customary practice, except in extraordinary circumstances. Request for Family/Medical Leave forms are available from the Manager. These forms must be completed by the employee and returned to the Manager.

**Medical Certification.** If the employee is requesting leave because of his/her own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. S/he may obtain Medical Certification Forms from the Manager. When s/he requests leave, Elite will notify the employee of the requirement for medical certification and when it is due (generally 15 days after the employee requests leave). Failure of the employee to provide requested medical certification in a timely manner may result in delay of leave until it is provided. Elite, at its expense, may require an examination by a second health care provider designated by Elite, if it reasonably doubts the medical certification initially provided by the employee. If the second health care provider's opinion conflicts with the original medical certification, Elite, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Elite may require subsequent medical re-certifications on a reasonable basis.

**Reporting While on Leave.** If an employee takes leave because of his/her own serious health condition or to care for a covered relation, s/he must contact the Manager on a monthly basis regarding the status of the condition and the employee's intention to return to work, if the date of return is unspecified. In cases where the date of return is unspecified, if the employee, or someone appointed by the employee, do(es) not contact the Manager on a monthly basis (within 5 business days after his/her previous contact one month prior) regarding the status of his/her condition, s/he may be deemed to have voluntarily terminated his/her employment with Elite.

**Leave is Unpaid.** In general, family/medical leave is unpaid leave although the employee may be eligible for workers' compensation benefits (or state disability benefits, where mandated) under those insurance plans as applicable for his/her location. *If the employee requests leave because of a birth, adoption, or foster care placement of a child, or to care for a covered relation with a serious health condition, any accrued PTO first will be substituted for unpaid family/medical leave. If the employee requests leave because of his/her own serious health condition, any accrued PTO (if applicable) first will be substituted for any unpaid family/medical leave.* The substitution of paid leave time for unpaid leave time does not extend the 12 weeks leave period.

**Medical and Other Benefits.** During an approved family/medical leave of up to 12 weeks, Elite will maintain the employee's current medical benefits as if s/he continued to be actively employed.

If the employee elects not to return to work at the end of the leave period, s/he will be required to reimburse Elite for the cost of the full premium paid by Elite for maintaining medical coverage during his/her leave, unless, in the case of an FMLA leave, s/he cannot return to work at the end of the leave period for one of the following reasons:

- 1) the employee cannot perform the functions of the job as a result of his/her own serious health condition;
  - 2) the employee is needed to care for the serious health condition of a spouse, child, or parent;
- or

3) because of “other circumstances beyond the control of the employee” (e.g., spouse is unexpectedly transferred more than 75 miles from employee’s work site, employee is laid off while on leave).

This exception is meant to cover the situation where an employee’s circumstances unexpectedly change during the leave period, and s/he cannot return to work at the end of the 12 weeks. Thus, a parent’s decision not to return to work because a newborn child has a serious health condition (e.g., serious birth defects requiring immediate surgery) would be a circumstance beyond his/her control. By contrast, a new parent’s decision not to return to work to stay home with a healthy newborn child would not be considered a circumstance beyond the employee’s control.

**Exemption for Highly Compensated Employees.** Highly compensated salaried employees (i.e., highest paid 10% of employees at a work site or within a 75-mile radius of that work site) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial and grievous economic injury to Elite. Elite will notify employees if they qualify as “highly compensated” employees if the Elite intends to deny reinstatement, and notify employees of their rights, if any, in such instances.

**Intermittent and Reduced Schedule Leave.** Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single illness or injury) or on a reduced leave schedule (reducing the usual number of hours the employee works per work week or workday) if medically necessary. If leave is unpaid, Elite will reduce the employee’s salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced schedule leave, Elite may temporarily transfer the employee to an available alternative position that better accommodates his/her recurring leave with equivalent pay and benefits. The employee is obligated to make a reasonable effort to schedule intermittent leave, so it does not unduly disrupt Elite’s operations. In addition, where the employee takes leave that is not foreseeable, the employee must inform Elite as soon as he/she learns of the need for leave in conformance with Elite’s usual and customary practice.

If the employee does not return to work on the originally scheduled return date or does not request an extension of the agreed upon leave with appropriate documentation, s/he may be deemed to have voluntarily terminated his/her employment with Elite.

### **Employee Entitlement to Service Members FMLA**

The federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave in certain situations related to a covered family member’s service in the Armed Forces (“Service Members FMLA”). This policy supplements Elite’s FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee’s rights and obligations under Service Members FMLA leave is governed by the FMLA policy set forth in the previous section of this Handbook.

Service Members FMLA provides eligible employees unpaid leave for anyone, or for a combination of, the following reasons:

- **Family Leave Due to a Call to Active Duty** – A “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the National Guard or Reserves in support of a contingency plan or operation. Under this “qualifying exigency” provision, the service member’s spouse, son, daughter, or parent is eligible. An eligible employee may take up to 12 workweeks of leave during a 12-month period. The rolling period 12-month period discussed above for other types of FMLA leave applies to the determination whether leave is available. Qualifying exigencies may include attending certain military events, arranging to alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- **Caregiver Leave for an Injured or Ill Service member** – To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness renders the family member unable to perform the duties of the member’s office, grade, rank or rating. Under this “caretaker provision,” the service member’s spouse, son, daughter, or nearest blood relative caring for a recovering service member is eligible. An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. The single 12-month period begins on the first day the eligible employee takes this type of FMLA leave.

Service Members FMLA runs concurrently with other leave entitlements provided under federal, state, and local law.

If you believe the above Service Members FMLA leave policy may apply to you, please contact Management.

#### FMLA Definitions

For the purpose of this policy, the following definitions apply:

“Spouse” is defined in accordance with applicable State law.

“Parent” includes biological parents and individuals who legally acted as the employee’s parents, but does not include parents-in-law.

“Son” or “daughter,” for the purpose of non-service member related FMLA leave, includes biological, adopted, foster children, stepchildren, legal wards, and other persons for whom the employee acts in the capacity of a parent and who are under 18 years of age, or who are 18 years of age or older, but are incapable of self-care because of a mental or physical disability.

