

## Policy Against Unlawful Harassment For Vermont Employees

If you work at a Vermont location, this policy supplements, but does not replace, the Policy Against Unlawful Harassment, Discrimination, and Retaliation in the Company's Employee Handbook. In addition to the protected statuses listed in the Company Employee Handbook, and in accordance with Vermont law, the Company strictly prohibits all forms of unlawful harassment, which include harassment based on age [18 or older]; place of birth; gender identity; marital status; HIV status; credit history; or any other protected status in accordance with applicable federal, state, and local laws.

At a minimum, the term "harassment" as used in this policy includes:

- Offensive remarks, comments, jokes, slurs, or verbal conduct pertaining to an individual's protected class;
- Offensive pictures, drawings, photographs, figurines, or other graphic images, conduct, or communications, including e-mail, faxes, and copies pertaining to an individual's protected class;
- Offensive sexual remarks, sexual advances, or requests for sexual favors regardless of the gender of the individuals involved; and
- Offensive physical conduct, including touching and gestures, regardless of the gender of the individuals involved.

The Vermont Human Rights Commission defines sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- 2) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- 3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In addition to the examples of sexual harassment that are described in the Policy Against Unlawful Harassment, Discrimination, and Retaliation in the Company Employee Handbook, other examples include the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an employee's body;
- touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an employee to socialize on or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of their sex or sexual orientation;
- off-duty conduct which falls within the above definition and affects the work environment.

The Company's supervisors and managers are prohibited from engaging in any form of harassing, discriminatory, or retaliatory conduct. No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering into (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy.

Additionally, the conduct of persons who are not employed by the Company, but with whom employees may come into contact while at work or while engaged in work-related activities is covered by this policy. The Company prohibits harassment, discrimination, or retaliation of employees in connection with their work by non-employees.

Employees who have any concerns that the Company's Policy Against Unlawful Harassment may have been violated must immediately report the matter.

In accordance with state law, the Company conducts training regarding this harassment policy.

Employees are encouraged to report concerns or complaints regarding conduct that may violate this policy to our HR Contact, and if the Company does not completely and timely respond to any such report, employees should contact DecisionHR. Additionally, employees who are dissatisfied with the resolution of their complaints or concerns under this policy may file a complaint by writing or calling the following agencies:

- Vermont Attorney General's office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, (802) 828-3171 (voice), (802) 828-3665 (TTY). Complaints should be filed within 300 days of the adverse action.
- Equal Employment Opportunity Commission, New York District Office: 33 Whitehall Street, 5th Floor, New York, NY 10004, (800) 669-4000. Complaints must be filed within 300 days of the adverse action.

# Vermont's Earned Sick Time Act

## Notice of Employee Rights

### HOW IS SICK TIME EARNED?

An employee will earn one hour of earned sick time for every 52 hours of actual work, including overtime. An employee will be entitled to use up to 40 hours in 2019 and subsequent years.

### HOW CAN SICK TIME BE USED?

An employee can use sick time when the employee or employee's child, parent, grandparent, spouse, or parent-in-law is sick or injured. This includes helping a family member obtain health care or travel to an appointment related to his or her long-term care, or to address the effects of domestic violence, sexual assault or stalking. An employee may use earned sick time to care for a family member because the school or business where the family member is located is closed for public health or safety reasons.



**DEPARTMENT OF LABOR**

#### **FOR MORE INFORMATION,**

or to report suspected violations of the Act, contact the

**Vermont Department of Labor at**

**1-802-828-0267**

### WHEN DOES ACCRUAL BEGIN?

An employee begins accruing sick leave on January 1st, 2017 or on the first day of employment, whichever comes later.

### IS THERE AN EXCEPTION FOR SMALL BUSINESSES?

A small business that employs five or fewer full-time employees will not be subject to the Act until January 1st, 2018.

### WHEN WILL PAID SICK TIME BE AVAILABLE TO USE?

An employer may elect to allow the use of earned sick time as it accrues, or may impose a waiting period of up to one year after January 1st, 2017 or the first day of employment, whichever comes later.

### ARE ALL EMPLOYEES ENTITLED TO SICK TIME?

Not all employees are subject to the protections of the Act. There are limited exemptions for certain types of employment, as well as for certain seasonal and part time employees. For a complete list, go to:

<http://legislature.vermont.gov/statutes/section/21/005/00481>