

DELGROSSO'S AMUSEMENT PARK INC.  
2024 – Seasonal



EMPLOYEE HANDBOOK  
Seasonal Employees

Effective 1/1/24

DELGROSSO'S AMUSEMENT PARK INC.  
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# DELGROSSO'S AMUSEMENT PARK INC.

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## **WELCOME**

Welcome to DelGrosso's Amusement Park! Thank you for joining our team; we feel proud to work with each and every one of you! We hope you will find the duties and responsibilities of your position pleasant, rewarding, and challenging and we wish you success in your career at DelGrosso's Amusement Park!

## **HISTORY**

DelGrosso's Amusement Park has been owned and operated by the DelGrosso Family since 1946 when Ferdinand (Fred) and Mafalda (Murf) DelGrosso purchased the land and attractions. Known as "Bland's Park" until 2000, the DelGrosso's have continued to emphasize Fred's original vision of "Old Fashion Fun at Family Prices". The Park has become famous for "America's Best Amusement Park Food", and has been featured in national publications and media, including "Every Day with Rachael Ray" and the Food Network TV show, "Unwrapped." The DelGrosso Family also owns and operates DelGrosso Foods, which is America's oldest major family-owned producer of pasta sauce, and Marianna Foods, which helps area organization in their fundraising efforts. For more information about DelGrosso's Amusement Park and to share in the family's tradition, visit [www.delgrossos.com](http://www.delgrossos.com).

## **VISION**

Our vision is to be a family-oriented park that provides good, wholesome, family entertainment for generations to come.

## **MISSION & CORE VALUES**

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***“THE MISSION OF DELGROSSO’S  
AMUSEMENT PARK IS TO PROVIDE  
HIGH QUALITY FOOD AND  
FAMILY ENTERTAINMENT IN A  
CLEAN, SAFE, AND FRIENDLY  
ENVIRONMENT AT A FAIR PRICE.”***  
***- Fred DelGrosso***

**FUN**

We are committed to creating a culture of fun! We create fun and everlasting memories for our guests and for each other by showing passion for what we do, choosing a positive attitude when we come to work, and embracing opportunities to think and act “outside of the box.” We live it and we love it!



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## INTEGRITY • TRUST

We respect each person for the role they play in our organization. We are open minded to welcome new ideas and perspectives. We are truthful with each other and with our guests. We follow up and follow through on what we say we are going to do. Doing the right thing is always the right thing!



## QUALITY • OWNERSHIP

We all have an important role to play and we treat the company like it is our own business. We take pride in maintaining a clean and beautiful Park and in providing fresh, quality food.





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## TEAMWORK

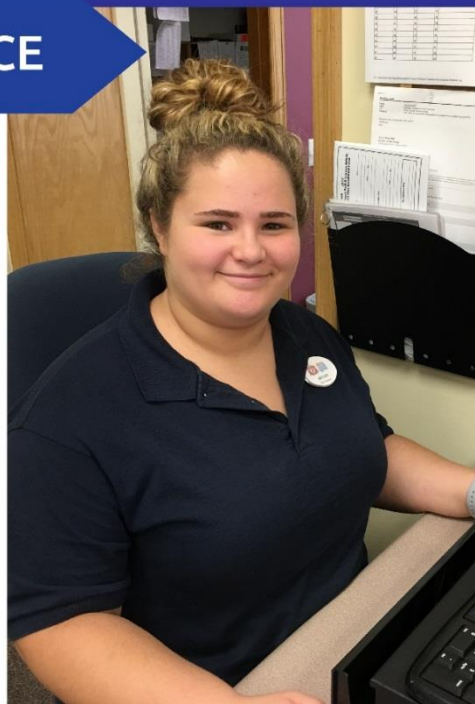
We can't do anything alone and we are committed to our shared goals. We put our differences aside so that we can work together, communicate, and listen to each other to ensure that we are working to exceed the expectations of our customers.



## SUPERIOR SERVICE

Our goal is to create an experience that exceeds the expectations of our internal customers (our employees) and our external customers (our guests). We aim to be knowledgeable. We pride ourselves on having the answers, or knowing where to find them.

We practice generosity and service with a smile!



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**1.0 GENERAL INFORMATION**

1.1 This handbook covers all seasonal employees. It is written to give you a better understanding of our Company and will assist you in getting acquainted with DelGrosso's Amusement Park. Please read this handbook carefully. This handbook represents DelGrosso's Amusement Park's most current information on our philosophy, policies and practices, along with information regarding your pay and time off. These policies, procedures, and practices may be changed at any time. Information about current benefits can be found in the Seasonal Employee Benefit Summary.

1.2 The policies stated herein do not constitute a contract, express or implied, of any kind whatsoever, between DelGrosso's Amusement Park and its employees. These policies, furthermore, do not guarantee ongoing employment. All managerial and administration functions, responsibilities, and prerogatives entrusted to and conferred upon employers inherently and by law are retained and vested exclusively with DelGrosso's Amusement Park, including but not limited to the right to exercise our judgment to establish and administer policies, practices and procedures and to unilaterally change them at any time as necessary without prior notice to or consent of its employees, to direct and discipline our work force and to increase its efficiency, and to take whatever action is necessary in our judgment to operate DelGrosso's Amusement Park.

1.3 At DelGrosso's Amusement Park it is our intention to foster a working environment that promotes individual self-discipline as well as group discipline within every work team. Rules and regulations are essential to the efficient operation of our Company. The rules found in this handbook are designed for the convenience and protection of all of us. They are the basis for an efficient and successful operation.

1.4 As a member of the DelGrosso Team, you represent DelGrosso's Amusement Park in all actions that you perform on its behalf. We expect that those actions be in accordance with the Company Mission Statement, policies and good judgement.

1.5 We have attempted to include all pertinent information in the handbook. However, it is impossible in this publication to answer every question or cover every situation. This handbook should not be considered the final authority on all questions you may have or that may arise in the future. If you are in doubt about any aspects of the policies, practices and procedures stated herein, and how you are affected by them, please speak with your Department Management, Human Resources or Senior Management.

**2.0 EMPLOYMENT AT WILL**

2.1 We hope your relationship with DelGrosso's Amusement Park (DAP) will be mutually rewarding and satisfying. However, no DAP employee is guaranteed employment for any period of time. Either you or DAP may terminate employment at any time for any reason or no reason.



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2.2 Your duties will include any work that is available at DAP and may change from time to time during your employment with the organization. No employee of DAP, other than the Chief Executive Officer (CEO), has any authority to enter into any agreement for any specific period of time or make any agreement contrary to this policy. In the event the CEO elects to enter into such an agreement, the agreement must be in writing and signed by the CEO in order to be effective.

### 3.0 DELGROSSO'S AMUSEMENT PARK GENERAL INFORMATION

3.1 Credit Cards/Check Cards: Debit, Credit, Apple Pay, Google Pay, and Park Gift Cards are accepted at all Park Point-of-Sale (POS) location throughout the season.

3.2 CASH-TO-CARD KIOSK: We will have three "reverse ATMs" aka Cash-to-Card Kiosks, one on the Water Side and two on the Ride Side. These self-service kiosks accept cash in exchange for a Park Gift Card for use throughout the Park. You must put in exact dollar amounts, as the kiosks do not give change. There are no fees to convert cash to the pre-paid Park Gift Card at the Cash-to-Card Kiosks.

3.3 First Aid: There are two First Aid Stations located in the Park. One is located in Kid's Kingdom and the other is located by the Laguna Waterworks play structure. Both facilities are staffed by Emergency Medical Technicians (EMT) and equipped with AED's. Ill or injured employees and guests should be referred here.

3.4 Guest Illness or Injury: If a guest is ill or injured, remain calm and direct the guest to the nearest First Aid facility or find the closest communication device and have First Aid respond to the location of the guest. Always stay with the guest until First Aid arrives.

3.5 Children's Infant Care Center: The Children's Infant Care Center is located in Kid's Kingdom. Diaper changing facilities and private facilities for nursing mothers are provided in air-conditioned comfort. Diapers, and baby supplies are available at a minimal cost.

3.6 Guest Services: The two locations for Guest Services are located at DelGrosso's Amusement Park Office and at the main entrance of the Water Park. Guest Services handles any guest comments, concerns, and suggestions.

3.7 Lost and Found: Lost items may be found either at the Information Booth on ride side or Guest Services on water side.

3.8 Information Booth: The Information Booth is located at the foot of the crosswalk on ride side. Park information and brochures are available at the Information Booth. It also serves as a central meeting place for guests who are lost or missing members of their group.

3.9 Lost Guests: When you encounter a lost guest, stay with the guest and contact Security for assistance.

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3.10 Paging: There is no public paging at DelGrosso's Amusement Park. Paging requests for medical emergencies and lost children should be referred to Security.

3.11 Pets: Pets, emotional support animals and therapy animals are not permitted on DelGrosso's Amusement Park property. The only exception to this rule would be service animals trained to do work or perform tasks for people with disabilities.

3.12 Restrooms: Restrooms are located at the Main Entrance, Kid's Kingdom, Tipton Creek, Picnic Grove, Waterworks Bathhouse and outside Café Dolce. Family Restrooms are located at the Main Entrance, Grill Americano, Kid's Kingdom, and at the Picnic Grove.

3.13 Security: DelGrosso's Amusement Park Security is on premises 24/7. Security can always be found at the Security Booth at the foot of the crosswalk ride side during operating hours.

3.14 Group Sales: The Sales Office is located in the DelGrosso's Amusement Park Office.

3.15 Guest Smoking Policy: For the comfort of all guests, designated smoking/vaping areas that have been established throughout the Park and can be found on the Park map.

3.16 Parking: Parking lots are provided throughout the park property. DelGrosso's Amusement Park offers a limited number of accessible parking spaces to our guests in the following locations: Main Parking Lot, Side Parking Lot along the fence beside First Aid. Accessible parking is on a first-come first-serve basis and requires an accessible placard or accessible license plate to be displayed.

3.17 Infant Admission Policy: Children under 24 months old are admitted to Water Park, adult Carousel, and Tipton Creek Railroad, when accompanied by an adult with proper admission.

3.18 Rider Safety and Accessibility Guide: DelGrosso's Amusement Park wants guests to have a pleasant and enjoyable experience while visiting the park. Our Rider Safety and Accessibility Guide is used as a resource for all guests seeking information about our rides, attractions, and the accessibility of our facility. This information is especially valuable to our guests who may have one or more disabilities. A disability is defined as an impairment that substantially limits one or more major life activities such as walking, seeing, hearing, and/or learning. Disabilities can be physical, mental, or both. Some disabilities can be temporary while others are permanent. Employees should never mock disabled guests or ask them to prove their disability as a condition of admission. For additional information regarding Accessibility, the Rider Safety and Accessibility Guide is provided for guests in the following locations: Guest Relations, Park Office, Information Booth, and the Ride/Security Office.

3.19 Service Animals: DelGrosso's Amusement Park welcomes service animals (dogs, miniature horses) who have been specifically trained to perform functions or tasks for an individual with a disability they cannot perform for themselves. Only service animals are permitted in the Park. Service animals must be under the control of their owner, harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents them from using these devices. Service animals must be house broken. Guests who ask a team

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member where their service animals can relieve themselves should be directed to the nearest available green space. If at any time the behavior of the service animal is deemed out of control, the guest may be asked to remove the service animal from the park. Service animals are not permitted on rides and attractions with the exception of the Carouselle and Tipton Creek Railroad which may accommodate a service animal if the animal's presence does not compromise legitimate safety requirements necessary for the safe operation of the ride. Service animals are not permitted to enter the water in our Laguna Splash attractions. They are permitted up to the edge of the water. Service animals must not be left unattended or with Park Team Members.

3.21 Mobility Program: DelGrosso's Amusement Park will have a limited number of electric scooters and child/adult strollers available for rent on a first-come, first-served basis at the First Aid/Children's Infant Care Center and at the Laguna Splash Gift Shop.

### **4.0 EMPLOYMENT STATUS DEFINITION**

4.1 Seasonal Employee: One who works 0 to 40 or more hours per week on an "as needed" basis primarily between April 1<sup>st</sup> and September 30<sup>th</sup>. Seasonal DAP employees are not eligible for overtime and receive selected benefits as outlined in the Seasonal Employee Benefit Summary.

### **5.0 CONFIDENTIALITY**

5.1 The purpose of this policy is to ensure that business knowledge and information employees acquire during work will stay within the confines of DAP. It is intended to alert employees to the need for discretion at all times and it not intended to inhibit normal business communications. This policy is further carried out by the execution of a Non-Piracy Agreement by employees in Food Services.

5.2 Our clients, our employees, and other parties with whom we do business entrust our Company with important information. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know." Confidential information is defined as knowledge, information or property relating to, or used or possessed by DAP, and includes but is not limited to recipes; formulas; mixing directions; ingredients utilized in the preparation of products including but not limited to their source or origin; products in the course of research and/or development; trade secrets; customer lists; prospective customer lists or other information regarding prospects or potential prospects; vendor lists; prospective vendor lists or other information regarding potential vendors; vendor provided Confidential information, proprietary information and/or trade secrets; pricing lists; costs of ingredients; business plans; concepts; data; customer information; all copies of the foregoing including notes, extracts or memos prepared or direct to be prepared by the employee regardless of whether it is in paper or electronic format or some other tangible form. The source of Confidential information does not alter its classification as Confidential information, and as such, Confidential information may arise or be developed from the company itself through its own efforts, during the course of the Employee's employment by the Employee, or from third parties. The Employee agrees that all information relating to DAP, its business or its customers possessed by the Employee, or disclosed to Employee, or to which the Employee obtains access during the course of the Employee's employment with the Company, whether in writing, orally, by observation or in any

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other form or manner, shall be presumed to be Confidential information. If there is a question of whether certain information is considered confidential, the employee should first check with his/her immediate manager and/or Senior Management.

5.3 All inquiries from the media must be referred to the Chief Executive Officer (CEO), Chief Operating Officer (COO) or the Director of Marketing.

5.4 All Food Service employees have executed a Non-Piracy Agreement (NPA) and they shall comply with all restrictions regarding the disclosure of information as set forth in the NPA.

### **6.0 BUSINESS ETHICS AND VALUES**

6.1 It has always been and continues to be the intent of DAP, that its employees maintain the highest ethical standards in their conduct of company affairs. We believe honesty, loyalty and respect for one another are the core values that characterize our integrity, which is essential for our business.

6.2 The essence of this policy is that each employee will conduct DAP's business with integrity, in compliance with applicable laws, and in a manner that excludes consideration of personal advantage. Strict adherence to this policy will protect DAP and its employees from criticism, litigation, or embarrassment that might result in alleged or real conflicts of interest or unethical practices. Employees should report apparent violations of this policy to their appropriate level of management, up to and including the CEO.

6.3 Duties of Employees toward Company Owners:

6.3.1 Maintain a high standard of work productivity.

6.3.2 Protect DAP assets (assets include confidential information; see the Confidential Information Policy 5.0).

6.3.3 Maintain accurate and complete business records including accurate financial reporting.

6.3.4 Avoid conflicts of interest and disclose any conflicts or potential conflicts to your manager.

6.4 Duties of Management to Employees:

6.4.1 Maintain fair and equitable employment practices.

6.4.2 Provide a safe and healthy working environment.

6.4.3 Promote a work environment free of harassment.

6.4.4 Provide clear ethical standards and management support of the ethical standards.

6.5 Duties to Customers/Consumers:

6.5.1 Provide the best product design and production to customers.

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6.5.2 Use only fair and honorable business tactics; avoid misleading customers.

6.5.3 Collusion with competitors and bribery are strictly prohibited (this includes rigging bids and dividing sales territories with competitors).

### 6.6 Duties to Suppliers:

6.6.1 Protect Supplier's confidential information.

6.6.2 Use accurate information to solicit bids.

6.6.3 Don't accept gifts in exchange for awarding business.

### 6.7 Duties to Competitors:

6.7.1 Do not attempt to steal trade secrets or other confidential information.

6.7.2 Do not falsely represent to customers our competitor's products, services, personalities or policies.

### 6.8 Duties to Public:

6.8.1 Maintain a healthy company to support the economic vitality for the communities in which we operate.

## 7.0 MANAGERS AND MANAGER RESPONSIBILITY

7.1 As is true of most workforces, DAP has several layers of management that range from front-line managers to senior management. Employees of DAP who have been assigned any level of supervisory responsibility are generally referred to as managers. Senior Management includes the CEO, COO and Directors. Being a manager at DAP is a privilege and carries with it great responsibility. With the designation of manager come certain responsibilities. Company managers are responsible for knowing, communicating to their subordinates as well as enforcing company policies. Unlike your subordinates, managers are responsible for administering certain discipline, recommending discipline, and reporting to senior management on performance. The management of employees in general, and in accordance with specific laws, is dependent upon effective communication between and among the various layers of leadership within DAP. Managers are responsible for reporting tardiness, unscheduled absences, unusual work performance, behavior or conduct. Managers are required to promptly (within 48 hours, if not sooner) advise the Human Resources Department of any employee who announces to the manager that he or she will be off work on an extended leave (three (3) days or more). When an employee calls off for a third consecutive day, managers are required to advise the Human Resources Department on the third day of absence, so that where applicable, leave can be designated as FMLA leave. Managers must be aware of and must notify Senior Management and the Human Resources Department of changes in employee status, e.g., when an employee quits. It is the responsibility of the management group to make sure that safe working conditions are maintained and that safe working practices are followed. It is a manager's responsibility to lead the way on working safely. The failure of a manager to

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execute supervisory responsibilities effectively may result in discipline under certain circumstances including a demotion or decrease in pay.

### **8.0 BENEFITS**

8.1 Seasonal DAP employees receive selected benefits as outlined in the Seasonal Employee Benefit Summary. The benefits, however, are subject to change at the discretion of DAP, and this policy is not intended to guarantee any level of benefits for any period to time.