“Serious health condition” generally means 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 incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

“Health Care Provider” includes: licensed doctors of medicine or osteopathy, podiatrists, dentists, clinical social workers or psychologists, optometrists, chiropractors authorized to practice in the State, nurse practitioners, nurse-midwives and clinical social workers authorized under state law, health care providers practicing in foreign countries; and, health care providers recognized by the Elite's group health care benefits manager as authorized to provide certifications of serious health conditions.

“Needed to care for” family member encompasses: (1) physical and psychological care; and (2) where the employee is needed to fill-in for others providing care or to arrange for third party care for the family member.

The phrase “unable to perform the functions of his/her job” means an employee is: (1) unable to work at all; or (2) unable to perform any of the essential functions of his/her position with or without reasonable accommodation. The term “essential functions” is borrowed from, the Americans with Disabilities Act (ADA) to mean “the fundamental job duties of the employment position,” but does not include the marginal functions of the position.

#### **Disability Leave of Absence (If Not Eligible for FMLA Leave)**

If you are a full-time employee who has completed the introductory period of employment and are NOT ELIGIBLE FOR FMLA leave, you may be eligible for a disability leave of absence due to your own illness, injury, or maternity. You should give at least thirty (30) days written notice of disability to the Manager. The notice must include a physician’s certificate stating the nature of the disability, the date to which you will be able to work to, and the expected date of return to work.

The Manager must approve disability leaves. You are required to use accumulated and unused vacation, personal and sick time during the leave. The leave of absence may be for a maximum of three (3) months, with an approved (depending on the needs of Elite) month to month extension for a maximum additional three (3) months. If eligible, you will be entitled to weekly disability insurance payments. PTO cannot be accrued during any leave. Accrual of any days may be resumed upon your return to work. You will not be eligible for holiday pay during the leave. Normal eligibility for holidays resumes upon your return to work.

Elite will continue paying its share for your health insurance premiums for a maximum period of three (3) months. After such time, if you are still on an approved disability leave of absence, you may continue your health coverage by making full payment of the premiums to Elite each month. If your leave/extension is not approved, you may still be eligible to continue your insurance coverage for a certain period of time, in compliance with the COBRA regulations described in this Handbook. If you have any questions, it is your responsibility to ask the Administrator or your Department Head for more information on your rights and obligations.

Due to the nature of Elite’s business, staffing needs are difficult to predict. An employee returning to work from a disability leave not exceeding three (3) months will be restored to work the position held prior to the leave or to a position with equivalent status, benefits, pay, and conditions of employment, unless the employee would have been laid off during the leave period due to the elimination of the position. An employee returning to work from short-term disability leave that exceeds three (3) months is not guaranteed that a position will be available. If a position is not available, the returning employee will be offered the first position available for which he/she is qualified, as determined by Elite.

When you are able to return to work, you should give Elite at least two (2) weeks’ notice by mailing to your department head a doctor’s certificate stating that you are physically able to return to work. This is important so that your return to work is properly scheduled. Failure to notify Elite of your availability for work will be deemed a voluntary termination of your employment with Elite.

**Jury Duty Leave**

Elite Staffing understands that it is your civic duty as a citizen to report for jury duty whenever called. You must notify Management within forty-eight (48) hours of receipt of the jury summons. On any day or half-day, you are not required to serve, you will be expected to return to work. In order to receive jury duty, pay, you must present a statement of jury service and pay to Management. This is a document issued by the court.

Employees summoned for jury duty will receive unpaid leave, except that you shall receive the first \$40 of your daily wages during the first three days of jury service in a state or local court.

**Voting Leave**

Our Elite believes that every employee should have the opportunity to vote in any state or federal election, general primary, or special primary. Any employee whose work schedule does not provide him or her four consecutive hours to vote while polls are open will be granted up to two paid hours off in order to vote. Any additional time off will be without pay. We reserve the right to select the hours you are excused to vote.

**Military Duty Leave**

Employees who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in state military service will be given the necessary time off and reinstated in accordance with federal and state law.

Military orders should be presented to Management and arrangements for leave made as early as possible before departure.

Military leave with pay will be granted to an employee in accordance with applicable Pennsylvania Law and the Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

Employees are required to give advance notice of their service obligations to the Elite unless military necessity makes this impossible. You must notify the Manager of your intent to return to employment.

Additional information regarding military leaves may be obtained from the Manager.

### **Witness & Victims of Crime Leave**

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. We ask that you notify the Manager of the need to take witness leave as far in advance as is possible.

As stated in the Pennsylvania Crime Victims Employment Protection Act (CVEPA) employees may leave to attend court if they are:

- The victim of a crime
- A witness to a crime
- A family member of a crime victim.

PTO may be used for this purpose. \_\_\_\_\_

### **Bone Marrow, Organ and Blood Donation Leave Policy**

Pennsylvania law states an employee is eligible to take organ and tissue donation leave under the same leave under FMLA for the preparation and recovery from surgery related to organ or tissue donation by or for an employee, spouse, child or parent,

### **State of Emergency Leave**

If you are unable to report to work due to road closures in Bucks County or the county in which you reside, and the road closures are due to a state of emergency declared by the Governor of the Commonwealth of Pennsylvania, your inability to report to work will not be treated as paid vacation or sick leave. Leave under this policy is [paid/unpaid]. Please report to your supervisor the day after any absence to confirm that this policy applies to that absence.

### **Emergency Response Leave**

Employees who are active volunteer firefighters, fire police, or members of a volunteer ambulance service or rescue squad will be provided with time off from work or excused for being late to work when late or absent for the purpose of responding to a fire or ambulance call prior to regular hours of employment. Prior to missing work, employees must make every effort to notify their supervisors that they may report to work late or be absent from work in order to respond to an **emergency call. If an employee fails to report to work under this provision, they must submit a written statement from the chief executive officer of the volunteer fire**

**Commented [AM1]:** Pennsylvania law does not require employers to provide leave for employees to participate in civil court proceedings. But Pennsylvania Crime Victims Employment Protection Act (CVEPA) requires employees to leave to attend court if they are: 1. the victim of a crime 2. witness to a crime 3. family member of a crime.



**company, ambulance service, or rescue squad documenting that the employee responded to a call and the time at which he or she responded.**

Elite will not discriminate against any employee who has been injured in the line of duty as a volunteer firefighter, fire police officer, or member of a volunteer ambulance service or rescue squad or who has received workers' compensation benefits as a result of such an injury.