### **9.0 HOLD FOR FUTURE USE**

### **10.0 CONDUCT**

10.1 In a business such as ours, many employees come into contact with customers, vendors, and other guests. These individuals develop impressions of DAP based on their contact with our employees. All employees are expected to maintain a positive work atmosphere by acting and communicating in a safe, proper and respectful manner with customers, guests, suppliers, vendors, co-workers and managers. Rude, discourteous or unbusinesslike behavior creating a disturbance on company premises or creating discord with customers, guests, suppliers, vendors, fellow employees or managers will not be tolerated. Use of profane language is prohibited.

10.2 Employees are expected to conduct themselves in a business-like manner. Employees must recognize the need to be cooperative and flexible so as to contribute to DAP's goal of providing the highest quality of service and products to its customers. It is expected employees will comply in a cooperative manner with any reasonable request of DAP.

10.3 Theft: DAP will not tolerate monetary or property theft of any kind. We consider property to include the unauthorized use of company services, products or its facilities as well as the taking of or giving away of any unauthorized property for personal use. No items purchased or supplied by DAP should ever be removed from DAP premises or used without the expressed authorization of Senior Management. Employees that violate this policy will be subject to discipline up to and including termination and prosecution.

### **11.0 HOURS OF WORK**

11.1 Regular Work Day: The regular work day will vary by department based on business needs and child labor laws for seasonal employees. Both the Park and Laguna Splash hours may vary depending on weather conditions, special events and holidays.

11.2 Clocking In and Out: Employees will clock in at the beginning of their shift and out at the end of their shift, as well as for meal periods. Employees who leave the premises for any non-working purposes must clock out. Employees are permitted to clock in up to five (5) minutes prior to their scheduled start time. Employees must be granted permission by management to clock in earlier. If you arrive early for work, do not start to work prior to your scheduled start time. Likewise, do not work later than your scheduled work end time unless you have been directed to do so by your Manager.



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**11.3 Breaks and Meal Periods:** Employees under age 18 are required by law to take a full 30-minute, uninterrupted break away from the work area on or before five consecutive hours of work. Employees aged 18 or older are not required to take breaks by law; however, Management will schedule a 30-minute break for adults working over six (6) hours. Employees must clock out for breaks greater than 20 minutes in length. Additionally, employees should not clock back in until the full 30-minute break has been completed. Employees who clock back in prior to the full 30-minute break will be disciplined as outlined in the discipline policy. Break schedules are set by Management and may not be lengthened or shortened without prior approval from Management.

**11.4 Rounding Paid Time:** DelGrosso's Amusement Park will use the "7/8 rule" to round employee clock in times, clock out times and break times to the nearest quarter hour. For example, if an employee punches in at 8:07, the punch will round to 8:00. If an employee punches in at 8:08, the punch will round to 8:15. Rounding is for pay purposes only. Each employee is expected to work their scheduled shift. Management reserves the right to change work schedules with or without notice.

**11.5 Schedule Changes:** Schedules are made and approved by Department Managers and Directors. Schedules will be posted according to your department's guidelines. Changes to the schedule can only be made by Managers or Directors in order to maintain compliance with child labor laws and company/department policies. Employees may not change schedules without approval.

**11.6 Documenting Time Worked:** DelGrosso's Amusement Park uses a computerized time clock system for recording work time of employees. Time-In and Time-Out must be clocked every day using the employee identification (ID) badge. Employees must use only the time clock specified by your Department Manager. Using any device other than the specified time clock is prohibited unless you have made prior arrangements with your Director. When taking an assigned meal period, employees should use the closest available time clock. All employees are also required to document their clock in and out times on the Department Sign In and Out Form, in addition to clocking in and out on the time clock. Your Department Manager will provide the location of the Sign In and Out form. Employees must use the actual time listed on the time clock. Military time and rounded time are not acceptable. Employee time is reviewed and approved on a regular basis by appropriate managers and submitted on a bi-weekly basis for payroll purposes. It is forbidden to clock another employee In or Out. In this case, both employees will be held equally at fault. Such actions may result in immediate termination. Any falsification of time worked or falsification of time sheets will result in immediate suspension until an investigation is completed.

## **12.0 PAYROLL**

**12.1** Pay Periods run Monday through Sunday. Employees are paid on a bi-weekly basis on Friday. The method of payment will be direct deposit into a bank account of the employee's choice. Employees may print pay stubs and make changes to their direct deposit via the Ultipro employee self-service portal.

## **13.0 DRESS, APPEARANCE AND PERSONAL HYGIENE**

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13.1 It is important for DAP employees to project a favorable, professional image to our customers, visitors, vendors, potential employees, other companies and the community we work in while taking advantage of more casual and relaxed clothing to provide a comfortable, safe work environment for our employees. Employees arriving and leaving for work should comply with uniform policy requirements when on company property and must comply with uniform policy requirements when clocked in for work.

13.2 DAP uniforms and sweatshirts can be purchased at the gift shops. DAP employees are required to wear uniforms as follows:

- Shorts, capri pants or pants must be solid light tan or khaki colored and worn Saturday of Memorial Day weekend through Labor Day. Blue jeans may be worn by all team members before Saturday of Memorial Day weekend and again after Labor Day.
- Clean Up AM team members may wear solid blue denim-colored or solid light tan or khaki-colored shorts, capri pants or pants.
- Clean Up PM must wear solid, light tan or khaki-colored shorts, capri pants or pants.
- Parking and Security team members must wear solid, black-colored jeans, capri pants or shorts.
- First Aid team members must wear solid navy-blue shorts, capri pants or pants.
- Leggings and off-color or patterned shorts/jeans/pants are not permitted.
- Shorts inseam must be 7 inches or longer. Boxer shorts and spandex "bicycle" shorts are NOT permitted.
- Shoes must cover the entire foot and have a rubber sole. If shoes have eyelets, they must be laced and tied at all times. Sandals, flip flops, open-toed and open-heeled shoes of any kind are not permitted.
- Food Service employees should wear slip-resistant shoes.
- Socks must be worn at all times and must be a solid neutral color of white, tan, khaki, gray, black or brown. Socks should be no higher than a crew sock.
- Uniform hats are provided free of charge to employees who are required to wear one. Uniform hats are optional in all other areas and can be purchased at the gift shops.
- A DelGrosso or plain navy-blue pullover hoodie or zip sweatshirt must be worn over uniform shirt when additional layers are required due to weather.
- Uniform shirts will be provided at no charge as follows:
  - Year 1 employees, Team Leaders & Managers – 2 uniform shirts/year
  - Year 2 & 3 employees, Team Leaders & Managers – 1 uniform shirt/year
- Uniform shirts must be tucked in at all times, even under aprons and outer garments. Color and type of uniform shirt are required for specific departments as identified below:
  - Aquatics Managers and Team Leaders – Blue dry wicking t-shirt
  - Clean Up/Warehouse – Hunter green dry wicking t-shirt and uniform hat, if required
  - Directors – Royal blue or charcoal polo
  - First Aid – Navy polo
  - Food Service/Chicken Bar-B-Q – Red dry wicking t-shirt and uniform hat
  - Games/Retail – Light blue dry wicking t-shirt
  - Maintenance – Navy t-shirt with pocket

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- Managers and Team Leaders – Maroon polo
- Office/Ticket Sellers/Money Room/Information Booth – Navy polo
- Parking Attendants – Safety green t-shirt
- Rides – Turquoise dry wicking t-shirt
- Security – Gray polo
- Security Managers – Light blue polo
- Area/Administrative Manager – Maroon and white polo
- Uniform shirts may not be worn when riding rides.
- T-Shirts must be white or black when worn under the uniform shirt.
- Lifeguards – Uniform items will be provided at no charge as follows:
  - Year 1 – 2 dry wicking T-shirts, 1 pair of board short bottoms, 1 athletic style one-piece black or navy bathing suit for females, 1 hat or visor, 1 whistle, 1 hip pack, lanyard and badge.
  - Year 2 and 3 – 1 uniform shirt/year and 1 hat or visor/year.
  - Lifeguards must wear sandals or Crocs with heel straps, water shoes or laced and tied athletic shoes while working. Sweatshirts and jackets are available for purchase in the Laguna Splash gift shop.

13.3 Employees are expected to use good judgment in their choice of work clothes and are required to dress in appropriate attire for safety in the particular work environment they work in. A good rule of thumb for employees is that if you are not sure if something is acceptable, choose something else or inquire first.

13.4 Identification (ID) Badge: The employee ID badge is part of the uniform and employees are required to have it at all times. The ID badge is to be worn on the left side of your chest on the uniform shirt. The ID badge is required to clock in and out and is used to obtain food and gift shop discounts.

13.5 Personal Grooming: Employees are expected to be neatly groomed and to ensure personal cleanliness including proper hygiene, clean clothes and the use of deodorants/antiperspirants to minimize body odors.

13.6 Cosmetics: Perfumes and fragrances should be kept to a minimum as these can cause allergic reactions, migraines and respiratory difficulty for some individuals. Makeup should be conservative and appearing natural. DAP food concession employees and any employees who deliver and transport food are prohibited from wearing artificial eyelashes.

13.7 Hair: Hair must be neatly trimmed and well-groomed. Long hair must be tied back and tucked under the hairnet or uniform hat when working in areas where it is a health and safety requirement. May have one unnatural hair color. Headbands and barrettes/fasteners may be worn to restrain hair and must be plain, no more than one (1) inch wide, solid colored white, tan, khaki, black or brown and have no embellishments.

13.8 Facial Hair: Employees may wear neatly trimmed beards and/or mustaches; however, facial hair must be covered with a beard net in all food areas.

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13.9 Tattoos: Tattoos of pictures and/or words that are offensive, as determined by Management, and would not be acceptable in the workplace under any other policy must be covered while at work.

13.10 Clothes/Accessories: Clothing must be clean, free of damage and wrinkles, without holes, correctly sized and fit appropriately. Torn, stained and faded clothing must be replaced. No inappropriate areas of the body or undergarments should be exposed at any time. Extremely loose or tight garments are unacceptable and will not be permitted. Clothes/Accessories with potentially offensive words, terms, logos, pictures, cartoons or slogans are unacceptable. Shear and see-through clothing of any kind is prohibited. Coming to work dressed inappropriately or with a defective uniform may require obtaining a new uniform, going home for the day, or disciplinary action. Park-issued pins only are permitted on uniforms, hats and ID badges. Otherwise, uniforms, including hats and ID badges, are not to be altered in any manner.

13.11 Nails: DAP food concession employees are prohibited from wearing artificial nails or any type of nail polish

13.12 Jewelry: Personal jewelry like rings, a watch, etc. is acceptable in most work areas but should not be excessive.

13.12.1 Food Service employees are NOT permitted to wear rings (except for a plain wedding band without jewels/stones), bracelets (including medical bracelets), watches and other jewelry around exposed food. Gloves must be worn over wedding bands when working in areas that the ring could contaminate food, food-contact surfaces, or food-packaging materials.

13.12.2 A single pair of studded earrings that fasten in the back are permitted. Hoop earrings, multiple earring pairs or earring bars are not permitted.

13.12.3 Exposed facial piercings are prohibited and must be removed for work. This includes tongue rings, nose rings, eyebrow rings, lip rings, other facial piercings, etc. Clear plugs that are securely affixed may be used in place of piercings.

13.13 Neckwear: A thin, hidden chain without hanging pendant or charms is acceptable for all employees except those working as Ride Operators and Lifeguards. Ride Operators are not permitted to wear neckwear of any sort. Lifeguards are only permitted to wear a breakaway lanyard with a whistle while working.

13.14 Disease Reporting: Employees employed within a food facility must report to the manager/person in charge if diagnosed with, exposed to, recently suffered from, cause an outbreak involving, been exposed to an outbreak involving, or have personal contact with anybody diagnosed with:

- Shiga toxin-producing Escherichia coli
- Shigellosis
- Typhoid Fever (Salmonella Typhi)

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- Norovirus
- Hepatitis A virus

13.14.1 Employees employed within a food facility must report to the manager/person in charge if experiencing acute stomach distress accompanied by any of the following: diarrhea, fever, vomiting, jaundice, sore throat with fever, infected cuts or wounds or any other diseases transmittable through food.

13.14.2 Employees employed within a food facility must report to the manager/person in charge if you have a cut or discharge (poison ivy, etc.) of any kind on your hands or arms. In most cases, a glove or finger-cot covered with a glove will be an appropriate corrective measure.

13.14.3 Employees will be required to comply with any exclusions or restrictions imposed by the manager/person in charge.

13.15 Smoking and Tobacco Use: Tobacco use, including cigarettes, snuff/chew, electronic cigarettes and/or nicotine vaporizers, etc., is prohibited in Company vehicles, buildings, while working and when in public view during operating hours of 8:00 AM to close. Employees are not permitted to smoke in guest smoking areas while in uniform. Employees are permitted to smoke while on assigned breaks and must use the employee-designated smoking areas for all tobacco product use. Designated employee smoking areas are located ride side in the employee break area adjacent to the Rides office, and on water side outside of the Marianna Foods facility.

### **14.0 WORK AREAS**

14.1 The professional appearance of work areas makes an impression on all customers and visitors. Each employee is responsible for the neatness, cleanliness and the appearance of his/her work area. Each employee is also expected to take initiative and cooperate in maintaining all company public areas in the most presentable manner. Only DAP employees who are scheduled and clocked in for work are permitted in work areas.

### **15.0 ATTENDANCE – “No Fault” Point System**

15.1 Regular on-time attendance by every employee, every scheduled workday, is vital to the successful operation of the organization and is a necessary condition of employment. It is each employee's responsibility to maintain a good record of attendance in order to meet customer needs.

15.2 You have been hired to do an important job. Your regular and punctual attendance is essential to serving our customers. Unscheduled absenteeism is expensive and disruptive to the company and creates a hardship on your co-workers. You are expected to be at work when scheduled except when serious illness or other unavoidable emergency prevents it. Your attendance record will accurately reflect your actual attendance at work.

15.3 Our attendance policy is a “no-fault system”. Any absence, tardy, or early leave will be recorded regardless of the reason, unless the absence is a result of one of the following:

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- 15.3.1 Pre-approved vacation
- 15.3.2 Pre-approved bereavement leave
- 15.3.3 Lack of work
- 15.3.4 Pre-approved jury duty
- 15.3.5 Disciplinary suspension
- 15.3.6 Any leave of absence which is approved by the company or which under applicable law may not be counted as an occurrence or otherwise considered in making employment decisions.

15.4 Call Offs: DAP recognizes that an employee may have the occasional need to call off work. If you are not able to report to work as scheduled due to illness, accident or emergency, you must report off as directed by your Department as soon as possible or at least one (1) hour before the start of your scheduled shift. Text message, social media message, and email are NOT acceptable.

15.5 If you are absent for more than one day, you must call in each day, unless you made previous arrangements with your Department Director.

15.6 No Call, No Show: If you fail to report off from work two times as noted above and fail to speak with your Team Leader, Manager or Department Director by the close of business of the day you are absent, DAP will assume on the second no call, no show that you have voluntarily resigned from employment, regardless of the reason for your absence. Your ability to resume employment with DAP will be in the sole discretion of DAP. Management reserves the right to decide if an extenuated problem may be a valid excuse.

15.7 Patterns of absences, i.e., weekends, the day before or after a holiday or vacation, are unsatisfactory and will be carefully scrutinized.

15.8 Occurrence Point Chart:

# of Points	Given These Circumstances
½	A <b>tardy</b> is defined as starting work four (4) or more minutes after the start of the shift, up to two hours into the shift.
1	A full occurrence is recorded if the employee reports after two hours of their scheduled time.
½	A <b>leave early</b> is defined as leaving work with less than two hours to go before the end of the shift.
1	A full occurrence is recorded if the employee leaves with more than two hours to go before the end of their shift.
1	Any incident of <b>absenteeism for a full shift</b> with or without prior notice.
1	All <b>consecutive days of two (2) or more absences</b> due to documented personal illness of a single cause equals one occurrence and will require a doctor's note.



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¼ or ½	<b>Leave and returns</b> are very rare. All hourly employees who must leave the premises for personal reasons during their shift will be assigned ¼ occurrence for an absence of less than 15 minutes and ½ occurrence for an absence of 15 minutes or greater. Any absence greater than two hours will count as a full occurrence. You must notify your manager if you are leaving the premises. Any employee discovered off of company property during their schedule shift, while clocked-in and not performing an assigned and approved task, will be subject to immediate discipline up to and including termination.
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15.9 Absences of three (3) consecutive workdays will require a doctor's release to return to work prior to the employee's return to work.

15.9.1 Absences of three (3) consecutive workdays for serious medical reasons should be processed through FMLA.

15.9.2 DAP reserves the right to require documentation of illness at its sole discretion. Such documentation should be signed by a doctor stating the nature of the illness, the necessary period of absences, and should contain a certification of return work. Any limitations imposed upon the employee by the physician also should be stated in the documentation.

15.9.3 DAP reserves the right to have the employee examined by a doctor of its own choosing at its cost whenever limitations are imposed by the employee's physician.

### 15.10 Standard Discipline Schedule:

If occurrences result in:	Then:
2 or 2½ points	Coaching Session, i.e., documented discussion.
3 or 3 ½ points	Verbal Warning.
4 points	Written warning.
4 ½ points	1-Day Suspension without Pay: Suspension will be served as determined by DAP. Employee will NOT be eligible for advancement opportunities.
5 points	2-Day Suspension without Pay: Suspension will be served as determined by DAP. Employee will NOT be eligible for advancement opportunities.
5 ½ points	3-Day Suspension without Pay: Suspension will be served as determined by DAP. Employee will NOT be eligible for advancement opportunities.
6 points	Cause for discharge.
2.5 points within initial 45 days of employment	Cause for discharge.