## **VI. ON THE JOB AT Elite: Employment Procedures**

### **Conduct**

The importance of professional conduct cannot be emphasized enough. Professional conduct is a broad term that is open to many interpretations. The following guidelines describe appropriate conduct when working at a client's place of business:

- Do not discuss internal affairs of Elite with others outside Elite.
- Avoid comments or criticisms involving colleagues or competitors.
- Refrain from discussing shortcomings or idiosyncrasies of colleagues, clients, or employees.
- Avoid conversations involving client matters in all places that would violate Elite confidentiality.
- Keep the common areas clean. If you use the conference or coffee rooms, clean up after yourself

### **Attendance and Punctuality**

Attendance and punctuality are important factors for your success at Elite. We work as a team, and this requires that each person be in the right place at the right time.

If you are going to be late for work or absent, notify Management as far in advance as is feasible under the circumstances, but before the start of your workday.

Personal issues requiring time away from your work, such as doctor's appointments or other matters, should be scheduled during your nonworking hours if possible.

If you are absent for two days without notifying Elite, it is assumed that you have voluntarily abandoned your position with Elite, and you will be removed from the payroll.

### **Standards of Conduct**

Each employee has an obligation to observe and follow Elite's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with orderly and efficient operations, corrective disciplinary measures will be taken.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or discharge. The appropriate disciplinary action imposed will be determined by Elite. Elite does not guarantee that one form of action will necessarily precede another.

Among other things, the following may result in disciplinary action, up to and including discharge: Violation of Elite's policies or safety rules; insubordination; violation of Elite's confidentiality policies, unauthorized or illegal possession, use or sale of alcohol or controlled substances on work premises or during working hours, while engaged in Elite activities or in Elite vehicles; unauthorized possession, use or sale of weapons, firearms or explosives on work premises; theft or dishonesty; physical harassment; sexual harassment; disrespect toward fellow employees, visitors or other members of the public; performing outside work or use of Elite property, equipment or facilities in connection with outside work while on Elite time; poor attendance or poor performance. These examples are not all inclusive. We emphasize that discharge decisions will be based on an assessment of all relevant factors.

Nothing in this policy is designed to modify our employment-at-will policy.

Generally speaking, we expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. This list is not **all-inclusive**, and, notwithstanding this list, all employees remain employed "at will." Your avoidance of these activities will be to your benefit as well as the benefit of Elite. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed, please contact the Administrator.

The following types of conduct are absolutely prohibited and may result in disciplinary action, up to and including termination:

- Willful violation of any Elite rule.
- Insubordination.
- Negligence or any careless action with endangers the life or safety of another person.
- Being intoxicated or under the influence of controlled substance drugs while at work; use or possession or sale of controlled substance drugs in any quantity while on Elite premises except medications prescribed by a physician that do not impair work performance. *See also Substance Abuse.*
- Unauthorized possession of dangerous or illegal firearms, **weapons**, or explosives on Elite property or while on duty.
- Engaging in criminal conduct or acts of violence, or making threats of violence towards anyone on Elite premises or when representing Elite, fighting, horseplay or provoking a fight on Elite property, or negligent damage of property.
- Threatening, **intimidating**, or coercing fellow employees on or off the premises – at any time, for any purpose.

- Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of Elite property, or the property of fellow employees, residents, family members, or visitors in any manner.
- Theft of Elite property or the property of fellow employees or clients; unauthorized possession or removal of any Elite property, including documents, from the premises without prior permission from management; unauthorized use of Elite equipment or property for personal reasons; using Elite equipment for personal profit.
- Dishonesty, willful **falsification**, or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave or absence or other data requested by Elite; alteration of Elite records or other Elite documents.
- Giving confidential or proprietary information to competitors or other organizations or to unauthorized employees; working for a competing business while a Elite employee; breach of confidentiality of personnel information.
- Immoral conduct or indecency on Elite property.
- Conducting a lottery or gambling on Elite premises.
- Unsatisfactory or careless work; failure to meet production or quality standards as explained to you by your manager; mistakes due to carelessness or failure to get necessary instructions.
- Any act of harassment, sexual, **racial**, or otherwise; telling sexist or racial-type jokes; making racial or ethnic slurs.
- Sleeping on the job; loitering or loafing during working hours.
- Excessive use of **Elite** telephone and cell phones or other electronic devices for personal calls, direct-connect calls, and text messaging.
- Use of cell phones or other personal devices to take photos on Elite premises or during Elite related activities.
- Smoking in restricted areas or at a non-designated time.
- Creating or contributing to unsanitary conditions.
- Obscene or abusive language toward any manager, employee, client, or visitor; indifference or rudeness towards a customer or fellow employee; any disorderly/antagonistic conduct on Elite premises.
- Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on Elite premises.
- Failure to maintain a neat and clean appearance in terms of the standards established by your manager; any departure from accepted conventional modes of dress or personal grooming; wearing improper or unsafe clothing.
- Theft, misappropriation, misuse, or unauthorized distribution of Elite's property.

- Insubordination in carrying out orders of Management or refusing job assignments.
- Unexcused or repeated lateness or absence.
- Verbal and/or physical threats.
- Giving out confidential information to any unauthorized person.
- Doing non-work-related activities while on duty.
- Leaving the workstation or Elite during working hours without prior permission of Management.
- Using obscene or abusive language.
- Dishonesty, willful falsification, or making false statements on employment application materials or other work records; lying about sick or personal leave, falsifying reason for a leave or absence or other data requested by Elite, alteration of Elite records or other Elite documents.
- Any other deliberate action that is extreme in nature and is obviously detrimental to Elite's efforts to operate at its most efficient, responsive, and respectful to its clients.

Occurrences of any of the foregoing activities, as well as violations of any Elite rules or policies, may subject you to disciplinary action, up to and including discharge. This list is not all-inclusive and in no way modifies the 'at will' nature of the employment relationship.

Nothing in this policy shall restrict employees' rights to engage in protected, concerted activity under Section 7 of the National Labor Relations Act or any other applicable law, rule, or regulation.

### **Conflicts Of Interest**

Elite's reputation for integrity is its most valuable asset and is directly related to the conduct of its officers and other employees. Therefore, employees must never use their positions with Elite, or any of its clients, for private gain, to advance personal interests or to obtain favors or benefits for themselves, members of their families or any other individuals, corporations, or business entities.

Elite adheres to the highest legal and ethical standards applicable in our business. Elite's business is conducted in strict observance of both the letter and spirit of all applicable laws and the integrity of each employee is of utmost importance.

Employees of Elite shall conduct their personal affairs such that their duties and responsibilities to Elite are not jeopardized and/or legal questions do not arise with respect to their association or work with Elite.

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which business actions taken on behalf of Elite may conflict with the employee's own personal interests. Company property, information or business

opportunities - including but not limited to letterhead, fax machines, email or computer systems - may not be used for personal gain.

Elite employs or is in business relationships with a variety of professional providers outside of the Company, including but not limited to lawyers (i.e. for workman's compensation, disability benefits, legal proceedings, etc.), auditors, contractors, doctors, psychiatrists, consultants, printers, etc. No employee of Elite is to steer business to any company or entity. All contracts with service providers are the business of the Executive Board exclusively, and any inquiries from prospective business partners are to be directed to the office of the President. These business relationships are proprietary and part of the good will of the Company. A violation of this policy may subject the employee to immediate dismissal.

### **Dress Policy**

Whether or not your job responsibilities place you in direct client contact, you represent Elite with your appearance as well as your actions. The properly attired individual helps to create a favorable image for Elite, to the public and fellow employees.

The Elite maintains a business casual environment. All employees should use discretion in wearing attire that is appropriate for the office and client interaction. Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times.

***Dress accommodations on the basis of religion and documented medical necessity will be made in accordance with applicable law. Requests for dress accommodations should be directed to Management.***

### **Packages**

In order to safeguard the property of Elite, contractors, and employees, Elite reserves the right to examine all packages and parcels entering or leaving their premises or job site.

### **Personal Property**

Elite is not responsible for loss of, or damage to, your personal property.

### **Outside Employment/Schooling**

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete or conflict with or compromise the Company's interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by Elite's staff.

This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If Elite determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

The same considerations apply equally to employees' intentions to further their intellectual endeavors by pursuing educational opportunities. Elite completely supports employees' efforts to advance their own professional qualifications and abilities. However the same considerations mentioned above apply equally with regard to pursuing educational opportunities. Please present any intended scheduling needs that you may have for such pursuit of educational opportunities to the Chief of Staff before matriculating in a school to ensure that proper scheduling of the small staff of Elite can maintain the professional level of service expected by the Company and its members.

Elite hopes that you will not find it necessary to seek additional, outside employment. However, if you are planning to accept an outside position, you must notify the President or Vice President. Outside employment must not conflict in any way with your responsibilities to Elite. Unless otherwise approved in writing by the President or Vice President, you may not work for any Elite vendors or affiliates.

### **Illegal Drugs and Alcohol**

Elite has vital interests in ensuring a safe, healthy, and efficient working environment for our employees, their co-workers, and the members we serve. The unlawful or improper presence or use of controlled substances or alcohol in the workplace presents a danger to everyone. For these reasons, we have established as a condition of employment and continued employment with the Elite the following substance abuse policy.

Employees are prohibited from reporting to work or working while using illegal or unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any controlled substance, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties.

While on Elite's premises, whether owned or leased by Elite, or in any Elite vehicle or while conducting business-related activities off Elite's premises, no employee may consume, use, possess, distribute, sell, purchase, or be under the influence of alcohol or illegal drugs. The legal

use of prescribed or over-the-counter drugs is permitted on the job only if such use does not impair an employee's ability to perform the essential functions of his/her job effectively and in a safe manner that does not endanger other individuals in the workplace.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale, or possession of illegal or unauthorized substances and alcohol in the workplace including: On Elite paid time, on Elite premises, in Elite vehicles, or while engaged in Elite activities. Our employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are further prohibited from consuming alcohol during working hours, including meal and break periods.

Nothing in this policy prohibits persons of legal drinking age from consuming alcohol at Elite-sponsored or authorized events if such exist, including any that are hosted on property owned by, or leased on behalf of, Elite. However, if employees choose to consume alcohol at such events, they must do so responsibly and maintain their obligation to conduct themselves properly and professionally at all times with colleagues and/or current or prospective members.

Your employment or continued employment with the Elite is conditioned upon your full compliance with the foregoing substance abuse policy. Any violation of this policy may result in disciplinary action, up to and including discharge.

Consistent with its fair employment policy, the Elite maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their substance or alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The Elite will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures consistent with the Elite's policies and applicable federal, state, or local laws.

The Elite further reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of Elite- issued lockers, desks, or other suspected areas of concealment, as well as an employee's personal property when the Elite has reasonable suspicion to believe that the employee has violated this substance abuse policy.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences and Elite will cooperate in any investigation by law enforcement.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with Management without fear of reprisal.

### **Blogging and Social Media Policy**

Elite acknowledges the growing popularity of social media as a means for sharing experiences, ideas, and opinions. However, the Elite must also protect itself, its employees, its clients and

third parties such as subsidiaries, affiliates, vendors, and business partners from damages and potential criminal liability resulting from improper or unlawful use of Social Media. Because of the nature of the Elite’s business, Elite employees may not contribute content about their work at Elite without explicit permission.

Elite has in place policies that govern use of its own electronic communication systems, equipment, and resources which employees must follow. Elite may also have an interest in your electronic communications with co-workers, vendors, suppliers, and the general public on your own time. Inappropriate communications, even if made on your own time using your own resources, may be grounds for discipline up to and including immediate termination. We encourage you to use good judgment when communicating via blogs, online chat rooms, networking internet sites, social internet sites, and other electronic and non-electronic forums (collectively “social media”). The following is a general and non-exhaustive list of guidelines you should keep in mind:

Make it clear that the views expressed in social media are yours alone. Do not purport to represent the views of Elite in any fashion. Keep in mind that your position with our organization alone may make your words appear to be those of our Offices.