## 16.0 EMPLOYEE CONCERNS

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16.1 When problems or issues arise, we strongly encourage employees to follow his/her chain of command. First, always discuss any problems, issues or concerns with your Team Leader. If you get no satisfaction with your direct supervisor, you should contact your Department Manager or Director. If you get no resolution to your concerns, you should contact the Human Resources Department.

16.2 It is our desire to handle all complaints, issues, problems, etc. promptly and courteously. We have placed a locked suggestion box in the Park Office and Guest Services at Laguna Splash. Employees may write suggestions and feedback for management. The suggestions will be picked up bi-weekly and reviewed individually. This is your opportunity to voice your opinions, comments, and concerns in a confidential manner.

### **17.0 DAP-OWNED OR CONTROLLED PROPERTY**

17.1 All Company owned or controlled property must be used properly and maintained in good working order. Employees who lose, steal, alter or misuse company owned or controlled property may be personally liable for replacing or repairing the item and may be subject to discipline.

17.2 When Company owned or controlled property or equipment is issued to an employee, he/she will be asked to complete a "sign in/sign out" form upon receipt and return of any borrowed equipment. Any employee receiving DAP-owned or controlled property and equipment that is kept with the employee during the course of employment will be asked to sign a document verifying receipt and understanding of the company policy regarding that specific property or equipment. All DAP-owned or controlled property must be maintained in the condition it was provided, except for normal wear and tear. Examples include, but are not limited to, vehicles, golf carts, computers, cell phones, projectors, USB devices maintenance equipment, etc.

### **18.0 COMPENSATION**

18.1 It is the policy of DAP to maintain a fair and competitive pay structure for all positions within the Company. DAP has placed each position within the organization in a wage step scale. A wage step scale is a pay range that designates a minimum rate, midpoint, and maximum rate for each position within the organization. Each position is placed in a pay range that is determined by job classification, market value, and duties and responsibilities for each position.

18.2 All seasonal positions will be paid according to the current wage step scale. Pay rates will be adjusted at the beginning of each season. Pay rates will not change throughout the season unless a promotion or transfer occurs into a position of a higher or lower grade.

18.3 DAP will adhere to each of the following in regard to compensation practices:

18.3.1 Analyze each position (review education, competencies, and skills and abilities needed) in order to place it in an appropriate pay grade.

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18.3.2 Establish and maintain pay levels which are competitive with those paid by companies similar in size and function which operate in and recruit from similar marketplaces, and which coincide with the Company's ability to pay.

18.3.3 The Board of Directors and/or Senior Management will vote annually whether or not to provide a pay increase.

18.3.4 Maintain a compensation program which is flexible enough to respond to changing economic and/or competitive conditions of the Company or the market in general.

18.3.5 Abide by applicable federal and state laws covering wage administration.

18.3.6 Human Resources is responsible for: 1) Coordinating a process for job analysis, which is used to establish appropriate pay levels and pay grades for positions and 2) Establishing pay structures, processing pay increases, and processing other compensation-related programs.

18.4 Tips: Employees are not permitted to accept tips from customers. Employees are also not permitted to accept a cash payment in lieu of tickets or an all-day pass.

18.5 Show Up Time: There may be times when an employee reports for work but no work is performed. Typically, this would occur due to inclement weather. In these situations where work is cancelled, the employee will be paid for one hour of show up time.

### **19.0 PERFORMANCE REVIEWS**

19.1 A performance evaluation will be reviewed with each employee annually to communicate with the employee about his/her performance and how it might be improved. The results of the review process also form the basis for determining promotions, terminations, need for additional training, etc. The Department Manager and/or Director will meet with each employee to discuss the results of the review.

### **20.0 EQUAL EMPLOYMENT OPPORTUNITY**

20.1 DAP has a policy of non-discrimination and is fully committed to the principles of equality in employment and opportunity for all employees. DAP also expects all employees to adhere to these principles. All personnel actions including, but not limited, recruitment and hiring, working conditions, benefits and compensation, training, performance appraisals, promotion, transfer, discipline and termination, are administered without regard to race, color, religion, religious creed, sex, national origin, age, pregnancy or the potential to become pregnant, gender identity, transgender status, sexual orientation, disability, military status, veteran status or any other protected status and/or conditions specified in federal, state or local civil rights laws. Decisions in these and other areas are job related and are based on individual merit and qualifications.

20.2 Any employee who believes or suspects that they have been denied an equal opportunity

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relative to their employment, or who perceives another employee has been so denied, or who believes that they or another employee have been subjected to retaliation for having raised such a concern are encouraged to promptly bring their belief or suspicion to the attention of their immediate Manager, Department Director or the Senior Director of Human Resources.

20.3 DAP will investigate all such complaints promptly to determine whether discrimination has occurred.

20.4 Any employee or manager who is found, after appropriate investigation, to have engaged in equal employment opportunity violations will be subject to disciplinary action, depending upon the circumstances, up to and including termination of employment, as further described in DAP's discipline policy.

20.5 Retaliation against any employee who reports inappropriate discriminatory conduct or assists in the investigation of a complaint is prohibited. No employee will be disciplined or otherwise retaliated against as a result of making a complaint or participating in an investigation of a complaint. Retaliation in violation of this policy may result in discipline up to and including termination.

20.6 A copy of all required federal and state employment notices are available to employees and properly posted on the required posting bulletin boards at the Park Office and Guest Services at Laguna Splash.

### **21.0 INCIDENT REPORTING**

21.1 It is the responsibility of all DAP employees to report **all** incidents resulting in a work-related injury to an employee, damage to any DAP-owned or controlled property, damage to DAP-owned or controlled vehicles or equipment, vandalism/theft, near miss or incident involving a third party.

21.2 Personal Injury Incidents: Employees are to report any work-related injury to their immediate manager as soon as possible, but no later than the end of the employee's regular shift. If their immediate manager is not available, the employee is then to immediately notify the next level of management.

21.2.1 If an employee sustains an injury at work and it is a medical emergency, the manager should call First Aid, if available or 911 when First Aid is not available and ensure that the employee receives medical attention. In the case of a medical emergency, managers/employees may NOT transport other employees to receive medical treatment. After the employee has started receiving medical attention, the manager is required to notify Human Resources and in the case of a minor, the employee's emergency contact.

21.2.2 If an employee sustains an illness or injury at work and it is NOT a medical emergency, the manager should call Human Resources. Human Resources will schedule/coordinate medical appointments.

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21.2.3 Failure of any employee to report an incident to his/her manager may result in disciplinary action up to and including termination.

21.2.4 Any employee involved in an incident may be subjected to post-accident drug and alcohol testing consistent with the drug and/or alcohol testing provisions in this handbook.

21.2.5 Employees with personal injuries that require medical treatment are required to be seen by a physician on the designated Workers' Compensation Panel of Health Providers. (A list of providers is on Ultipro and posted on the required bulletin boards.) Payment for treatment obtained with non-panel providers may be denied.

21.2.6 Employees that are off work due to a work-related injury and are released by a physician for return to work will not be permitted to return without a detailed, written return to work authorization form from their attending physician. This must include any work restriction that may have been placed upon the employee by the treating physician. It is the employee's responsibility to ensure that Human Resources has the necessary return to work documentation.

21.3 Property Damage Incidents: Employees are to report any incidents involving damage to DAP-owned or controlled property or equipment to their immediate manager as soon as possible, but no later than the end of the employee's regular shift. If their immediate manager is not available, the employee is then to immediately notify the next level of management.

21.4 Motor Vehicle Incidents: Employees are to report any incidents involving a DAP-owned or controlled vehicle to their immediate manager as soon as possible, but no later than the end of the employee's regular shift. If their immediate manager is not available, the employee is then to immediately notify the next level of management.

## **22.0 WORKERS' COMPENSATION BENEFITS**

### **22.1 Employee Responsibilities - Pennsylvania Workers' Compensation Act**

22.1.1 The employee is responsible for providing notice of the injury to the employer. The employee must provide notice that: the injury/illness/incident occurred; it is work-related; the employee has incurred disability or has required medical treatment as a result.

22.1.2 The notice must be given to claimant's supervisor, manager or someone in some position of authority. Notifying a co-employee who has no authoritative position is not proper notice. If an employee notifies the employer without stating that disability has resulted and that it is work-related, then notice is deficient.

### **22.2 Employee Rights - Pennsylvania Workers' Compensation Act**

22.2.1 If you are injured while at work and medical treatment is necessary, you are required to obtain treatment from one of the health care providers listed in the panel

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designated by your employer for a period of 90 days from the date of your first visit. A copy of the current panel is properly posted on the required posting bulletin boards at various sites on the premises and available to employees.

22.2.2 If you have a medical emergency, you may go to the closest hospital, physician or other health care provider of your choice. If follow up treatment is needed, you must then seek treatment from a physician or other health care provider listed on your employer's physician panel list for the first ninety (90) days from the date of your first treatment.

22.2.3 If during the initial 90-day period you wish to change medical providers, you must once again revisit your employer's panel and select a new physician. If you seek treatment from a non-panel provider within the first ninety (90) days following your first visit, your employer will not have to pay for those services.

22.2.4 In the event invasive surgery is prescribed by a physician or other health care provider on your employer's panel, you are entitled to a second opinion from any other health care provider of your choice. If the opinion differs from the one provided by the panel provider, you may choose which course of treatment to follow. However, the second opinion must state a specific course of treatment. If you choose the treatment offered by the second opinion you must receive that treatment from a panel provider for a period of ninety (90) days from the date of the visit to the provider of the second opinion.

22.2.5 After the initial 90-day period has expired, if you wish to treat with a non-panel health care provider, you must notify your employer within five (5) days of your first visit with your new provider. Failure to notify your employer will relieve your employer of the responsibility for the payment of services rendered if such services are determined to have been unreasonable or unnecessary. The non-panel provider must provide an initial report to the employer, within ten (10) days of the first treatment and every thirty (30) days thereafter, as long as the treatment continues.

22.2.6 In addition to providing physician services, your employer will also provide medicines, supplies, hospital treatment, orthopedic appliances and prostheses.

22.2.7 If you are required to be confined to a hospital as a result of your work injury, you are entitled to a semi-private room.

22.2.8 If you refuse reasonable services of health care providers, surgical/medical or hospital services, treatment, medicines and supplies, you will forfeit all rights to compensation for injury or an increase in your incapacity which results from your refusal.

22.2.9 Panel and non-panel health care providers must accept payment as calculated under the Act. You are not responsible for any charges in excess as calculated under the Act, unless your treatments are unrelated to the injury covered under the Act.



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22.3 Questions: If you have any questions about your rights or responsibilities, please contact the Pennsylvania Bureau of Workers' Compensation at 800-482-2382.

22.4 Employees who are not working due to a work-related injury will be subject to regulations under FMLA. If an employee qualifies for FMLA, FMLA leave will run concurrently with the workers' compensation leave of absence. If an employee exhausts FMLA leave while on workers' compensation leave of absence, the employee no longer has a job protected leave of absence. In other words, if while you are on workers' compensation leave of absence and FMLA leave is exhausted, there is no expectation of employment upon being cleared to return to work by your physician. There is no guarantee of return to work back into the same position with the same pay rate as provided by FMLA. If an employee becomes cleared to work and a position is no longer available, the employee may be terminated from employment.

22.5 Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

### **23.0 SUBSTANCE ABUSE**

23.1 DAP values its employees, its customers, and its business reputation. It is committed to protecting the safety, health and well-being of its employees, as well as those who enter on its property or use its products. This commitment also extends to preventing anyone or their actions from undermining the public's confidence in our company and its reputation. Because substance (most often, illegal drugs or illegally obtained and/or used prescription drugs) and/or alcohol abuse pose a direct and significant threat to this goal, DAP is committed to creating and maintaining a workplace free from the effects of alcohol and/or substance abuse. This policy is adopted and enforced in order to achieve that commitment. Additionally, recognizing adverse legal, economic, and social consequences of substance and/or alcohol abuse, this policy is adopted and enforced in order to maintain consumer confidence; protect DAP-owned or controlled property, equipment and operations; maintain high employee morale; comply with applicable state and federal laws, deter substance and/or alcohol use; and maintain a safe environment for our employees and the public.

23.2 This policy shall apply to all seasonal employees.

23.3 This policy applies to "on-duty" employee conduct which is defined as (1) during work; (2) while on work premises [whether on or off-duty] at any DelGrosso location; (3) while presenting at or attending training, seminars, marketing events or recruiting sessions sponsored by, paid for by, approved by or required by DAP [regardless of location]; (4) during lunch and other breaks during a scheduled shift [whether paid or unpaid]; (5) while operating a motor vehicle for business purposes and within the scope of the employee's job. "On-duty" does not apply to business functions as outlined in 41.3.

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23.4 This policy governs employee conduct with regard to illegal drugs, drugs listed by the Drug Enforcement Agency (DEA) as drugs of concern, prescription drugs, over-the-counter (OTC) drugs and alcohol. Illegal drugs are those drugs defined as illegal under federal, state, or local laws including but not limited to: Marijuana, Heroin, Hashish, Cocaine, Hallucinogens.

### **Prohibited Conduct**

23.5 DAP strictly prohibits employees and others working on DAP premises from reporting to work or working under the influence of detectable levels of illegal drugs. DAP also prohibits the use or possession of drug paraphernalia and adulterants that are used to mask the use of illegal drugs.

23.6 DAP strictly prohibits the manufacture, distribution, dispensing, possession, use, and/or sale of illegal drugs and/or alcoholic beverages, including excessive quantities of prescription or over-the-counter drugs and any other chemical substances that may affect an individual's mood, senses, responses, motor functions or alter or affect a person's perception, performance, judgment, reactions or senses.

23.7 Prescription Drugs: An employee shall not illegally sell, manufacture, distribute, dispense, use, possess, purchase, or obtain prescription drugs at any time; or be under the influence of or test positive for prescription drugs illegally obtained or used while on-duty. Prescription medication usage on-duty is permitted when taken in standard dosage and/or according to the physician's prescription, provided, however, that the prescribed drug would not pose a direct threat to workplace safety. Employees should not operate DAP-owned or controlled motor vehicles, equipment, or machinery if they are using prescription medications as prescribed by a doctor that may interfere with the ability to operate the motor vehicle, equipment, or machinery; employees should notify their manager immediately of such circumstances.

23.8 Over-The-Counter (OTC) Drugs: While on-duty, an employee shall not be under the influence of, or test positive for, mood-altering OTC drugs used contrary to the product's labeling, i.e., misuse of OTC drugs.

23.9 Alcohol: An employee shall not illegally possess, use, distribute or attempt to distribute, manufacture, dispense, or be involved in illegal alcohol-related conduct; including, but not limited to driving under the influence and under-age drinking violations while on-duty. Furthermore, DAP prohibits its employees from the following alcohol-related conduct while on-duty:

- 23.9.1 Reporting to work or remaining at work where the employee has an alcohol concentration of 0.04 or greater;
- 23.9.2 Possessing alcohol while on duty or operating a commercial motor vehicle unless the alcohol is manifested and transported as part of a shipment;
- 23.9.3 Performing job functions within four (4) hours after using alcohol;
- 23.9.4 Consuming alcohol within eight (8) hours following an incident or before a post-accident alcohol test is performed (whichever is sooner) if the incident would require a post-accident alcohol test as specified in this policy. In no way is this test requirement intended to delay necessary medical treatment for injured people following an incident or to prohibit an

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employee from leaving the scene of an incident to obtain medical treatment for themselves or others;

23.9.5 Possessing open containers of alcohol;

23.9.6 Using, consuming, distributing, dispensing, testing positive or being under the influence of alcohol.

### **Drug and Alcohol Testing**

23.10 Any employee may be tested for drugs and alcohol in accordance with this policy. Employee cooperation with all aspects of testing when requested is a mandatory condition of employment.

23.11 DAP, in accordance with Department of Transportation (DOT) regulations, must conduct DOT mandated and non-DOT mandated testing separately.

23.12 DAP is required by DOT regulations to check on the drug and alcohol testing history of new hires and other employees transferring into DOT regulated positions. DAP will obtain the written consent from the applicant or employee to obtain his or her previous DOT testing history for the previous three (3) years. DAP will send the request for information and the signed consent form to all other DOT-regulated employers for whom the applicant or employee has worked within the previous three (3) years. If DAP finds that an employee has a violation on his or her record and has not completed the return-to-duty process, they must immediately be removed from performing safety-sensitive functions.

23.13 DAP may conduct tests for alcohol and/or drug use in the following circumstances:

23.13.1 Pre-Employment: DAP shall require all DOT-covered applicants to whom offers of employment are made to submit to a drug test. Pre-employment drug tests are typically administered after a conditional offer of employment has been extended. DAP reserves the right, however, to schedule pre-employment drug tests before or after an offer of employment as business circumstances dictate. Any applicant who is given a conditional offer of employment must receive a negative result on the pre-employment drug test. DAP shall withdraw its conditional offer of employment from an applicant whose drug test results are positive.

23.13.2 Return From Leave of Absence: Any DOT-covered employee returning from a leave of absence for a period of twelve (12) weeks or longer shall submit to a drug test and must receive a confirmed negative result prior to returning to work. In most cases, this will be scheduled as a portion of the return-to-work evaluation and coded as pre-employment.

23.13.3 Substance Abuse Treatment: For those employees who voluntarily enter treatment and/or rehabilitation, DAP will be as supportive of their recovery as possible without negatively impacting business operations. DAP welcomes the opportunity to participate in any treatment and continuing care plan to the extent deemed advisable by the treatment

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professionals and permitted by business concerns. DAP shall require an employee who has requested or taken a leave of absence for treatment of a substance abuse disorder or who is currently receiving treatment for a substance abuse disorder, to do the following before being permitted to return to work:

23.13.3.1 Submit to and receive a confirmed negative result for a drug and alcohol test which will be coded as pre-employment;

23.13.3.2 Actively participate in any and all treatment plans recommended by the treatment professional(s); and

23.13.3.3 Agree to comply with and sign a written Return to Work/Last Chance Agreement which includes a post treatment, unannounced/random testing program instituted with consent of the employee.