Do not disclose confidential or proprietary information regarding Elite, your co-workers or our clients, vendors, or suppliers. Use of copyrighted or trademarked information, trade secrets, or other sensitive information may subject you to legal action. If you have any doubt about whether it is proper to disclose information, please discuss it with either the Elite President or Vice President.

Do not use Elite or affiliated logos, trademarks, web addresses, email addresses or other symbols on social media. You may not use the Elite name or other identifying information to endorse, promote, denigrate, or otherwise comment on any product, opinion, cause, or person.

Be respectful of the privacy and dignity of your co-workers. Do not use or post photos of co-workers without their express consent.

Harassing or discriminatory comments, particularly if made on the basis of gender, race, religion, age, national origin, or other protected characteristic, may be deemed inappropriate even if the Elite name is not mentioned. If social media communications in any way may adversely affect your relationships at work or violate Elite policy, you may be subject to discipline up to and including immediate termination.

Ensure that engaging in social media does not interfere with your work commitments, performance, or productivity.

Social media and similar communications have the potential to reflect on both you and the Elite and its clients. We expect that you will show respect for our employees, clients, colleagues, affiliates, and competitors.



Do not engage in behavior or contribute content that could be considered an act or threat of violence, bullying, or unlawful discrimination or harassment.

Do not intentionally or negligently contribute content that could damage the reputation or brand of Elite or interfere with Elite's business relationships with its customers, subsidiaries, vendors, affiliates, or business partners.

Employees may not contribute content in the name of Elite, on behalf of Elite, or in a manner that could reasonably be attributed to Elite without prior written authorization from the Elite Management.

Employees should not speak to the media without prior approval from the Elite President. All media inquiries should be directed there.

Do not contribute content that could be considered an endorsement of Elite's services without authorization and without disclosing your employment relationship with the Elite or using the following disclaimer: *"The content I have contributed to this site is my own and does not necessarily represent the views or opinions of Elite. I am not a Elite spokesperson."*

Do not contribute or disclose any content or information about or related to Elite, its employees, clients, subsidiaries, vendors, affiliates, or business partners *that you know to be false*. Do not defame Elite's clients, vendors, affiliates, or business partners.

Do not contribute content that could identify Elite clients, vendors, affiliates, or business partners without prior consent from Elite.

As a Elite employee, you have access to confidential information about Elite and its clients, vendors, affiliates, or business partners. Elite trusts and expects you to keep this information confidential; you may not disclose it on Social Media. Note that "confidential" includes Elite's: Member information; patents, copyrights, trade secrets, and inventions; internal processes, policies, and reports; marketing and development plans; and names of vendors and suppliers, to name some of the list.

Do not use Elite logos or trademarks for commercial gain or any purpose without prior consent from the Elite President or Vice President.

Do not use your Elite email address to register for Social Media. You may reference your employment with Elite and contact information on professional networking sites, such as LinkedIn.

Employees should consider whether connecting to Elite's clients, business partners, vendors, or competitors via Social Media is appropriate for your level, position, responsibilities within Elite, and relationship with the person at issue. To the extent that you do connect to Elite clients, business partners, vendors, or competitors via Social Media, consider using available privacy filters or settings to block any inappropriate, unprofessional, or personal content from such people. Requests for employment references or recommendations through Social Media sites,

such as LinkedIn, concerning present or former Elite employees, should be referred to the Elite President.

Comply with all applicable intellectual property, trademark, copyright, and fair use laws.

Do not post content that is confidential or proprietary to Elite’s clients, competitors, or referral sources.

Personal use of Social Media is not permitted during working hours or on the Elite’s equipment. Personal use of Social Media is permitted during meal and rest breaks, so long as employees are using their own personal equipment and also complying with the terms of this policy.

Nothing contained herein shall preclude an employee from engaging in conduct protected by Section 7 of the National Labor Relations Act.

For purposes of this procedure, “Social Media” are any type of internet-based media created through social or group interaction, where individuals primarily produce – rather than just consume – the content. Examples of Social Media include: social and professional networking websites (Instagram, Facebook, Myspace, LinkedIn), blogs (Twitter, industry blogs), video and image sharing websites (YouTube, TikTok, Flickr, Pinterest), location-sharing websites (foursquare), consumer review websites (Yelp), virtual worlds (Second Life), and social bookmarking websites (Reddit). *The lack of reference to a specific Social Media website in this procedure does not limit the extent or application of this procedure.*

Employees must also keep in mind that Elite’s other policies and procedures – including but not limited to its confidentiality policies, anti-harassment policies, workplace conduct procedure, e-mail procedures, and information acceptable use procedures – apply to employees’ online conduct, including via Social Media.

This procedure applies to all employees of Elite during both working and non-working time, on or off Elite property, regardless of whether the employee is using Elite’s or the employees’ computers, network, internet access, equipment, or technology.

Keep in mind that any of your online conduct that violates Elite’s procedure, adversely affects you or your fellow employees’ job performance, adversely affects the reputation or brand of Elite’s clients, subsidiaries, affiliates, vendors, and business partners, or adversely affects Elite’s legitimate business interests may result in disciplinary action, up to and including termination.

That being said, nothing in this Social Media procedure is intended to prohibit employees from complying with or exercising their rights under any applicable federal state, or local law, or from communicating about wages, hours, or other terms and conditions of their or their co-worker’s employment.

Failure to comply with this procedure and guidelines may result in discipline, up to and including termination of employment. Any employee with questions about this Social Media Procedure should contact the Elite Executive Board.

### **Solicitation and Distribution**

Elite has an interest in maintaining a professional and productive business environment and in order to do so must set rules regarding employees' solicitation for non-work causes, charitable, political, or otherwise, during the workday and on Elite premises. Elite requires strict compliance with these rules.

Employees may not solicit other employees or third parties for any non-Elite sponsored activity during the employee's work time or during the work time of the employee(s) to whom the solicitation is directed. Employees may not engage in any solicitation in any work areas.

Nonemployees are likewise not permitted to solicit for any purpose on Elite property.

For purposes of this policy, "solicitation" means seeking the support of any co-worker or other individual for any commercial ventures, religious or political causes or outside organizations by selling or distributing written or printed materials, items, literature, or emails, asking for financial contributions, or seeking general support for any cause (e.g., showers, gifts, funerals, charities, religious and other organizations). Prohibited solicitation includes posting information on Elite's bulletin boards.

For purposes of this policy, "distribution" includes giving out flyers, leaflets, advertisements, or cards for any purpose. "Working time" means all time for which an employee is paid and/or scheduled to work. Working time does not include breaks, meals, or periods of time when an employee is not scheduled to work. As used herein, "work area" means all areas in which work is performed by any employee.

Nothing in this policy prohibits solicitations approved by Elite in connection with Elite-sponsored activities.

Employees who violate this policy shall be subject to appropriate disciplinary action. This policy shall be interpreted and enforced in a manner consistent with state and federal law.

### **Care of Equipment**

You are expected to demonstrate proper care when using Elite's property and equipment. No property may be removed from the premises without the proper authorization of Management. If you lose, break, or damage any property, report it to Management at once.

### **Personal Telephone Calls**

Although the occasional use of Elite's telephones for a personal emergency may be necessary, routine personal calls should be kept to a minimum.

Personal cellular telephones must be turned off or set to a silent alert during working hours while on Elite's premises. In addition, Employees are prohibited from using cellular telephones to text message for personal reasons during working hours while on Elite's premises.

### **Access To Elite Offices**

Employees may only admit nonemployees to work areas with management approval. These visits should not disrupt workflow. An employee must accompany the nonemployee at all times. Former employees are not permitted onto Company property except for official Company business.

#### **Non-Disclosure Of Proprietary Confidential Information**

In the course of your employment with Elite, you may see confidential information such as client lists, Elite accounts, contracts, competitors and/or other financial information. It is against Elite policy to disclose to anyone confidential information regarding the personnel or operations of Elite.

Because it is vital to the interest and success of Elite that business information and trade secrets be protected, certain individuals may be asked to sign a non-disclosure agreement as a condition of their employment.

Disclosure of confidential information concerning the operations of Elite is strictly prohibited and punishable by discipline up to and including termination.

#### **Protecting Elite Information**

Protecting Elite information is the responsibility of every employee and we all share a common interest in making sure information is not improperly or accidentally disclosed. Do not discuss Elite's confidential business or proprietary business matters, or share confidential, personal employee information with anyone who does not work for us such as friends, family members, members of the media, or other business entities. You may be required to sign a non-compete and/or a nondisclosure agreement as a condition of your employment, in accordance with state and federal law.

#### **Electronic Communication And Internet Use**

The following guidelines have been established for using the Internet, Company-provided cell phones and e-mail in an appropriate, ethical and professional manner:

Internet, Company-provided equipment (e.g., cell phone, laptops, computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.

The following actions are forbidden: on-line gambling; using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon Elite or be contrary to the Company's best interests; and engaging in any illegal activities, including piracy, hacking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and Company-provided equipment such as cell phones and laptops.

Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.

No Elite proprietary information, benefits information, client information, files, data etc. may be transmitted outside of the Company without the express prior approval of the President.

Employees should not open suspicious e-mails, pop-ups or downloads. Contact the IT Coordinator immediately with any questions or concerns to reduce the release of viruses or to contain viruses.

Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the Company. Use your Elite e-mail ONLY for Company-related business.

#### **Right To Monitor**

All Company-supplied technology and Company-related work records belong to the Company and not to the employee. Elite routinely monitors use of Company-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

A violation of this policy may result in disciplinary action up to and including termination.

### **VII. SAFETY AND SECURITY IN THE WORKPLACE**

Employees are to report to Elite Management any incident concerning the overall security of Elite.

#### **Accidents & Safety**

Report all conditions which you consider unsafe to Elite Management. Any accident which might occur to any person while in the building or on the grounds must be reported at once. The same is true of any accident that occurs on a job site in the course of a work assignment.

#### **Employee Accidents**

If an employee is injured on the job, the following is to be done:

1. Secure first aid assistance for the injured person.
2. Report the incident to Management.
3. An accident report is to be completed before the end of the injured employee's workday.

This procedure is to be followed with any incident, regardless of how minor it may appear to be.

#### **Each Employee's Responsibility**

Safety can only be achieved through teamwork. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify the Manager of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform the Manager immediately.
2. Use, adjust and repair machines and equipment only if you are trained and qualified.
3. Know proper lifting procedures. Get help when lifting or pushing heavy objects.
4. Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess; just ask the Manager.
5. Know the locations, contents and use of first aid and firefighting equipment.

A violation of a safety precaution is in itself an unsafe act. A violation may lead to disciplinary action, up to and including discharge.

#### **Communicable Illness Policy**

Elite is concerned about the health and well-being of its employees and is committed to providing a safe and healthy environment for all employees and clients. Elite is also committed to complying with all health department regulations. Because of this concern, Elite has developed this Communicable Illness Policy.

This policy covers those diseases that the medical community has identified as having the potential for transmission in workplaces including, but not limited to, COVID-19, measles, influenza, viral hepatitis B, Zika, Tuberculosis (TB), Severe Acute Respiratory Syndrome (SARS), "Swine Flu," "Avian Flu," tuberculosis, and Ebola (herein collectively, "Communicable Illnesses"). While the above-listed diseases are currently the most common communicable diseases, this policy applies to any Communicable Illness that may pose a threat of transmission among people.

Elite will generally follow the current and well-informed medical judgments and guidelines provided by the CDC, OSHA, State authorities and other agencies in this area, while also considering Elite's own needs.

An employee must immediately advise the Manager in any of the following situations:

- (a) If you have been diagnosed with any illness that may be transmitted in the workplace;
- (b) If you are exhibiting symptoms and reasonably believe that you may have been exposed to a person who has been diagnosed with any illness that may be transmitted in the workplace; or

- (c) If you have recently visited a location in which there has been a reported outbreak of any Communicable Illness and are exhibiting any symptoms of the illness in issue.

Accordingly, employees who have flu-like symptoms are encouraged to consult a physician and stay home until they are well enough to work and are no longer contagious. Elite reserves the right to send employees home where they are exhibiting signs of any illness and to require a doctor's note before allowing the employee to return to work. Elite will not discriminate against any job applicant or employee based on the individual having a communicable disease and will maintain all individuals' privacy, as required by law.