23.13.4 Reasonable Suspicion: DAP will require an employee to submit to breath alcohol and/or drug testing when DAP has "reasonable suspicion" to believe that the employee has violated the prohibitions of this policy. Employees tested due to reasonable suspicion circumstances will not return to work until negative test results are received.

23.13.5 Post-Accident: In the event of any accident involving a DAP-owned or controlled vehicle, death, serious bodily injury, serious damage to property, or deemed by DAP to have had the potential for death, serious bodily injury or serious property damage, an employee will be required to immediately undergo drug and/or alcohol testing. Unless there is reasonable suspicion that the employee was under the influence of (a) drug(s) and/or alcohol at the time of the accident, the employee will return to work while waiting for the testing results.

23.13.5.1 In addition to the post-accident testing requirements listed above, DOT-covered employees are also subject to DOT post-accident alcohol and drug testing as soon as practicable following an incident involving a commercial motor vehicle if (1) the incident involved a fatality; (2) the vehicle involved in the incident needs to be towed from the scene and a citation is issued; (3) the incident requires medical treatment away from the scene and a citation is issued.

23.13.5.2 The post-accident test will be administered as soon as possible, but no later than 8 hours for an alcohol test and 32 hours for a drug test. An employee who is subject to post-accident testing and fails to remain available for such testing will be classified as having refused to submit to testing. An employee who is seriously injured and cannot be tested at the time of the incident must provide the necessary authorization for DAP to obtain hospital reports and other pertinent documents that might indicate whether there was alcohol or drugs in his or her system. In no way is this post-accident test requirement intended to delay necessary medical treatment for injured people or to prohibit an employee from leaving the scene of an incident to obtain medical treatment for themselves or others.

23.13.6 Random: DAP will conduct unannounced random drug testing of all non-DOT employees at an annual random rate of 4%. DAP will conduct random alcohol and drug

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testing of DOT-covered employees at the annual percentage rate set by DOT. The selection of employees for random testing will be made by a scientifically valid method, such as random number table or a computer-based random number generator that is matched with the employee payroll identification number or other comparable identifying number. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made. The dates for administering random testing are spread reasonably throughout the calendar year. Each employee who is notified of selection for random testing shall proceed to the test site immediately.

23.13.7 Follow Up: Follow-up testing is not applicable to seasonal employees.

### Testing Procedures

23.14 Testing for illegal use of legal drugs and for use of illegal drugs will be conducted for DOT and non-DOT covered employees through urine specimens collected on-site or at an off-site collection site in accordance with Department of Transportation and Department of Health and Human Services (DHHS) guidelines. Urine specimens will be screened and confirmed in a DHHS certified laboratory. In special circumstances including, but not limited to, accidents, blood testing may be done instead of or in addition to urine testing. The collection site will take the necessary steps to assure that the specimen is not adulterated or tampered with and that a strict chain-of-custody is maintained. The specimen will then be transported to a DHHS certified laboratory for testing.

23.15 Panels: The specimens of employees not covered by DOT shall be subject to an ten (10) panel drug test which shall include the following substances and their metabolites: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opioids, phencyclidine, and propoxyphene. The specimens of employees covered by DOT shall be subject to a five (5) panel drug test which shall include cannabinoids, amphetamines, phencyclidine, opioids and cocaine.

23.15.1 Alcohol testing for DOT covered employees will be conducted through collection of a breath specimen and shall be collected on-site, at the scene of an incident, or at an approved off-site collection facility. In special circumstances, including but not limited to accidents, blood testing for alcohol may be done instead of, or in addition to, breath testing.

23.15.2 An initial alcohol screening test will be performed for DOT covered employees. If the blood alcohol concentration is less than 0.02, the test is considered negative. If the screening test results show an alcohol concentration level of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be a breath test conducted on an Evidentiary Breath Testing (EBT) device approved for use in the DOT's Drug and Alcohol Misuse Prevention Program. If the confirmation test reads 0.02 or greater, the test results shall be considered positive and the employee will be subject to disciplinary action up to and including termination.

23.16 Lost Wages: Any lost wages for the drug testing waiting period are paid out upon the report of a negative test result and the employee's return to work. Lost wages would be paid based on the

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employee's scheduled shifts in the waiting period. If, for any reason, a separation of employment takes place prior to the return to work, the employee will not be compensated for time away from work awaiting drug testing results. Since the employee will not have actually worked during the time period away from work, such time shall not be counted toward overtime pay.

**23.17 Transportation:** An employee suspected of being under the influence or testing positive for drugs and/or alcohol will (1) be required to call someone to transport them to the testing facility or home, or (2) be provided with an alternate means of transportation to the testing facility or home. An employee suspected of being under the influence should not be allowed to drive while the suspicion persists.

**23.18 Medical Review Officer Review:** All drug test results will be reviewed and interpreted by a Medical Review Officer (MRO) before the test results are reported to DAP. An MRO is a licensed physician with knowledge of drug and alcohol abuse disorders.

**23.18.1** The review of a negative DOT drug test is an administrative process to ensure that the chain-of-custody procedures were intact. The MRO review of a positive or non-negative test result is not only to ensure the chain-of-custody procedures but also is to examine alternate medical explanations for the positive test result.

**23.18.2** The MRO review of a positive test result may include conducting a medical interview (typically conducted over the phone with the employee) and review of the tested employee's medical history, or review of any other relevant biomedical factors. The MRO will review all medical records made available by the tested employee when a confirmed positive could have resulted from legally prescribed medication or physician-directed over-the-counter drug use.

**23.18.3** Prior to making a final decision to verify a positive test result, the MRO will give the tested employee an opportunity to discuss the test result with him or her. The MRO will contact the tested employee directly, on a confidential basis, to determine whether the employee wishes to discuss the test result.

**23.18.4** If, after making all reasonable efforts and documenting them, the MRO is unable to reach the tested employee directly, the MRO will contact DAP who will direct the tested employee to contact the MRO as soon as possible. In such circumstances, DAP will, to the maximum extent possible, ensure that the requirement that the tested employee contact the MRO is held in confidence. If the tested employee does not contact the MRO within five (5) days after being instructed to do so, the MRO will verify the test as being positive. Should the employee subsequently present satisfactory documentation that serious illness, injury, or other unavoidable circumstances prevented the employee from contacting the MRO within the five (5) days and presents legitimate explanations for the failure of the drug test, the MRO may review the test result with the employee.

**23.18.5** If the employee refuses to talk with the MRO regarding the positive drug test result, the MRO shall validate the failure and record the drug test as an unconfirmed positive.



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Upon completing the review: (1) if the MRO determines that there is no alternate medical explanation for the positive test results, the MRO will report to DAP that the test result is positive; (2) if the MRO determines that a legitimate medical explanation exists for the test results, the MRO will report to DAP that the test result is negative.

23.18.6 If the MRO determines a positive test for marijuana and the employee does not provide proof of a prescription for the active ingredients causing the positive test result to the MRO, the MRO notifies DAP of the positive and the need for DAP to determine whether the employee has a current valid Medical Marijuana Identification Card ("MM ID") issued under the Pennsylvania Medical Marijuana Act (MM Act). Upon receipt of such notice from the MRO, DAP will confidentially ask the employee whether the employee has a current valid MM ID, and if the employee does, the employee will have five (5) business days to produce the current valid MM ID to Human Resources. Human Resources may make a copy of the card and store it confidentially in the same way it keeps medical certifications under FMLA. Failure to possess a current valid MM ID as a result of a positive test for marijuana or to provide proof of the current valid MM ID within five (5) business days shall be deemed a positive test result for marijuana subjecting the employee to discipline as provided for in this Handbook. For any employee who possesses a current valid MM ID card, DAP will not discriminate against such employee as provided for under the MM Act; however, DAP is not required under the MM Act to make an accommodation for the use of medical marijuana on the DAP property. Additionally, the MM Act does not prohibit DAP for disciplining an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position. The MM Act does not require DAP to commit any act that would cause DAP or any person acting for DAP to violate Federal law. An employee having a current valid MM ID may not operate or be in physical control of any of the following while under the influence with a blood content of more than 10 nanograms of active tetrahydrocannabinis per milliliter of blood in serum: (a) chemicals which require a permit issued by the Federal Government or a state government or an agency of the Federal Government or a state government; or (b) high-voltage electricity or any other public utility. Additionally, any employee having a current valid MM ID may not perform any employment duties at heights or in a confined space while under the influence of medical marijuana, and DAP may prohibit such employee from performing any task that DAP deems life-threatening to either the employee or any other DAP employees or which could result in a public health or safety risk, while under the influence of medical marijuana.

23.19 Direct Observation Collections: DOT requires an employer to conduct a collection under direct observation in the following circumstance:

- The MRO reported a cancelled test due to an invalid specimen for which there is no medical explanation.
- The MRO cancelled a positive, adulterated, or substituted test because the test of the split specimen could not be performed.
- The MRO reported negative-dilute results with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL.

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- The collector observed materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- The temperature on the original specimen was out of range.
- A specimen presented to the collector appeared to have been tampered with.
- The drug test is a return-to-duty or a follow-up test.

Failure of the employee to permit any part of the direct observation procedure is considered to be a refusal to test.

**23.20 Employee Verification of a Positive DOT Test:** For DOT urine drug testing, one portion of the specimen will be preserved for up to 60 days after the employee is told the test results. If the portion originally analyzed (the primary sample) is positive, the employee shall have the right to specify a laboratory certified by the US Department of Health and Human Services to which the preserved portion will be sent for an independent analysis. The employee will be advised of this right and the employee must exercise this right within 24 hours of receiving notification by submitting in writing the request to proceed with verification testing to the Senior Director of Human Resources. The verification test costs shall be the responsibility of the employee, if the verification test result is positive. A money order in the test amount shall be made out to DelGrosso Foods, Inc. and submitted to the Senior Director of Human Resources prior to testing and within 24 hours of the request to proceed with verification testing. If the verification test result is negative, the cost of the test shall be the responsibility of DAP, and the money order shall be returned. The verification test results will be controlling.

**23.21 Refusal to Test and Test Tampering:** An employee or applicant who refuses to submit to testing, tampers, manipulates or attempts to tamper with the testing will be treated as having tested positive and will be subject to termination for violating this policy. In the case of an applicant, DAP will withdraw its offer of employment. A refusal to take a test will include the following employee or applicant behaviors:

- 23.21.1 Failing to appear for any test within a reasonable time, as determined by DAP, after being directed to do so by DAP.
- 23.21.2 Failing to remain at the collection site until the testing process is complete.
- 23.21.3 Failing to provide a urine specimen when required for a drug test or breath specimen for an alcohol test.
- 23.21.4 Failing to permit a directly observed or monitored collection, when required.
- 23.21.5 Failing to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- 23.21.6 Declining to take a second test as directed.
- 23.21.7 Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process or as directed by DAP as part of the shy bladder procedures or insufficient breath situation.
- 23.21.8 Failing to cooperate with any part of the testing process.
- 23.21.9 Failing to immediately report a job-related incident, thus failing to be subject to mandatory drug or alcohol testing.

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23.22 Dilute and Fatal Flaw Specimens: For negative dilute test results and fatal flaw specimens, DAP will require the employee take another test immediately. The result of the second test, not the original, becomes the controlling test result.

23.23 Discipline for Policy Violations: The consequences for violating this policy are serious and are governed generally by the DAP Discipline Policy. We feel that the safety of our employees is of the utmost concern. Violations of this policy will result in termination.

23.24 Employee Assistance Program: DAP provides an Employee Assistance Program (EAP). It is available to any employee and his or her family to assist with any personal problems, including but not limited to, substance abuse problems. Any employee with a substance abuse problem is strongly encouraged to seek help voluntarily. Should an employee seek help voluntarily for a substance abuse issue, a leave will be offered if the employee is qualified.

23.24.1 Any employee who receives a mandatory referral to the EAP for work performance problems and refuses to participate in the EAP and to follow through with its recommendation, or to successfully complete the EAP recommended course of action shall be subject to discipline up to and including termination.

23.24.2 Any employee that is terminated due to a violation of the Substance Abuse Policy is still able to use the EAP service at no cost to the employee to obtain assistance with an alcohol or drug abuse issue. The terminated employee is encouraged to use this benefit as a resource to find a Substance Abuse professional. All costs associated with the Substance Abuse professional are the responsibility of the employee.

23.25 Referral to Law Enforcement: In addition to imposing discipline, DAP may refer to the appropriate law enforcement agency information regarding a violation of this policy when it deems appropriate.

23.26 Confidentiality of Test Results: All drug and alcohol test results will be reported to Human Resources. All records regarding whether and when a drug test was conducted and the results are confidential records. They will be maintained in secured files under the control of Human Resources. The test results will not be included in personnel files. Results will only be disclosed as follows:

23.26.1 On a need-to-know basis, including but not limited to, the MRO and the Senior Director of Human Resources; with an individual's written authorization; in accordance with a court order or valid subpoena; to the decision maker in a legal action initiated by or on behalf of the employee or placed at issue by the employee in any legal, administrative or proceeding;

23.26.2 To governmental agencies for statistical purposes; or as otherwise required by federal, state, or local law. An employee shall have the right to see the results of his or her own drug or alcohol test(s).

## 24.0 SEXUAL/DISCRIMINATORY HARASSMENT

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24.1 DAP strives to create and maintain a work environment in which people are treated with dignity and respect without intimidation, oppression, and exploitation. We believe that employees should be able to work in safe and comfortable work environment. DAP will not unlawfully discriminate or tolerate unlawful discrimination with regard to race, color, religion, religious creed, sex, national origin, age, pregnancy or the potential to become pregnant, gender identity, transgender status, sexual orientation, disability, military and veteran status, genetic information or marital status. Harassment based upon any protected characteristic will not be tolerated.

24.2 All employees, regardless of position, are covered by and are expected to comply with this policy and take appropriate measures to ensure that prohibited conduct does not occur. If you see something, say something. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker.

24.3 Through education of employees and enforcement of this policy, DAP will seek to prevent, correct, and discipline behavior that violates this policy. Based upon the seriousness of the offense, appropriate disciplinary action up to and including termination will be taken against any employee who violates this policy.

24.4 Discrimination: It is a violation of this policy to unlawfully discriminate in the provision of employment opportunities, benefits or privileges; to create unlawful discriminatory work conditions; or to use unlawful discriminatory evaluative standards in employment if the basis of that unlawful discriminatory treatment is a person's race, color, religion, religious creed, sex, national origin, age, pregnancy or the potential to become pregnant, gender identity, transgender status, sexual orientation, disability, military and veteran status, genetic information or marital status. Unlawful discrimination of this kind may also be prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

24.5 Harassment: Harassment, including sexual harassment, is prohibited by state and federal law. The definition of harassment is verbal or physical conduct designed to threaten, intimidate, or coerce. Also, verbal taunting (including racial or ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job. Examples include:

24.5.1 Verbal: Comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, religion, religious creed, color, gender, sexual orientation, age, body disability or appearance. Epithets, slurs, negative stereotyping.

24.5.2 Non-Verbal: Distribution, display, or discussion of any written or graphic material that ridicules, degrades, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, religious creed, age, gender, sexual orientation, pregnancy, appearance disability, gender identity, marital or other protected status.

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24.6 Sexual Harassment: Sexual Harassment in any form is prohibited and is unlawful under Title VII of the Civil Rights Act of 1964. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

24.7 Retaliation: It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about discrimination, harassment or sexual harassment, whether that concern relates to the individual raising the concern or against another individual.

24.8 Prohibited Conduct: DAP considers the following conduct to represent some of the types of acts that violate the sexual harassment policy:

24.8.1 Physical assaults of a sexual nature.

24.8.2 Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against another employee's body, hugging, cornering, kissing, fondling, rape, sexual battery, molestation or attempts to commit these assaults.

24.8.3 Unwanted sexual advances, propositions (this includes repeated, unwelcome requests for dates) or other sexual comments.

24.8.4 Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his/her presence is unwelcome.

24.8.5 Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.

24.8.6 Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's gender.

24.8.7 Sexual or discriminatory displays of publications in the work place such as displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed, or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work, and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

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24.8.8 Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.

24.8.9 Retaliation against employees who report inappropriate conduct, unlawful harassment or participate in an investigation of a complaint such as disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about, or resisted harassment, discrimination or retaliation. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct is also prohibited.

24.8.10 The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

24.9 Complaints: Any employee who believes that they have been subject to discrimination, harassment, or sexual harassment, attentional as explained above, should make their unease and/or disapproval directly and immediately known to the discriminator/harasser whenever possible. If the situation is not immediately resolved or if the employee is not comfortable addressing the alleged discriminator/harasser directly, he or she should report the incident to his/her manager or Human Resources as soon as possible. To initiate a formal investigation into an alleged violation of this policy, the individual filing the complaint (hereafter referred to as the complainant) will often be asked to provide a written complaint to Human Resources. Human Resources may assist the complainant in documenting the specific nature of the complaint. To ensure the prompt and thorough investigation of a complaint, the complainant should provide as much of the information as is possible, including (1) The name, department and position of the person or persons allegedly causing the discrimination, harassment or sexual harassment (hereafter referred to as the respondent); (2) A description of the incident(s), including the date(s), location(s) and the presence of any witnesses; (3) The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment; (4) The names of other employees who might have been subject to the same or similar harassment; (5) In the case of harassment or sexual harassment, the steps the complainant has taken to try to stop the harassment or sexual harassment; (6) Any other information the complainant believes to be relevant to the complaint.

24.9.1 Managers must deal expeditiously and fairly with allegations of discrimination, harassment, or sexual harassment within their departments whether or not there has been a written or formal complaint. Managers must:

24.9.1.1 Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.

24.9.1.2 Ensure that discrimination, harassment or sexual harassment is reported to Human Resources immediately so that a prompt investigation can occur.

24.9.1.3 Take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.

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24.9.1.4 Take notes and document, who, where, when (dates/times), witnesses, and the nature of the complained of conduct.

24.9.2 Managers who knowingly allow or tolerate discrimination, harassment or sexual harassment and/or don't respond to a complaint of discrimination, harassment or sexual harassment or retaliation, are in violation of this policy and subject to discipline.

24.9.3 Human Resources is responsible for:

24.9.3.1 Ensuring that both the complainant and the respondent are aware of the seriousness of the complaint.

24.9.3.2 Explaining employer's Sexual/Discriminatory Harassment Policy and investigation procedures to the complainant and the respondent.

24.9.3.3 Arranging for an investigation of the alleged improper conduct and the preparation of a written report.

24.9.3.4 In the case of harassment or sexual harassment, exploring informal means of resolving complaints.

24.9.3.5 Notifying the police if criminal activities are alleged.

24.9.4 In situations where an employee has reported improper conduct under this Sexual/Discriminatory Harassment Policy to his/her immediate manager and the concerns were not addressed or resolved, the employee must notify the Senior Director of Human Resources.

24.10 Discipline: Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written warning. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy also may be subject to civil damages or criminal penalties.

24.11 Confidentiality: All inquiries, complaints and investigations are treated confidentially. Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of discrimination, harassment or retaliation, the alleged harasser or retaliator, and any witness will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of discrimination, harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy. All information pertaining to a complaint or investigation is maintained by Human Resources in secure files.

24.12 The procedures under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim under state or federal law.

## **25.0 HOLD FOR FUTURE USE**

## **26.0 TIME OFF**

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26.1 DAP realizes that there may be vacations or school-related activities that you may wish to attend. Due to the nature of our industry, DAP management must take into account the business requirements of the company when evaluating requests for time off work. Time off must be requested according to departmental policy prior to the posting of the department schedule, or as far in advance as possible. Approval for the specific time requested is not guaranteed and final authorization of time off rests with management. All requested days off will be unpaid.

26.2 Jury Duty: DAP will pay the difference between the jury duty allowance and the money you would have earned if you had not been on jury duty. A receipt must be presented for payment. This does not apply to Saturdays, Sundays, days not scheduled to work, or holidays.

### **27.0 DISCIPLINE**

27.1 DAP desires to treat all employees equitably and to administer all policies, procedures, rules and regulations consistently. Employees are expected to observe basic rules of conduct and abide by rules, policies, and procedures set forth by DAP, as well as to meet job expectations. This is necessary to protect the interest of all employees. When an employee's performance is unsatisfactory, or when an employee violates the rules and regulations of the company, appropriate disciplinary action may have to be taken.

27.2 The implementation of this policy should not be construed as preventing, limiting, or delaying DAP from taking appropriate disciplinary action against an employee at any point in the process, including termination without prior warning, where DAP, in its sole discretion, finds such action appropriate.

27.3 Managers who administer discipline must contact their Director or Human Resources prior to administering discipline to determine employee's disciplinary history and discipline to be administered. Department Directors or Assistant Directors with immediate responsibility for employees may impose discipline up to suspension without pay for three (3) days. Department Directors or Assistant Directors must consult with the CEO, Chief Operating Officer (COO) and/or Senior Director of Human Resources prior to terminating employment.

#### **27.4 Type of Disciplinary Action**

27.4.1 Documented Coaching Session: This is the most common method employed for assisting an employee in improving work performance or complying with rules and policies. Counseling or coaching should be a cooperative attempt at determining and correcting the problem. The Manager documents the coaching session on an Employee Notice and forwards to Human Resources for filing.

27.4.2 Verbal Warning: The employee is verbally warned by the Manager about the employee's performance or conduct following a minor offense in an effort to eliminate possible misunderstandings, improve job performance, or to explain what constitutes proper conduct. The Manager documents this verbal warning on an Employee Notice and forwards to Human Resources for filing.



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27.4.3 Written Warning: The employee receives a written notice of discipline following continued poor job performance or repeated minor offenses. The employee may also receive a written warning when the manager believes that the first offense is serious enough to warrant issuing a formal written notice. The purpose of written warning is to make certain that the employee is fully aware of the level of misconduct the employee has committed, or of those areas of performance that must be improved. The written warning should also inform the employee of what is expected going forward, thereby enabling the employee to correct performance problems or avoid a recurrence of the incident.

27.4.4 Suspension: Suspension without pay occurs when an employee fails to correct performance after a final reprimand, or as the result of an accumulation of minor offenses, or as the result of a serious offense or act of misconduct.

27.4.5 Termination: Termination of employment is the severest penalty that can be imposed upon an employee. Such action should normally take place when DAP has made an attempt to have an employee correct performance or conduct and the employee has not responded; or when the employee's misconduct is of such a serious nature that DAP believes it has no practical alternative.

27.5 Management has reserved all rights of the employer of at-will employees and has the right to deviate from this process depending on the severity of the behavior involved. Severe behaviors may result in suspension or immediate termination. Management reserves the right to start discipline at any level pending the severity of the issue.

27.6 All disciplinary actions are a permanent part of the employee file; however, the disciplinary process will restart each Park season.

27.7 Guidelines for Administering Discipline are included on the following chart. The purpose of guidelines is to assist in attaining uniformity for the violation of company policies, regulations or rules. The type of discipline recommended by the guidelines represents the level of discipline generally appropriate for each offense. The guidelines are not all inclusive, and the absence of an illustration on the list will not be the basis for avoiding disciplinary action when DAP believes such action is warranted.

INFRACTION	1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	5 <sup>th</sup> Offense
1. Substandard job performance	Documented Coaching	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge
2. Chronic absenteeism and/or repetitive tardiness (this may be a rule violation even if advance notice is given).	Refer to 15.14 – Attendance Discipline Schedule				
3. No Call, No Show; No direct communication with manager.	Considered Quit without Notice (i.e. voluntary resignation) on 2 <sup>nd</sup> no call, no show.				
4. Tobacco use outside of designated area.	Documented Coaching	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge

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INFRACTION	1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	5 <sup>th</sup> Offense
5. Violation of Child Labor Laws	Written Warning	3 days off without pay	Cause for discharge		
6. Gambling on premises.	Written Warning	3 days off without pay	Cause for discharge		
7. Carrying or using weapons on company property	Cause for discharge				
8. Insubordination. Threats of intimidation of management and/or personnel are prohibited. Refusing to accept work or work assigned by a manager or refusal to otherwise cooperate with management is prohibited.	Cause for discharge				
9. Failure to report accidents, injuries, or property damage immediately.	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge	
10. Material misrepresentation of the facts involved in injuries or accidents.	Cause for discharge				
11. Dishonesty; the use of another employee's badge is prohibited; clocking In or Out for another employee is prohibited.	Cause for discharge				
12. Inappropriate, disrespectful, and discourteous behavior towards visitors, customers, fellow employees, or management.	Documented Coaching	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge
13. Violation of Technology Use Policy: The seriousness of the offense will determine the penalty.	Documented Coaching	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge
14. Violation of Electronic Devices Policy: The seriousness of the offense will determine the penalty.	Lifeguards & Rides: Verbal Warning  All Other Departments: Verbal Warning	Lifeguards & Rides: Written Warning  All Other Departments: Written Warning	Lifeguards & Rides: Cause for Discharge  All Other Departments: 1 day off without pay	All Departments Except Lifeguards & Rides: 3 days off without pay	All Departments Except Lifeguards & Rides: Cause for discharge
15. Refusal to test for alcohol and drugs	Cause for discharge				
16. Test positive for alcohol or drugs	Cause for discharge				
17. Violation of Sexual/Discriminatory Harassment Policy	Written Warning or Cause for discharge	Cause for discharge			
18. Leaving work without permission of management.	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge	
19. Theft of any kind; Unauthorized possession or use of company property; Unauthorized	Cause for discharge				

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INFRACTION	1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	5 <sup>th</sup> Offense
purchases; Excessive amounts of missing cash; Giving away free food/merchandise/services; Using lost Gift Card or Gift Card left behind by Guest.					
20. Falsifying required records or reports.	Cause for discharge				
21. Fighting. All involved parties will be subject to discipline.	3 days off without pay	Cause for discharge			
22. Sleeping on the job	Written Warning	3 days off without pay	Cause for discharge		
23. Willful, intentional disclosure or misuse of proprietary and/or confidential information to unauthorized parties.	Cause for discharge				
24. Limiting own production/work or production/work of others.	Written Warning	3 days off without pay	Cause for discharge		
25. Traffic violations resulting in a citation issued to company driver	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge	
26. "At Fault" Accidents	Written Warning	3 days off without pay	Cause for discharge		
27. Reckless driving, confirmed by investigation.	Written Warning	3 days off without pay	Cause for discharge		
28. Operating a DAP-owned or controlled vehicle under the influence-if convicted, plead guilty or enter ARD	Cause for discharge				
29. Failure to report arrest, violation, notification or summons to Mgmt.	Written Warning	3 days off without pay	Cause for discharge		
30. SAFETY & HEALTH: Lack of commitment to company safety program, violations of company safety rules or general unsafe practices in performing work for the company or in the use of the company's facilities, for any purpose, are prohibited. The commission of a negligent or careless act during working time or on company property that does or could result in personal injury or property damage or that causes expenses to be incurred by the company is prohibited. The seriousness of the offense will determine the penalty. The risk of harm, as well as actual harm to person(s) or property shall be a controlling factor in judging the seriousness of the violation.	Documented Coaching	Written Warning	1 day off without pay	3 days off without pay	Cause for discharge

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INFRACTION	1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	5 <sup>th</sup> Offense
31. Violation of any 3 rules independent of attendance within a 12-month period.	Cause for discharge				

### 28.0 ELECTRONIC DEVICES

28.1 The use of personal mobile communication devices and other electronic devices has expanded rapidly in the workplace. DAP does not wish to unreasonably constrain the use of these devices; however, we have a broader responsibility to (1) require that they are used in an appropriate manner; (2) provide a work environment that is safe for employees; (3) protect the integrity of proprietary information; (4) preserve the privacy of employees and guests; (5) prevent unauthorized or unlawful interception, disclosure or use of an electronic communication. Additionally, DAP's need to communicate with certain employees will require certain employees to have and utilize a personal mobile communication device while working, and the responsibilities set forth above apply equally to such situations. This policy serves to define the use of electronic, mobile communication and recording devices that the Company or individuals may use at work or bring to work.

28.2 All employees are bound by the "Technology Use Policy" in this handbook. Employees using a personal mobile communication device at work that are not obligated by their position to have such a device are in violation of the employee handbook and may be subject to disciplinary action up to and including termination of employment.

28.3 Personal calls and texting during the workday can interfere with safety, employee productivity and can be distracting to others. Employees are prohibited from making or receiving personal calls, texting, accessing social media or personal email or otherwise using a personal mobile communication device in work areas. Personal use of a personal mobile communication device should occur only during breaks and lunches in break areas.

28.4 Use of a personal mobile communication device while driving a motor vehicle or operating mobile equipment is never required by DAP and is prohibited. Employees are expected to follow applicable state/federal laws and regulations related the use of a personal mobile communication device.

28.5 Recording Devices: Employees are not to bring or use imaging equipment (i.e., cameras of any kind) in areas where personal privacy is generally expected, including but not limited to dressing rooms, bathrooms, locker rooms, etc. In public areas or at DAP-sponsored events, employees may use cameras and similar equipment with permission, if they do not disrupt the workplace, annoy others, or violate a company policy. Electronic equipment on DAP's premises or at DAP-sponsored events may not be used to defame, embarrass, or disparage DAP, employees, customers, vendors or competitors. Privileged or confidential materials, such as, but not limited to personnel matters, confidential information, trade secrets or attorney-client communications are not to be photocopied, scanned, photographed, or otherwise reproduced except by authorized personnel in furtherance of company business. Recording conversations is prohibited in Pennsylvania, unless all parties have prior notice that the conversation will be monitored or recorded and have given consent.

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28.6 DAP may find it necessary to monitor DAP property with security cameras for business-related reasons. Employees should have no expectation of privacy upon DAP property except inside restrooms or closed changing rooms where employees undress. Open employee locker areas are not changing rooms. DAP will never utilize security cameras inside restrooms or closed changing rooms where employees undress, and employees should report to their manager any suspicious device appearing in these locations. Recorded footage may be used to assist in any DAP or governmental investigation. Employees should contact their manager or the Human Resources Department for any questions about this policy.

28.7 This policy is not intended and should not be interpreted to interfere with the rights of employees to engage in concerted activity that is protected under the National Labor Relations Act.

28.8 Earbuds, earphones, earplugs, headphones and any other listening devices are not to be used while working. Listening devices may only be used in designated employee break areas.

### **29.0 TECHNOLOGY USE**

29.1 DAP is committed to providing an environment that encourages the use of computers and electronic information as essential tools to support our business. The ability to use computers to gather information, to communicate and collaborate with others has become a fundamental skill for every employee. This policy sets rules, procedures and guidelines that govern access to and use of DAP technology assets and services.

29.2 DAP provides access to local networks, electronic mail, business applications and the Internet to facilitate the business needs of DAP. This policy applies to all DAP technology, applications, IT services, hardware, software and all other IT assets. This section does not apply to communications that constitute protected, concerted activity under the National labor Relations Board.

29.3 Business Use: DAP technology resources are provided for and are to be used in the support of DAP business objectives. All DAP technology, IT services, applications and networks, including the Internet access, are intended for business purposes only. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information.

29.3.1 All pass codes that an employee is using for business purposes will be housed in the DAP password database. All passwords for DAP-related activities that more than one employee may use must be added to the database when new and must be updated in the database when changed.

29.3.2 Email messages are a formal means of business communication. Emails should be written in a professional manner and should contain information pertaining to the business. Consider your routing lists carefully and exercise the same care you would with any written document before sending email messages. Highly sensitive or confidential issues should not be addressed through email.

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29.3.3 Email messages received from an unknown sender should be deleted to prevent viruses and other messages.

29.4 Privilege: The use of DAP technology resources, applications, email, the Internet, and computer networks is a privilege, not a right. Any inappropriate use will result in the cancellation of the privilege and/or disciplinary and/or legal action by DAP.

29.5 Care of Equipment: Employees are responsible for the proper care of DAP technology equipment issued to them. This includes, but is not limited to, computers, laptops, smartphones, radios, projectors and any other device entrusted to the employee's care. Any lost, damaged or stolen IT equipment must be reported to the employee's manager. Managers are required to complete a property damage incident report and forward to the Human Resources Department.

29.6 Personal Equipment: Select employees may be provided with VPN remote access to be able to access DAP files electronically. This will be for employees who have an essential business need to work remotely frequently or occasionally. Any employee must have approval from their manager and Senior Management before remote access can be granted. Employees with remote VPN access must maintain updated antivirus software at DAP's expense on the computer in which VPN remote access will be used. DAP reserves the right to do system audits on home computers on which DAP data is accessed.

29.7 Privacy: There is no right to privacy when using DAP corporate technology resources. User should have no expectation that any email, files, documents, pictures or other information (including any and all personal files, pictures, information, etc.) stored on DAP-owned or DAP-operated phones, computers, computer networks will be private. Authorized administrators can (and do!) access network files, data, email and web browsing information, without prior notice, in order to maintain system integrity and performance in the course of their job functions.

29.8 Copyright and Software Licensing: All software placed on Company computers must have a valid license for each copy used. Prior authorization from licensor is required to copy, distribute, display or disclose third party proprietary software. Employees may not attempt to gain access to, copy, move or remove information, proprietary software or other programs from files not authorized to view. Employees may not load any software, including screensavers, wallpaper, freeware or shareware onto DAP technology devices without prior consent of DAP. Violation of copyright and licensing laws violates company policy and is illegal. All questions about software licensing should be directed to the Director of IT.

29.9 Confidentiality: All communications, documents, files, pictures, data, email (including personal files, pictures, music, etc.) and any/all other information accessible via DAP networks and/or technology resources, services, and equipment are considered DAP property and subject to the disclosure rules as defined in the Confidentiality policy.

29.10 Internet: DAP regulates and filters all access to the Internet to guard against viruses, spam, and offensive, profane, sexually explicit or otherwise objectionable material. Employees are responsible for their internet browsing habits.

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29.11 Unacceptable Use: The following actions constitute unacceptable use of DAP technology resources. This list is not all inclusive, and the absence of an illustration on the list will not be the basis for avoiding disciplinary action when DAP believes such action is warranted.

29.11.1 Installing, using, downloading or otherwise acquiring unlicensed or otherwise unapproved software, shareware, screen savers, media streaming, utilities or other programs.

29.11.2 Using, viewing, transmitting or otherwise accessing abusive, pornographic, sexually explicit material, language, pictures, video clips, audio clips or other objectionable material in any way.

29.11.3 Discrimination and harassment are unacceptable in any form of communication. This includes any material which is offensive on the basis of sex, race, color, religion, religious creed, national origin, ancestry, citizenship, pregnancy, age, sexual orientation, marital or veteran status, medical condition or physical or mental disability.

29.11.4 Using DAP technology resources in ways that violate federal, state, or local laws or statutes.

29.11.5 Using DAP technology resources for personal gain, advancement of individual views, political activities, commercial purposes, solicitation or advertising.

29.11.6 Sharing one's login ID, password or other security credential with another individual.

29.11.7 Using another person's login ID, password or other security credential to access DAP networks, files or applications.