Given the changing nature of communicable illnesses and the advice and instructions provided by relevant authorities, Elite reserves the right to modify this policy as necessary. Elite also reserves the right to address the issues raised by any communicable illness on a case-by-case basis, in its sole discretion.

Any employees who have questions regarding this policy should contact Management.

### **Workplace Violence**

Violence by an employee or anyone else against an employee, supervisor or member of management will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage to Elite property in the event someone, for whatever reason, may be unhappy with a Elite decision or action by an employee or member of management.

It is Elite's policy to expressly prohibit at all times any acts or threats of violence against employees in or about Elite's facilities or elsewhere. Elite does not condone any action or threats of violence against employees, clients, or visitors on Elite premises at any time or while they are engaged in business with or on behalf of Elite on or off Elite's premises.

In keeping with the spirit and intent of this policy, and to ensure that Elite's objectives in this regard are attained, Elite is committed to the following:

1. To provide its employees with a safe and healthy work environment.
2. To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
3. To take appropriate action when dealing with others who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
4. To prohibit employees, former employees, and visitors from bringing firearms or other weapons into Elite's premises.

5. To establish viable security measures to ensure that Elite’s facilities are safe and secure and to properly handle access to Elite facilities by the public, off-duty employees, and former employees.

Employees have a “duty to warn” management of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve other employees, former employees, clients, or visitors. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or effusive comments or remarks, and the like. Employee reports made pursuant to this policy will be promptly investigated and held confidential to the extent reasonably possible. Elite will not condone any form of retaliation against any employee for making a report under this policy.

Elite encourages employees to bring their disputes or differences with other employees to the attention of the Manager before the situation escalates into potential violence. Elite is eager to assist in the resolution of employee disputes.

If you receive or overhear any threatening communications from an employee or outside third party, report it to the Manager at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be kept confidential to the extent possible, investigated and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence and will not be subjected to disciplinary consequences for such reports or cooperation.

Violations of this policy, including your failure to report or fully cooperate in Elite's investigation, may result in disciplinary action, up to and including discharge.

### **Drug-Free Workplace**

Elite has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Elite is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Elite.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not mean to impede off-duty conduct, or to prohibit employees from the lawful use and possession of prescribed medications while at work. Employees must, however, consult with their doctors about the medications’ effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Although there may be



instances where mandatory disclosure is warranted, employees should not ordinarily disclose underlying medical conditions.

- **Confidentiality.**

Information and records relating to drug and alcohol dependencies and legitimate medical explanations provided to any member of management shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

- **Inspections.**

Elite reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. There is no privacy “right” in your desk, office or other work areas. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

**Workplace Searches**

To protect the property and to ensure the safety of all employees, clients and Management, Elite reserves the right to conduct searches consistent with federal and state law. Elite reserves the right to search any employee’s office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all offices, desks, files, lockers, equipment, etc. are the property of Elite, and are issued for the use of employees only during their employment. Inspection may be conducted at any time at the discretion of Elite.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property or illegal substances, will be subject to disciplinary action, up to and including discharge, if upon investigation they are found to be in violation of Elite’s security procedures or any other Elite rules and regulations.

**Smoke-Free Workplace**

It is the policy of Elite to prohibit smoking on all company premises. All areas of the workplace are now smoke-free without exception. Smoking is not permitted anywhere in the workplace, including all indoor facilities and company vehicles with more than one person present. Smoking is not permitted in private enclosed offices, conference and meeting rooms, lunchrooms, waiting rooms, conference rooms or employee lounges.

**Recording Devices in the Workplace**

Employees are prohibited from having any form of recording or photography device in the workplace and from recording or photographing fellow employees in the workplace or during working time. Violations of this policy may result in discipline (including the possibility of

discharge), immediate removal of the recording device and/or the employee from the workplace, and retention of the recording device for inspection by Elite and/or legal authorities. Limited exceptions will apply when the employee in possession of the recording device has been provided advance written authorization to use the recording device by an authorized member of Elite, such as the President or Vice President, and the recording device is being used in an authorized manner to further Elite business.

Prohibited “recording devices” under this policy include but are not limited to cameras, camcorders, video devices, picture or video capable cellular telephones, cassette recorders, and digital voice or image recorders. Cellular telephones, PDAs, MP3 and DVD devices, portable computers, and other devices are covered if they are equipped with any device or technology that has the capability to record images or sounds. This prohibition applies irrespective of whether the recording capability is activated or not.

Nothing contained herein shall preclude an employee from engaging in conduct protected by Section 7 of the National Labor Relations Act.

#### **Hazard Communication**

Elite may use some chemicals (e.g., cleaning compounds, inks, etc.) in some of its operations. You should receive training and be familiar with the handling, use, storage, and control measures relating to these substances if you will use or likely be exposed to them. Material Safety Data Sheets (MSDS) are available for inspection in the Manager’s office.

#### **Good Housekeeping**

Good work habits and a neat place to work are essential for job safety and efficiency. You are expected to keep your place of work organized and materials in good order at all times. Report anything that needs repair or replacement to the Manager.

#### **In An Emergency**

Management, or the nearest Elite official, should be notified immediately when an emergency occurs. Emergencies include all accidents, medical situations, bomb threats, other threats of violence, and the smell of smoke.

Should an emergency result in the need to communicate information to employees outside of business hours, the Manager will contact you. Therefore, it is important that employees keep their personal emergency contact information up to date. Notify the Manager when this information changes.

When events warrant an evacuation of the building, you should follow the instructions of the Manager or any other member of management. You should leave the building in a quick and orderly manner. You should assemble at the pre-determined location as communicated to you by the Manager to await further instructions or information.

Please direct any questions you may have about the Elite's emergency procedures to the Manager.

## VIII. IF YOU MUST LEAVE US: SEPARATION FROM EMPLOYMENT

Elite operates under the principle of at-will employment. This means that neither you nor Elite has entered into a contract regarding the duration of your employment. You are free to terminate your employment at any time, with or without reason, subject to the notice provisions stated herein. Likewise, Elite has the right to terminate your employment, or otherwise discipline, transfer, or change your position at any time, with or without reason, consistent with applicable state and federal law.

### **Job Abandonment**

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire and may be ineligible for unemployment insurance benefits.