29.11.8 Circumventing security measures on DAP computers or networks and/or attempting to gain access to another person's resources, programs or data.

29.11.9 Revealing DAP information, customer data and trade secrets over the Internet.

29.11.10 Any online statements that may adversely affect DAP business operations, its customers or any of its employees.

29.11.11 Any online statements about DAP, its position on any issue or about any competitor except those authorized by Senior Management and/or legal counsel.

29.11.12 Fraudulent and/or messages transmitted under an assumed name.

29.11.13 Participating in any form of peer-to-peer file transfer such as Napster, Kazaa, Gnutella, Morpheus, etc.

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29.11.14 Downloading, sharing, or viewing streaming video, i.e. DVD movies or film clips, from the Internet, unless work-related.

29.11.15 Removing or transferring from any DAP device, computer or network file, data including, but not limited to, financial data, receipts, trade secrets, sensitive business data, via email, CD or USB device.

29.11.16 Using DAP technology resources and/or paid time to seek, refer, send or obtain non-DAP information for personal amusement or benefit.

29.11.17 Modifying settings on point-of-sale devices at any time.

29.11.18 Storing the Company's proprietary information on unauthorized locations such as personal cloud-based storage accounts.

29.12 Penalties: Violations of this policy will be subject to the disciplinary guidelines set forth in the Discipline Policy. Proper local and state law enforcement authorities will be notified when necessary.

29.13 National Labor Relations Board (NLRB): DAP intends to comply with the direction of the NLRB relative to employee communications that constitute protected, concerted activity. Nothing in this policy is intended to infringe upon employee rights, nor will the policy be interpreted or enforced in a way that infringes upon employee protected communications.

### **30.0 SOCIAL MEDIA**

30.1 Social networks have become an increasingly prevalent form of communication in our personal and professional lives. Used responsibly, social media can help positively shape the public's perception of DAP and our products, services, customers and employee. This policy promotes responsible use of social media.

30.2 This policy applies to both business and personal use of any form of social media or social networking site, including Facebook, YouTube, MySpace, "X" (Twitter), Snapchat, Instagram, LinkedIn, Foursquare, TikTok, usernet groups, online forums, message boards, bulletin boards, blogs and other similar social media or other sites where text, photos, videos, audio files, or other content may be posted and shared (hereinafter collectively referred to as Social Media). All employees should exercise good judgment and common sense when accessing and using Social Media.

30.3 As an employee of DAP, you may not post, discuss or disseminate any non-public information, whether through words, documents, pictures, texts, blogs, or videos relevant to the business on the Internet. You should be aware that your online presence reflects upon DAP and what you post via images or comments can impact DAP in a negative manner. You are not an authorized spokesperson for DAP.

30.4 Prohibited Use of Social Media:



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30.4.1 Employees are prohibited from criticizing DAP's or its competitor's products, services, executive leadership, employees, strategy and business prospects.

30.4.2 No employee may post information, including images (trademarks, logos, clothing with trademarks and logos, work sites, employee information, information related to investigations and/or accidents) on Social Media about or referencing DAP or any aspect of DAP's business, or for any purpose, including marketing, recruiting, advertising or personal use, without first obtaining written permission from Senior Management and the Senior Director of Human Resources.

30.4.3 Employees are prohibited from using Social Media during work hours for personal use. Employees are permitted to access Social Media before and after work hours and during breaks.

30.4.4 Posting of any DAP non-public, confidential or proprietary information without prior authorization is prohibited.

30.4.5 Employees are prohibited from using Social Media in violation of company policies and state, federal or local law, and will be held legally responsible for their postings.

30.5 Appropriate Use of Social Media: Authorized DAP personnel may use Social Media for community outreach, recruiting/employment, and marketing/advertising.

30.7 Employees who have seen and have legal access to posted information that violates company policy or any federal, state or local law should print the posting and provide a copy to Human Resources.

30.8 The content of this policy is not intended to interfere with employee's rights under Section 7 of the NLRA.

### **31.0 AMERICANS WITH DISABILITIES ACT**

31.1 It is the policy of DAP to comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). DAP does not discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment, as defined in the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA).

31.2 An applicant or employee is disabled, as defined in the ADA, where the applicant or employee has "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." This policy recognizes and accepts the position of the EEOC that one is disabled, in regard to working, where one has a disability that substantially limits one's ability to perform a wide variety of jobs reasonably relevant to the particular individual.

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31.3 A reasonable accommodation is a modification to a job which will allow an individual with a disability to perform the essential functions of the job.

31.4 If an individual can perform the essential functions of a job with or without reasonable accommodation, DAP will provide a reasonable accommodation in accordance with the ADA/ADAAA if a reasonable accommodation is needed, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to DAP. Employees should contact Human Resources with any questions or requests for accommodation.

31.5 When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired. All employees are required to comply with DAP safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate employment situation.

31.6 Individuals who are currently using illegal drugs or using legal drugs in an illegal manner are excluded from coverage under DAP ADA policy.

31.7 When an employee asserts the existence of an ADA disability, DAP will consult with the employee regarding the nature of the disability and how it impacts the performance of the essential functions of the job. Because of the interactive process, DAP may seek information from the employee's medical providers, occupational therapist, or other person who may be informed about the asserted disability or appropriate accommodations. In addition, DAP may, at its own cost, have that assertion of a disability analyzed, or the request for accommodation reviewed by medical authorities or relevant professionals of its choice. The scope of the examination would be limited to relevant issues; i.e. Is there medical evidence of an ADA disability given the essential functions of the relevant job? and What accommodation, if any, would permit the employee to perform the essential functions of the job?

31.8 When an employee seeks to return to work from a lengthy medical leave of absence, DAP may, in the exercise of reasonable discretion, and at its own cost, have the employee medically examined. The scope of the examination shall be limited to the issues which created the need for a medical leave in the first place, as those medical issues might relate to the employee's ability to perform the essential functions of the relevant job.

31.9 Any medical documentation obtained through this examination process shall be maintained as a confidential medical record.

31.10 In the event that an examination conducted as outlined above produces the conclusion that the employee does have an ADA disability impacting the examined individual's ability to perform all of

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the essential functions of the relevant job, then the Senior Director of Human Resources and the employee shall engage in a thorough discussion of the possibilities of reasonable accommodation.

### **32.0 FAMILY MEDICAL LEAVE ACT (FMLA)**

32.1 DAP will comply with the Family and Medical Leave Act of 1993 (FMLA or Act) implementing Regulations as revised effective October 28, 2009. The company posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act. Notices can be found on the bulletin boards in the Park Office, Ride Office, Laguna Guest Services and Human Resources Office. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

32.2 General Provisions: Under this policy, DAP will grant up to 12 weeks of FMLA leave or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness during a rolling 12-month period to eligible employees. This leave is an unpaid leave of absence; however DAP requires that employees who take FMLA must exhaust all available PTO. PTO will run concurrently with FMLA. If an employee takes PTO for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, DAP may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications. Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

32.3 This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Director of Benefits.

32.4 Eligibility: To qualify to take FMLA under this policy, the employee must meet all of the following conditions:

32.4.1 The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to

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National Guard or Reserve military service obligations or when there is a written agreement, stating the employer's intention to rehire the employee after the service break.

32.4.2 The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

32.5 Type of Leave Covered: To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

32.5.1 The birth of a child and to bond with a newborn child.

32.5.2 The placement of a child for adoption or foster care and to care for the newly placed child.

32.5.2.1 Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement. If the newly born or newly placed child has a serious health condition, the employee has the right to take FMLA leave to care for the child intermittently, if medically necessary and such leave is not subject to the 12-month limitation.

32.5.3 To care for a spouse, child or parent with a serious health condition.

32.5.4 The serious health condition of the employee.

32.5.5 Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

32.5.5.1 "Covered active duty" means: (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the

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Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

32.5.5.2 The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a rolling 12-month period.

32.5.6 Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single rolling 12-month period to take care of leave to care for that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member.

32.5.6.1 The term "covered service member" means: (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

32.5.6.2 The term "serious injury or illness": (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### 32.6 Amount of Leave:

32.6.1 An eligible employee can take up to 12 weeks for the FMLA circumstances listed in 32.5 above under this policy during any rolling 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Company

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will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

32.6.2 An eligible employee can take up to 26 weeks for the military caregiver leave during a single 12-month period. For this military caregiver leave, DAP will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

32.6.3 If a husband and wife both work for DAP and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for DAP and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

32.7 Employee Benefits During Leave: During any FMLA leave, DAP will continue to make premium payments to maintain an employee's health care coverage under the same terms and conditions as in existence on the date leave begins, or as changed during the period when the employee is on leave. However, this does not eliminate the requirement of employee co-payments for those employees who normally have co-payments towards their insurance coverage. Provisions for employee co-payments will be made at the time of the leave request. If any co-payment is more than 30 days past due, DAP will terminate health care coverage retroactively to the date the co-payment was due and continue for the duration of the leave period. Coverage will be restored upon return to work. Employee HSA and 401K contributions are only made if the employee receives a pay check. Employer 401K contributions are only made if the employee receives a check. Because Company performance bonuses are discretionary and performance/production-based, the bonus for any otherwise qualified employee using an FMLA leave of absence during the time period for the bonus will be reduced equal to the time on leave greater than four (4) weeks and not paid thru PTO.

### 32.8 Employee Responsibility:

32.8.1 When requesting FMLA leave, whether paid or unpaid, a 30-day advance notice is required where the necessity for leave is foreseeable. Where the need for leave is not foreseeable, the employee must provide such notice as soon as practical (within one or two days of discovering the need for leave). Failure to provide such notice may result in the employee's leave being delayed.

32.8.2 Employees requesting leave due to their own or a qualifying family members' serious health condition must, in conjunction with the relevant health care provider, submit medical certification of the need for leave. Failure of the employee to provide the completed forms to DAP within 15 days of the request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continued leave. Medical certification will be provided using the appropriate U.S. Department of Labor form.

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32.8.3 Employees must notify DAP of their intent to return to work every 30 days. Employees or the employee's family member, where applicable, must provide recertification for the serious health condition after the minimum duration of the serious health condition on the initial certification expires and when circumstances have changed significantly, or if the DAP receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. In all cases, DAP will request recertification every six (6) months in connection with an absence.

32.8.4 Employees requesting an intermittent leave or leave on a reduced schedule due to a serious health condition must first make a reasonable effort to schedule any treatment so as to not unduly disrupt the operations of the employee's Department (if such need is reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary.

32.8.5 Employees returning from a leave due to their own serious illness or injury must provide to Human Resources, two (2) working days prior to reinstatement, a "DAP Return to Work" form completed by their health care provider.

### 32.9 DAP Responsibility:

32.9.1 Within five (5) business days after the employee has submitted the appropriate certification form, the Director of Benefits or Senior Director of Human Resources will designate any leave as FMLA where the circumstances indicate that the leave qualifies and shall inform the employee of this fact, using the appropriate U.S. Department of Labor form, and of any PTO that must be used as part of the 12-week FMLA leave.

32.9.2 DAP, using a health care professional, a Human Resource professional, leave administrator or management official, may directly contact the employee's health care provider or the employee's family member's health care provider for purposes of verifying or clarifying medical certification or recertification. DAP will not use the employee's direct manager for this contact. Before DAP makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, DAP will obtain the employee's or the employee's family member's permission for clarification of individually identifiable health information. DAP may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

32.9.3 DAP has the right to ask for a second opinion if it has reason to doubt the medical certification. DAP will pay for the employee or the employee's family member to get a certification from a second doctor, which DAP will select. DAP may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, DAP will require the opinion of a third doctor. DAP and the employee will mutually select the third doctor, and DAP will pay for the opinion.

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This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**32.10 Restoration of Employment:** Employees returning from a FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. Exceptions to this general rule include but are not limited to layoffs, reduction in OT hours, shift eliminations, fraudulently obtaining leave and occasions when the employee is unable to perform the essential job functions. DAP may choose to exempt certain key employees from this requirement and not return them to the same or similar position. Employees that return to work after exceeding their twelve (12) weeks of a qualifying FMLA leave of absence (i.e., return after 13 weeks) are no longer guaranteed to return to work to the same position with the same pay.

**32.10.1** Any employee returning from a leave of absence for a period of twelve (12) weeks or longer shall submit to a drug test and must receive a confirmed negative test result prior to returning to work.

**32.10.2** Employees will only be permitted to return to work after Human Resources has received a detailed, written return to work authorization form from their attending physician. This must include any work restriction that may have been placed upon the employee by the treating physician. It is the employee's responsibility to ensure that Human Resources has the necessary return to work documentation.

**32.11 Fraud:** An employee who fraudulently obtains Family and Medical Leave from DAP is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, DAP will take all available appropriate disciplinary action against such employee due to such fraud.

**32.12 Outside/Supplemental Employment:** Employees are prohibited from outside/supplemental employment while on FMLA leave and any other form of leave.

## **33.0 TWO-WAY RADIO COMMUNICATIONS**

**33.1** DAP uses two-way radios as a primary means of communication between employees and departments on a daily basis. This method of communication allows us to quickly communicate information that is vital to park operations. Each department will provide two-way radio training, if applicable.

**33.2 Radio Etiquette:** Information transmitted by radio can be heard by other employees and Park guests. Therefore, all employees should adhere to the following:

- Keep communications brief and professional in nature.
- No vulgar language or inappropriate comments are to be transmitted on the radio.
- Prior to speaking on a channel, be sure no one else is speaking on that channel.
- Hold the button in one full second prior to talking to avoid speech being cut off.
- Speak clearly and slowly.



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- Don't describe details by radio; request a phone call or visit to your location so that details can be discussed privately.

33.3 Each department is assigned a radio channel. Channel assignments are as follows:

Channel 1	Guest Services (Main Office, Guest Service, Cabanas)
Channel 2	Public Safety (Security, First Aid)
Channel 3	Park Operations (Rides, Maintenance)
Channel 4	Water Operations (Aquatics, Waterside Maintenance)
Channel 5	Merchandise & Marketing (Games, Retail, Marketing)
Channel 6	Food Service Concessions, Warehousing
Channel 7	Food Service Catering
Channel 8	Park Services (Clean Up, Parking)

33.4 In the event of an emergency, Channel 1 is designated as the priority channel and all transmissions should cease until an "All Clear" announcement is made. In the event of a power failure, Channel 3 will become the priority channel.

### **34.0 MILITARY LEAVE OF ABSENCE**

34.1 A military leave of absence may be granted if you enlist, are inducted, or are recalled to active duty in the Armed Forces of the United States, including the Reserves and National Guard, for a period of not more than five (5) years. Employees who perform and return from military service in the Armed Forces, the Military Reserves, or the National Guard shall have and retain such rights with respect to reinstatement, seniority, PTO, layoffs, compensation, and length of service pay increases as may be from time to time provided, in accordance with applicable federal or state law.

34.2 Upon satisfactory completion of military service and timely notice of intent to return to work, you will be reinstated to a job comparable to the one you left, provided you are qualified and DAP circumstances have not changed to the extent that it would be impossible or unreasonable to provide re-employment. You must reapply for a job as follows:

34.2.1 In the case of a person whose period of service was less than 31 days, by reporting to DAP not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the employee from the place of that service to the employee's residence; or as soon as possible after the expiration of the eight-hour period referred to above, if reporting within the period is impossible or unreasonable through no fault of the employee. This provision also applies to any employee who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services.

34.2.2 In the case of an employee whose period of service was for more than 30 days but less than 181 days, by submitting an application for reemployment with DAP not later than

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14 days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the employee, the next first full calendar day when submission of such application becomes possible.

34.2.3 In the case of an employee whose period of service was for more than 180 days, by submitting an application for reemployment with DAP not later than 90 days after the completion of the period of service.

34.2.4 DAP will comply with the Uniform Services Employment and Reemployment Rights Act in all other circumstances.

34.3 If upon return from military service you are physically unable to perform the duties of your previous job with or without reasonable accommodation, DAP will attempt to place you in a position of similar status and pay compatible with your physical abilities.

34.4 An employee on military leave may elect to continue health insurance at the employee's expense for the employee and his/her family for up to twenty (24) months while performing such service.

34.5 Similar to the Company's benefit of paid leave provided to employees for bereavement or to serve on a jury, the Company will pay up to three (3) days per calendar year for employees who take a military leave of absence of any length (including one (1) day three (3) separate times). For purposes of calculating the employee's pay, a "day" shall be eight (8) hours, and paid military leave shall not be included in the calculation of hours worked for overtime pay purposes.

34.6 A military leave of absence will also be granted if you participate in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, if you have already used all of your paid military leave as provided for in section 34.5 above, you may either use PTO (paid time off) days or take leave without pay at your option. If you are on military leave during a DGF defined paid holiday, you will receive full holiday pay from DGF irrespective of any military pay earned that day.

## **35.0 WORKPLACE VIOLENCE**

35.1 DAP is committed to preventing workplace violence and to maintaining a safe work environment. DAP is committed to dealing with intimidation, harassment or other threats of actual violence that may occur onsite or offsite during work-related activities. Employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. DAP encourages employees to bring their disputes to the attention of their manager or the Human Resource Department before the situation escalates without fear of discipline to employees for raising such concerns.

35.2 Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee; customer, vendor or business associate will not be tolerated. DAP's resources may not be used to threaten,

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stalk or harass anyone at the workplace or outside of the workplace. DAP treats threats coming from an abusive personal relationship as it does other forms of violence.

35.3 Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a manager, Security, Human Resources, or any member of Senior Management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

35.4 Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. DAP will not retaliate against employees making good-faith reports. DAP is committed to supporting victims of intimate partner violence by providing referrals to community resources.

35.5 The Senior Director of Human Resources will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. DAP will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, DAP may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

35.6 Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### **36.0 EMPLOYEE RECORDS**

36.1 DAP keeps certain records relating to your employment in an employee file. Some employment records are kept in separate files, such as records relating to medical conditions and leaves, records relating to investigations and records relating to I-9 requirements.