### **Reference Checks**

Elite will not honor any oral requests for references. All requests must be in writing and on letterhead. Generally, we will only confirm our employees' dates of employment, salary history, and job title.

Under no circumstances should an employee provide another individual with information regarding current or former employees of Elite. If you receive a request for reference information, please forward it to Management.

All telephone calls regarding a current or former employee's position/compensation with our Elite must be forwarded to Management.

**Receipt of Employee Handbook and Employment-At-Will Statement**

I \_\_\_\_\_, hereby acknowledge that I have been provided with a copy of the Elite Employee Handbook, and that I have been directed by Elite to read the Handbook carefully and have done so. I understand and will become familiar with the information and work rules contained in it, and hereby accept and agree to abide by all rules, policies and procedures set forth therein. If there is anything I do not understand, I will request an explanation from Management. I further agree to abide these policies during my employment.

I further hereby acknowledge that I have read and understand that the policies and procedures published by Elite as contained in this Handbook are not in any way to be interpreted as an employment contract between Elite and any of its employees. I further hereby acknowledge that I understand that there is no promise of any kind by Elite contained in this Handbook, and regardless of what the Handbook says or provides, Elite promises nothing and remains free to change wages and all other terms and working conditions without having to consult with anyone and without anyone's agreement.

I further hereby acknowledge that I understand that this Handbook supersedes and replaces all prior or existing manuals, written policies, oral policies, or Elite practices in effect prior to the effective date of this Handbook.

**I further hereby acknowledge that I understand that, regardless of the provisions in this Handbook, Elite continues to have the absolute power to fire anyone with or without cause at any time.**

DATE:

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Employee's Signature

**APPENDIX “A”**

**Complaint Form for use with Discrimination or Harassment Complaints based on  
a Protected Category**

Pennsylvania State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the highest level of Management (either the President or Vice President), other than the alleged harasser. Once you submit this form, Elite will follow its sexual harassment prevention policy and investigate your claims.

If you are more comfortable reporting verbally or in another manner, the same sexual harassment prevention policy and procedure will be followed by investigating the claims as outlined at the end of this form.

For additional resources, visit: <https://www.phrc.pa.gov/File-a-Complaint/Pages/How-to-File-a-Complaint.aspx>

**IX. COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Q Email     Q Phone     Q In person

**X. SUPERVISORY INFORMATION**

Immediate Supervisor:

Name:

Title:

Work Phone:

Work Address:

**XI. COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:

Supervisor    Subordinate    Co-Worker    Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?    Yes    No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**APPENDIX B**

**AUTHORIZATION FOR ADVANCE AND REPAYMENT  
THROUGH DEDUCTION FROM WAGES**

I hereby request and authorize my employer to provide me with an advance in the amount specified below. I agree to repay the advance commencing on the date specified below through wage deductions in the amount specified below per week for the period specified below. I understand that no further advance may be given to me until I repay this advance. I further authorize my employer to deduct the total remaining balance from my last wage payment, in the event that the foregoing amount has not been repaid. I understand that I may not revoke this authorization once my employer has provided the advance. I understand that I have the right to contest any deduction which is not in accordance with the terms of this written advance authorization, and if I choose to do so, my employer and I will use the following procedure to do so:

- a. I will provide written notice of the objection to Elite;
- b. Elite shall reply in writing as soon as practical, addressing the issues raised by the employee, and stating whether Elite agrees or disagrees with the employee's position. If it disagrees with the employee's position, it will provide a reason.
- c. At such time as Elite receives the written notice of objection, Elite shall cease deductions until the reply has been provided and any appropriate adjustments made.
- d. Any delay in repayment caused by this process shall extend the authorized time frame within which the employer may recover the advance through deductions.

Amount of advance: \_\_\_\_\_  
Period of repayment: \_\_\_\_\_  
Amount of each deduction: \_\_\_\_\_  
Date of first deduction: \_\_\_\_\_

I agree to the foregoing and authorize my employer to deduct from my wages to repay the advance noted above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee

APPENDIX C

**NOTICE OF INTENT TO RECOVER OVERPAYMENT  
THROUGH DEDUCTION FROM WAGES**

You are hereby notified that we have discovered that you were overpaid wages as specified below, and Elite intends to recover the overpayment through deduction of wages as specified below. If you disagree with this notice,

- a. You must send written notice of the dispute to Elite within one week from the date of receipt of the notice of intent to recover overpayments. Where the entire overpayment may be reclaimed in the next wage payment after the overpayment, you must provide your response within two (2) days of receipt of the notice of intent to deduct the overpayment to postpone the deduction.
- b. Elite shall reply in writing within one week of receipt of your response, addressing the issues you raise, and stating whether Elite agrees or disagrees with the employee's position. If it disagrees with the employee's position, it will provide a reason.
- c. Within one week of receiving Elite's reply, Elite shall give you the opportunity to meet to discuss any disagreements that remain regarding the deductions.
- d. Elite shall provide you with written notice of Elite's final determination.
- e. At such time as Elite receives the written notice of the dispute, Elite will not make the anticipated deduction until at least three (3) weeks after the final determination.
- f. In the event that any deduction is found to be improper, Elite must repay you within the same time frame applicable to payment of wages earned on the day of the determination.

Amount of Overpayment in full: \_\_\_\_\_  
Amount of Overpayment per pay period: \_\_\_\_\_  
Total amount to be deducted: \_\_\_\_\_  
Date of each deduction: \_\_\_\_\_  
Amount of each deduction: \_\_\_\_\_  
Date by which you must contest the deduction: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Elite



**APPENDIX D**

REQUEST FOR OVERTIME/ADDITIONAL HOURS

**EMPLOYEE LUNCH/DINNER BREAK NOT TAKEN** ( )

**REQUEST FOR OVERTIME HOURS** ( )

**REQUEST FOR ADDITIONAL HOURS** ( )

NAME OF EMPLOYEE: \_\_\_\_\_

POSITION: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

TIME REQUESTED: \_\_\_\_\_

DATE REQUIRED: \_\_\_\_\_

JUSTIFICATION FOR REQUEST: \_\_\_\_\_

MANAGEMENT APPROVAL: \_\_\_\_\_

DATE: \_\_\_\_\_