36.2 Employee files are maintained by the Human Resource Department and are considered confidential. Access will be limited to only those who have a job-related need to know the information. Files will include: employee information; payroll, wage, and tax information; benefit and beneficiary information; education and training records, performance reviews, disciplinary actions; and any other miscellaneous employee information. Documents contained within the employee files are considered DAP's property and may not be copied or distributed by the employee or managers; however, notes may be taken.

36.3. A manager considering the hire of a former employee or the transfer of a current employee may be granted access to the file, or limited parts of the file in accordance with anti-discrimination laws. Managers should request an appointment to review employee files.

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36.5 Contact the Human Resources Department to request access to an employee file.

36.6 Employees may only review their file in the Human Resource Department during regular business hours. A representative of the Human Resources Department will be present with the employee during the file review. Employee files should not be removed from the Human Resource Department unless in the possession and presence of a member of the Human Resource Department and only under special circumstance.

36.7 Representatives of government or law enforcement agencies, in the course of their duties, may be allowed to access employee file information. This decision will be made at the discretion of DAP or the Senior Director of Human Resources in response to the employee's request, a valid subpoena, or valid court order.

36.8 A request by current employees to view the employee file will generally be permitted within three days of the request. Former employees will not be permitted access to his/her file.

36.9 Ultipro Self Service Portal: Employees will have some access to their employee records via the employee self-service portal of the Human Resource Information System. Employees may view their record, view their timesheets, request time off, view W-2's, view pay rates and pay stubs, and make changes to: addresses, phone numbers, emergency contacts, taxes, W-4 withholding, email addresses, direct deposit, etc. The self-service portal may be accessed with the employee's user name and password via the following website: <https://ew14.ultipro.com>

36.10 It is the employee's responsibility to promptly enter changes in the employee Ultipro self-service portal or immediately notify the Human Resource Department should any of the following information change: address, telephone number, emergency contacts, name, marital status, number of dependents, or beneficiaries.

### **37.0 HIRING**

37.1 DAP will not unlawfully discriminate against applicants considered for employment or employees during employment with regard to their race, religion, religious creed, sex, color, national origin, age, pregnancy or the potential to become pregnant, disability, gender identity, transgender status, sexual orientation, veteran status, military status or any other protected status and/or conditions specified in federal, state or local civil rights laws. Employment includes such things as recruitment or recruitment advertising, selection, work assignments, upgrading, demotion, or transfer, layoff or termination, rates of pay or other forms of compensation, and training and/or on-the-job training. Applicants who need an accommodation for any aspect of the hiring process should contact Human Resources for assistance.

37.2 Application Process: In order to be considered for employment at DAP, applicants must complete an application on-line and identify each available position for which they would like to be considered. Applications can be completed on the DelGrosso website at [www.delgrossos.com](http://www.delgrossos.com), at the local state employment service (PA CareerLink), at the local library and at the DelGrosso Human Resources office.

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37.3 Affirmative Action Data Record and Voluntary Self-Identification: DAP requests applicants complete the Affirmative Action Data Record and the Voluntary Self-Identification for Disability and Veteran Status along with the applications. Submission of this information is voluntary. Completion of these records allows us to meet our reporting requirements under Federal employment laws and regulations.

37.4 Available Positions: All available positions will be listed on our website at [www.delgrossos.com](http://www.delgrossos.com). Positions may be advertised by newspaper, radio and other media.

37.5 Selection:

37.5.1 Hiring selections will be made without regard to race, religion, religious creed, sex, color, national origin, age, pregnancy or the potential to become pregnant, disability, gender identity, transgender status, sexual orientation, veteran status, military status or any other protected status and/or conditions specified in federal, state or local civil rights laws.

37.5.2 Unsuccessful applicants who have been interviewed will be so notified.

37.6 Criminal Background Checks and Clearances:

37.6.1 It is the policy of DAP to perform Pennsylvania State Criminal Background Checks and Federal Criminal History Background Checks on all potential Team Leaders, Managers, and employees in Security and First Aid age 18 and older after employment has been offered and accepted. Prospective employees will be asked to sign an authorization to complete the background check. The expense will be incurred by DAP.

37.6.2 DAP reserves the right to rescind an offer of employment should a background check reveal a felony or misdemeanor charge that was not disclosed during the interview process and the charge could cause detriment to business, reputation, or operations at DAP.

37.6.3 Child Abuse Clearances are obtained on all prospective DAP Team Leaders, Managers and employees in Security and First Aid age 18 and older after employment has been offered and accepted. Employees must cooperate with DAP to obtain their Child Abuse Clearances, or the failure to cooperate shall be cause for discipline, up to and including termination of employment. Additionally, should legal requirements prohibit any employee from being able to work in a specific job due to the employee's Child Abuse Clearance status and applicable law, DAP will attempt to make arrangements to offer employment to such employee under circumstances that permit DAP to comply with any legal requirements. However, if DAP is unable to provide such other employment, employee's position with DAP will be terminated.

37.7 Internal Transfers: In order to promote growth and advancement opportunities within DAP, employees are encouraged to apply for a transfer within DAP as positions become available.

37.8 In order to qualify for an intercompany transfer, an employee must meet the following criteria:

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- 37.8.1 May only have one intercompany transfer in the current season.
- 37.8.2 Must meet the qualifications of the position as posted.
- 37.8.4 Must be in good standing with DAP, i.e. no disciplinary actions or performance issues.

37.9 All available positions are posted on our website at [www.delgrossos.com](http://www.delgrossos.com) and in Ultipro.

37.10 Individuals who wish to apply for a vacancy must complete an application online via Ultipro. Qualified candidates who meet all criteria listed above will be interviewed for the position in order of years of service. First priority may be given to most senior candidates in good standing, pending the outcome of the interview. Preference is given to internal applicants only when applying within seven (7) days of the job posting.

37.11 Please note that employees of DAP who would like to apply for a position within a separate DelGrosso family-owned company, must complete an application for employment. Completing an application for employment does not constitute an intercompany transfer.

37.12 Management reserves the right to waive the amount of time employed and transfer limits if an employee transfer would meet a business need that would be of benefit to DAP. This would be reviewed on a case by case basis.

37.13 The Hiring Manager, in conjunction with Human Resources, is required to research the employment history and reason for separation of any candidate who has been previously employed by DAP or any other DelGrosso family-owned company prior to extending an offer of employment.

### **38.0 SEPARATION OF EMPLOYMENT**

38.1 Although we hope your employment with DelGrosso Foods (DAP) will be a mutually rewarding experience, we understand that varying circumstances do cause employees and employers to separate an employment relationship.

38.2 Voluntary Termination: When an employee resigns employment, the separation is considered a voluntary termination. In order to facilitate a smooth transition out of the organization, the resigning employee is expected to provide their immediate manager with a dated, written notice of resignation, no less than two (2) weeks in advance of the date upon which the employee would have the resignation become effective.

38.2.1 Once an employee's resignation has been accepted, DAP will determine the employee's last work day and the termination will be effective as of that date.

38.2.2 An employee may rescind in writing a resignation through the effective date of resignation. DAP reserves the right to accept the resignation or permit the employee to rescind the resignation.

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38.2.3 An employee who fails two times to report off work by the close of business of the day absent without properly communicating (i.e. actually speak to) to their manager the reasons for his/her absence will be viewed on the second no call, no show as voluntarily resigning his/her employment with DAP without notice effective the date of the second absence.

38.2.4 An employee who fails to return from an approved leave of absence for a period of one day without properly communicating with the Director of Benefits the reasons for his/her absence will be viewed as voluntarily resigning his/her employment with DAP without notice effective the date the employee was scheduled to return from the leave of absence.

38.3 Involuntary Termination: An involuntary termination is a separation at the direction of the employer. An employee can be terminated with or without cause at any time whatsoever at the sole and absolute discretion of DAP. Employees who have been terminated by DAP without cause are entitled to unused accrued PTO benefits according to the PTO policy for the current year so long as the employee returns all DAP-owned or controlled property and has not violated any DAP policy. If separation of employment occurs as a result of an employee violating DAP policy, PTO will not be paid.

38.4 Layoff/Reduction in Force: In the event an employee is laid off or his/her position is abolished, the employee will be notified in writing by the Human Resource Department within the guidelines of the WARN Act, if applicable.

38.5 Benefits: If applicable, employer and employee contributions to the 401(K) will end when the last pay check has been issued.

38.6 Return of Company Property: It is the responsibility of the terminated employee to surrender any DAP-owned or controlled property no later than the final workday. An employee who fails to return any DAP-owned or controlled property including, but not limited to, ID badge, name tag, notebooks, computer records, whether in print or electronic format and other data relating to records, customer information, contacts, business records, keys, parking permit, credit cards, tools, uniforms, cell/smart phones, radios and other equipment will be deemed ineligible for rehire and may be subject to legal prosecution.

38.7 Re-employment: An employee who resigns in good standing under this policy and whose documented performance is above average under the DAP performance management system will be eligible for re-employment. Former employees will be considered for open positions along with all other candidates.

38.8 Departing employees must confirm their forwarding address with Human Resources to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address.

38.10 The departing employee's manager must complete and forward to Human Resources an Employee Change Form. This form must be completed to ensure that the employee is terminated in

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a uniform and consistent manner from all appropriate systems, that DAP-owned or controlled property is reclaimed and that the employee's final pay check is paid in accordance with state and federal laws and regulations.

**38.11 Employment References and Verifications:** All employment references and verification will be processed through the Human Resources Department. Human Resources will only provide dates of employment, position title and eligibility for re-hire for requested employment references. Employment verification request will require a signed release by the employee faxed to Human Resources so that any confidential information can be disclosed to the requestor(s).

### **39.0 SAFETY**

**39.1** DAP strives to be a safe place to work. Maintaining a safe work environment requires the effort and cooperation of everyone. It is the responsibility of each employee to work safely and to prevent accidents by observing all safety and fire precautions.

**39.2** DAP holds Safety Committee Meetings every month. The Safety Committee is made up of management and non-management staff. Non-members are welcome to attend as a guest at any time. There is a suggestion box in the Park Office and Laguna Splash Guest Services where employees may place suggestions to improve the safety of themselves and others. Safety information is also contained in the monthly DAP newsletter.

**39.3** During your employment at DAP, you may come in contact with hazardous substances. Safety Data Sheets (SDS) sheets are maintained on all chemicals used within the DAP facility. A manual regarding their handling is located in ride side First Aid, water side First Aid and the Laguna Splash pump room.

**39.4** Each employee is responsible for cleaning up his work area and space. All materials should be put away in the appropriate space. Any spills must be cleaned up immediately. Employees will be instructed in the proper use of safety equipment. Each employee is responsible for following these instructions, and the failure to do so may result in disciplinary action.

**39.5** Employees failing to wear the required personal protective equipment in his/her work areas are subject to disciplinary action up to and including termination.

**39.6** Horseplay is not allowed under any circumstances. Employees that are found engaging in horseplay will be subject to disciplinary action, up to and including termination.

### **40.0 COMPANY DRIVERS**

**40.1** This policy will cover all employees operating a DAP-owned or controlled vehicle. In this section of the handbook, the term "company vehicle" is defined as a vehicle that is owned or leased and insured by DAP.

**40.2** Requirements to Operate a Company Vehicle



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- 40.2.1 Only an employee approved by Senior Management may operate any company vehicle.
- 40.2.2 Vehicle operators must be at least 18 years of age, including golf cart operators.
- 40.2.3 Any employee who drives a company vehicle MUST have a valid PA Driver's License. A copy of the current, valid PA Driver's License must be on file in the Human Resources Department. Those employees who move from another state have 30 days to acquire a PA Driver's License.
- 40.2.4 Any employee whose job requires operating a company vehicle will be added to the Company's insurance Policy. The insurance company will require a report of the employee's Motor Vehicle Record (MVR) from the Department of Transportation to verify eligibility for coverage. After review of the employee's driving record, approval may be granted for the use of a company vehicle. See Appendix C – MVR Program.
- 40.2.5 Those employees who are required to operate company vehicles must comply with all applicable motor vehicle laws. All fines associated with not adhering to the motor vehicle laws are the responsibility of the driver unless management deems otherwise.
- 40.2.6 All commercial vehicle drivers are to complete log sheets that are located in each vehicle, if applicable.
- 40.2.7 All commercial vehicle drivers must have a clear understanding of the "Federal Motor Carrier Safety Regulations (FMCSR)" and must sign a "Driver's Receipt" form confirming they have received the FMCSR pocketbook.
- 40.2.8 Any employee operating a company vehicle weighing between 10,000 lbs. and 26,000 lbs. is required to have a current medical examiner's certificate, an active DOT qualification file and a valid driver's license.
- 40.2.9 Any employee operating a company vehicle weighing 26,001 lbs. or greater is required to have a valid commercial driver's license (including appropriate class and endorsements), a current medical examiner's certificate and an active DOT qualification file.
- 40.2.10 Use of an electronic device while driving a motor vehicle or operating mobile equipment is NOT required by DAP and is prohibited. Employees are expected to follow applicable state or federal laws or regulations regarding the use of a mobile communication device at all times. Employees whose job responsibilities include regular or occasional driving and who use a mobile communication device to conduct DAP business are expected to refrain from using their mobile communication device while driving. Regardless of the circumstances, the following applies:

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- 40.2.10.1 Employees should allow voicemail to handle calls and return them when safe.
- 40.2.10.2 Employees should pull off of the road to a safe location and stop the vehicle before using a mobile communication device.
- 40.2.10.3 Employees should ask a passenger to make or take the call.
- 40.2.10.4 Employees should inform regular callers of the best time to reach you based upon your driving schedule.
- 40.2.10.5 If unable to do the above, hands-free equipment must be used when employees make or take a call while driving and only when safe to do so.
- 40.2.10.6 Under no circumstances are employees permitted to place themselves or the public at risk to fulfill business needs.
- 40.2.10.7 If an employee is in an accident while using a mobile communication device, any costs, fees and/or fines will be solely the responsibility of the driver and the employee may be subject to disciplinary action up to and including termination of employment.

40.2.11 Employees operating a Commercial Motor Vehicle (CMV) on a highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays are prohibited from using a hand-held mobile communication device; from dialing a mobile communication device by pressing more than a single button; and from reaching for a mobile communication device in an unacceptable and unsafe manner.

40.3 Care of Vehicle/Equipment: It is expected that care and discretion will be exercised in the use of DAP equipment, vehicles and supplies. All company vehicles, equipment and supplies are considered DAP property and are to be used for business purposes only, unless otherwise approved by Senior Management. Employees who operate company vehicles are responsible for vehicle up keep. When returning from a trip or before the completion of the workday, drivers should remove any and all trash inside the vehicle, sweep out any excessive mud or dirt in the vehicle and ensure windows are closed.

40.4 Inspections: Drivers, when applicable, are to conduct an inspection of the company vehicle before and after operating the vehicle on the road. It is important to carefully check all aspects of the vehicle to ensure that there are no safety or mechanical problems. (i.e., tire pressure, headlights etc.) Employees who operate any company vehicle should complete an inspection form and be sure to have the vehicle registration and insurance card before departing. The inspection sheet should be turned in to your manager. If you encounter any problems while inspecting the vehicle, you must report the problem immediately to your manager and document the problem on the inspection form.

40.5 Driving Abilities: It is important the employee is alert and focused while operating a motor vehicle. There are factors that can inhibit your ability to operate a vehicle safely. If you have reason to believe you are unable to safely operate a vehicle, notify your manager immediately.

40.6 Emergency Situations: There may be times when you are driving that you encounter an emergency situation. These situations include accidents, mechanical failure, and weather related issues. It is important to know what to do in the event of these situations.

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40.6.1 Accidents: If you should be involved in an accident while driving a company vehicle, the following steps should be taken.

- 40.6.1.1 Do not leave the scene.
- 40.6.1.2 Secure your vehicle.
- 40.6.1.3 Turn on Four Way Flashers.
- 40.6.1.4 Notify the Authorities (Call 911), give as much info as possible.
- 40.6.1.5 Secure names and address of any possible witnesses.
- 40.6.1.6 Call your manager or Human Resources. Please refer to the emergency number list located inside the metal clipboard.
- 40.6.1.7 DO NOT discuss the accident with any unauthorized personnel.
- 40.6.1.8 DO NOT sign any papers, unless required by the investigating police agency or by the insurance carrier.
- 40.6.1.9 Upon returning back to work, a copy of the Vehicle Damage Report must be given to your manager.
- 40.6.1.10 Drivers are responsible for any damage done, whether to the company vehicle or other property, as a result of their own negligence or recklessness.  
Note: NEVER leave your vehicle unattended, unless you are injured.
- 40.6.1.11 Drivers involved in an accident while operating a company vehicle will be required to submit to a test for drugs and alcohol.

40.6.2 Mechanical Failure (breakdowns):

- 40.6.2.1 Pull off to the side of the road as far as you can.
- 40.6.2.2 Place the vehicle in park and turn off the ignition.
- 40.6.2.3 Turn on the Four Way Flashers.
- 40.6.2.4 Call your manager or Human Resources. Please refer to the emergency number list located on the inside of the metal clipboard.
- 40.6.2.5 Note: If you leave the vehicle, make sure all doors are secured.

40.6.3 Weather Related Situations: If you are operating a vehicle in severe weather, (i.e. Snow or Fog) remember to slow down, maintain safe driving distance and turn on your headlights.

40.7 Driving Rules and Regulations: It is expected that all drivers will obey all state and federal traffic laws and DAP regulations including but not limited to the following:

- 40.7.1 All passengers in company vehicles must wear seat belts while in motion.
- 40.7.2 Speed must never exceed the posted maximum speed limit.
- 40.7.3 Speed shall be reduced in fog, nighttime, snow and rainy conditions.
- 40.7.4 Drivers shall use extra caution while driving in a construction area.
- 40.7.5 Drivers should keep the proper distance between their vehicle and other vehicles.

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- 40.7.6 Drivers shall operate the vehicle in a safe manner at all times.
- 40.7.7 At no time will radar detectors be permitted to be used.
- 40.7.8 Negligent use is cause for loss of privilege to drive any company vehicle.
- 40.7.9 Company vehicles are not for personal use unless you are authorized by your manager.
- 40.7.10 Non-company personnel or unauthorized passengers may not ride in vehicles without authorization.
- 40.7.11 Allowing vehicle to sit and idle unnecessarily is not permitted.
- 40.7.12 Use of cell/smart phones while operating a company vehicle is not permitted. If you have to use the phone, pull off into a safe area and then conduct your conversation. It is illegal to text while driving and therefore prohibited.
- 40.7.13 Avoid distractions while driving. (i.e., eating, reading a map, intense discussion w/ passenger, etc.). Keep your full attention on the road and the operation of the vehicle.

40.8 Citations and Arrests that Affect Your Driving Record: It is important that all drivers maintain an acceptable driving record. Drivers receiving a notification or summons of a minor or major violation, or drivers involved in an "At Fault" accident MUST inform his/her manager immediately. This includes both work-related and non-work-related incidents. All violations and "At Fault" accidents will affect your driving record no matter if you're operating a personal vehicle or a company vehicle. Excessive violations and /or "At Fault" accidents will inevitably affect your driving record and cause you to be ineligible to be insured by DAP. It is important that you inform your manager of any work-related or non-work-related violation or "At Fault" accident immediately upon returning to work. Your manager will make a copy of the notification and place it into your Driver's Qualification file. Disciplinary actions will be taken if you fail to report this information.

40.9 Golf Carts: Employees must be 18 years of age or older and provide proof of having obtained a driver's license recognized by the Commonwealth of PA to operate a DAP-owned or controlled golf cart. No more than two people may occupy a golf cart at any time. Golf cart passengers must be 14 years of age or older. No passengers may ride in the back of a golf cart at any time.

40.9.1 Employees that operate a DAP-owned or controlled golf cart must have a copy of his/her valid driver's license in the employee file in the Human Resources office. Employees that are required to operate a golf cart as part of his/her job must complete the golf cart training and safety course prior to operating a golf cart. Record of this training must be kept in the employee file in the Human Resources office.

40.9.2 Minors may load and unload golf carts as long as the golf cart is on DAP property. Golf carts may not be loaded or unloaded on a public roadway unless the employee is 18 or older.

40.9.3 Employees involved in golf cart negligence or an accident may be subject to post-accident drug and alcohol testing and/or disciplinary action.

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40.10 Disciplinary Actions: Violations of this policy will be subject to the disciplinary guidelines set forth in the Discipline Policy.

### 41.0 TRAVEL

41.1 The purpose of this policy is to ensure that all employees have a clear and consistent understanding of the policies and procedures for business travel and expenses.

41.2 The traveler is responsible for complying with the Travel Policy. The manager who approves and signs expense reports is responsible for accurately reviewing expense reports for compliance. DAP will reimburse employees for all reasonable and necessary expenses while traveling on authorized business or entertaining business clients. DAP assumes no obligation to reimburse employees for expenses that are not in compliance with this policy. Employees who do not comply with this policy may be subject to delay or withholding of reimbursement and/or disciplinary action.

41.3 Alcoholic Beverages: It is DAP's policy to refrain from consuming alcoholic beverages during business functions. However, in the event an employee chooses to consume alcoholic beverages in connection with a business function, DAP expects that employees will act responsibly and avoid excess. If an employee has any concerns that he/she is not capable of safely driving after such events, DAP will reimburse the cost of alternative transportation to ensure that the employee does not place themselves or others in danger. An employee, who is arrested and convicted for driving under the influence of a controlled substance while in the performance of DAP business, or when returning from a business function, is subject to disciplinary action up to and including termination. The costs associated with such action(s) are not a reimbursable expense.

41.4 Expense Reimbursement Guidelines: Employees must file an Expense Report no later than 30 days following the completion of the trip or of incurring the expense. Expenses must be submitted for reimbursement within 30 days of being incurred, or they will not be reimbursed.

41.5 Documentation Requirements: Employees must provide the following information in order to be reimbursed for any business-related expenditures:

- 41.5.1 Names of individuals present, their titles and company name
- 41.5.2 Name and location of where the meal or event took place
- 41.5.3 Exact amount and date of the expense
- 41.5.4 Receipts for all expenditures, especially those in excess of \$25.00.
- 41.5.5 Detailed restaurant receipts for meals, in excess of \$5.00.
- 41.5.6 Purpose of the Expenditure
- 41.5.7 Air/Rail – original passenger receipt.
- 41.5.8 Hotel – hotel folio plus credit card receipt or other proof of payment.
- 41.5.9 Car Rental – credit card receipt or rental agency invoice.
- 41.5.10 Entertainment – credit card receipt or register receipt for all expenses.
- 41.5.11 Meals – credit card receipt or register receipts for meal expenses over \$5.00.

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41.6 Receipts must be affixed to a piece of paper with like items (e.g. meals) together. An explanation of the business expense and a list of the individuals/company affiliations entertained (in the case of meal/entertainment receipts) must be documented next to the original receipt.

41.7 If like items have been summed to arrive at a single figure for entry to a single cell on the expense report, please indicate which items are being totaled on the paper where the receipts are affixed.

41.8 Expense Reports: Employees must complete an Expense Report for reimbursement of expenses. Expense reports containing entries that cannot easily be supported by receipts will be returned to the person submitting the expense report.

When a receipt is not available, a full explanation of the expense and the reason for the missing receipt is required. Actual bills/receipts must be submitted whenever possible; photocopies will be acceptable only with a detailed explanation as to why the original is unavailable. Receipts must include the name of the vendor, location, date and dollar amount. All expenses must be reported, regardless of how they were paid. The following receipts are acceptable:

- 41.8.1 Original receipt completed by the vendor
- 41.8.2 Customer's copy of credit card slip
- 41.8.3 Credit card billing statement, only in the unusual case where it is not possible to obtain the actual receipt

41.9 Incorrect or Incomplete Expense Reports: Expense reports that are incorrect, incomplete or include disorganized receipts will be returned to the employee for completion and may result in delay or non-reimbursement of specific items. Disregard for DAP policy or altering of receipts can result in disciplinary action up to and including termination.

41.10 Air/Rail Travel: Air travel reservations should be made in such a manner as to secure the best available fare. When traveling by air, employees are expected to use the lowest logical airfare available and non-direct flights when the savings are substantial. All international travel and trips over \$2,000 require the approval of the CEO or COO. Upgrades for air travel are not reimbursable, i.e. if an employee wishes to upgrade, it is done at the employee's expense.

41.10.1 Cancellations: When a trip is cancelled after the ticket has been issued, the traveler should inquire about using the same ticket for future travel or transferring the reservation to another employee.

41.10.2 Unused/Voided Airline Tickets: Unused airline tickets or flight coupons must never be discarded or destroyed as these documents may have a cash value. To expedite refunds, unused or partially used airline tickets must be returned immediately to the issuing authority. Employees must NOT include unused tickets with their expense reports. Employees with an electronic ticket simply need to call the issuing authority to initiate a refund.

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41.10.3 Parking: When parking at an airport or train station is part of business travel, it is expected that employees will utilize Long Term parking lots. Short Term parking fees will not be reimbursed.

41.11 Auto Travel/Car Rental: Employees may rent a car to get to their destination when driving is more cost effective than airline or rail travel. Employees may rent a car at their destination when it is less expensive than other transportation modes such as taxis, airport limousines and airport shuttles or when entertaining customers. Whenever multiple employees are traveling together, every effort to rideshare or carpool must be made.

41.11.1 Employees must reserve a car in the compact rental car category. When picking up a rental car, check with the rental car agent for any promotional rates, last-minutes specials or free upgrades. At the time of rental, inspect the car and be sure that any damage found is noted on the contract before the vehicle is accepted. When travel plans change, employees are responsible for canceling rental car reservations.

41.11.2 Employees may book a car rental class of service one level higher when the traveler can be upgraded at no extra cost, when two or more company employees are traveling together, when entertaining customers, when cars in the authorized category are not available, or when transporting excess baggage such as booth displays.

41.11.3 Domestic travelers should always decline all insurances offered by rental agency. Additionally, whenever possible, the prepaid gas option should be declined.

41.11.4 Rental cars must be returned to the original rental city unless approved for a one-way rental, intact (i.e. no bumps, scratches, or mechanical failures), on time, to avoid additional hourly charges and with a full tank of gas.

41.11.5 Should a rental car accident occur, employees should immediately contact the rental car company, local authorities (as required), and the Human Resource Department.

41.11.6 Rental Car Gas - Gasoline for use in rental cars is reimbursable with proper documentation.

41.12 Taxi/Shuttle/Parking Fees: The use of airport shuttles and taxis upon arrival at the employee's destination is the preferred mode of transportation. Make sure to ask for a receipt if one is not offered. This documentation aids in the expense-tracking process.

41.13 Business Use of Personal Vehicle: Employees may use their personal vehicle for business purposes if it is less expensive than renting a car, taking a taxi, or using alternate transportation. Personal vehicles may also be used when transporting company goods for delivery or entertaining clients. It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. If you drive your personal vehicle on company business and are in an automobile accident, you should be aware that your personal insurance policy will provide coverage with respect to damages to your motor vehicle and any liability

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to the other party if the employee is liable for the accident. The company has no liability to you with respect to damages to your motor vehicle or impacts to your insurance coverage as a result of an automobile accident.

**41.14 Mileage:** DAP does not reimburse for mileage when traveling to and from work; however, when an employee is asked to travel during the course of his/her work day for work-related purposes and uses his/her personal vehicle, mileage will be reimbursed from the worksite to the destination and back at the IRS mileage reimbursement rate. This mileage allowance is in lieu of actual expenses for gasoline, oil, repairs, tags, insurance, and depreciation. Therefore, actual expenses for those items will not be reimbursed when your personal vehicle is used for business. To be reimbursed for the use of your personal vehicle for business, employees must list on the expense report the date and purpose of the trip, locations traveled to and from, and total mileage.

**41.15 Lodging / Hotel:** Hotel reservations should be made in such a manner as to secure the best available rate. Employees are required, whenever possible, to use properties in the moderate category. Employees will receive their own private hotel room, unless the employees should choose to share a room (only with employees of the same gender unless the employees are married). In instances where an employee should choose to upgrade a hotel room, the employee will be responsible for the cost difference. In case of cancellation, employees will be held responsible and will not be reimbursed for "no-show" charges unless there is sufficient proof that the billing is in error or circumstances were beyond the traveler's control.

**41.16 Meals:** Personal meals are defined as meal expenses incurred by the traveler when dining alone on an out-of-town business trip. Approximate meal expense guidelines are \$10/day for breakfast, \$15/day for lunch and \$30/day for dinner or a total of \$55.00/day.

**41.17 Business Meals Taken with Other Employees:** Employees will be reimbursed for business-related meals taken with other employees only when a client is present, when at least one DAP employee is from out of town, when, for confidentiality reasons, business must be conducted off DAP premises, and when employees are on a DAP business trip together. The following documentation is required by the IRS, and must be recorded on the expense report:

- Names of individuals present, their titles and company name,
- Name and location of where the meal or event took place,
- Exact amount and date of the expense.

Please note that employees will not be reimbursed for entertaining other employees unless there is a direct reporting relationship between them.

**41.18 Telephone Expenses:** Employees should use their DAP-issued cell/smart phones or DAP cost covered smartphone when conducting business while on travel assignments. In the event such a cell/smart phone is not available, the employee will be reimbursed when using their personal cellular telephone, calling cards or home phone for business related phone calls that are reasonable and necessary for conducting business and with a copy of the bill attached to the expense report form.



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41.18.2 Air-phone Usage: Employees are strongly discouraged from using air-phones due to its high cost. Employees may use an air-phone only if an emergency or critical business issue is involved.

41.18.3 Hotel Telephone Usage: When staying at a hotel, employees should find out the property's local and long distance phone rates. Employees should avoid making phone calls that have an added surcharge.

41.19 Miscellaneous Expenses: The following are examples of expenses that do not fit into the previous categories, yet are directly business related and therefore reimbursable. ONLY the following items can be considered as reimbursable business expenses:

- Office services (i.e. faxes, copies, overnight delivery / postage)
- Currency conversion fees
- Business gifts of reasonable value with prior management approval
- Laundry / Dry Cleaning / Suit Pressing for trips exceeding 3 days
- Seminar fees / training classes with prior approval
- Subscriptions with prior approval

Be sure to note that the following items are NOT reimbursable under this policy unless approved by Senior Management:

- Airline club / Country club membership dues
- Parking tickets or other fines
- Delinquency fees / Finance charges for personal credit cards
- Excess baggage charges
- Expenses for travel incurred by companions / family members
- Expenses related to vacation or personal days while on a business trip
- Loss / Theft of personal funds or property / lost baggage
- Avoidable "no-show" charges for hotel or car service
- Non-Compulsory insurance coverage
- Rental car upgrades
- Repairs due to accidents
- Excessive mini-bar charges

Never assume that an item will be covered. Be sure to check with your manager if an item you need is not outlined specifically in this policy.

41.20 Entertainment Expenses/Entertaining Customers: Entertainment expenses include events such as nightclubs, theatre, and sporting events, whereby a business discussion takes place during, immediately before, or immediately after the event.

When entertainment expenses are expected to exceed \$200 for one event, prior approval from the CEO or COO is required to receive reimbursement and will only be granted if:

- Person entertained has a potential or actual business relationship with DAP.

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- Expenditure directly precedes, includes, or follows a business discussion that would benefit DAP.

**41.21 Compensation for Travel Time for Non-Exempt Employees:** Employees in positions classified as non-exempt under the Fair Labor Standards Act are eligible for compensation for the time they spend traveling. The compensation an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours.

**41.21.1** “Normal work hours,” for the purposes of this policy, are defined in Section 11.0 Hours of Work.

**41.21.2** “Travel time” is defined as including the time the employee arrives at the airport to the time the employee reaches his or her destination. If an employee is traveling to a location, then the destination is either the hotel or the worksite (if the employee travels directly from the airport to work). If the employee is returning home from a location, the destination is the airport of final arrival.

**41.21.2.1** If an employee is traveling by air and no flights are available from or to the airport nearest the employee’s residence, then travel between the employee’s residence and the airport is considered travel time and is eligible for compensation in accordance with the policy guidelines below.

**41.21.2.2** Travel between home and work or between the hotel and worksite is considered normal commuting time and is not eligible for compensation.

**41.21.2.3** If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the company, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized will be eligible for compensation.

**41.21.3 Travel Time Within Normal Work Hours:** Any portion of authorized travel time that takes place within the normal work hours (defined as 8:00 AM to 5:00 PM) on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal work hours will be paid at the employee’s regular hourly rate and will be factored into overtime calculations. When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.

**41.21.4 Travel Time Outside of Normal Work Hours:** Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours. When an employee is required to travel as a passenger in an automobile, plane or any other mode of transportation outside of normal work hours, he or she will be compensated for that portion of travel time that takes place outside of normal work hours. When an employee travels between two or more time zones, the time zone

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associated with the point of departure should be used to determine whether the travel falls outside of normal work hours.

41.21.5 Travel Time as the Driver of an Automobile: All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile, and this time will be factored into overtime calculations.

41.21.5.1 Travel as a passenger in an automobile is not automatically treated as work hours. Travel as a passenger in an automobile is treated the same as all other forms of travel, and compensation depends on whether the travel time takes place within normal work hours.

41.21.5.2 If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

41.21.6 Calculating and Reporting Travel Time: Employees are responsible for accurately tracking, calculating and reporting travel time on their timesheets in accordance with this policy.

41.21.6.1 Meal periods should be deducted from all travel time.

41.21.6.2 If an employee requests a specific travel itinerary or mode that is different from the one authorized, only the estimated travel time associated with the authorized schedule, route and mode of transportation should be reported on the timesheet.

41.21.6.3 Travel time should be calculated by rounding up to the nearest quarter hour.

41.22 Approval/Authorization Process: The employee's manager must approve all expense reports. No employee is authorized to approve his/her own, a peer's, or a manager's travel expense report. The manager is responsible for verifying business purpose, correct totals, supporting documentation/receipts, policy compliance. Once approval has been obtained, the employee should make a copy of the signed report along with copies of receipts to keep..

## 42.0 SEARCHES

42.1 The Company may provide lockers, storage areas, equipment, vehicles, offices, desks or work stations for use by employees during work hours. All such items are considered to be DAP property, even while an employee is using them. DAP reserves the right to search any DAP property, at any time, with or without notice or cause, including the aforementioned items. Inspections of DAP

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property will be conducted by a member of the Human Resources Department and the employee's manager.

42.2 The Company reserves the right to conduct searches or inspections based on reasonable suspicion of an employee's person or personal effects including (without limitation) purses, briefcases, and motor vehicles located on company property. Searches of the person shall include the emptying of pockets and the production of other items concealed in clothing. It shall not include a pat-down search.

42.3 Any item believed to be an illegal drug and drug paraphernalia, found during a search, will be confiscated by Human Resources or the employee's manager. The individual from whom the item or substance has been confiscated will be given a written receipt listing the item or substances seized. Proper local and state law enforcement authorities will be notified when necessary.

42.4 In the administration of these search provisions, personal privacy will be considered to the maximum extent practicable.

42.5 Should any employee refuse to cooperate in a requested search, the proper authorities will be contacted. In addition, the employee will be subject to additional discipline for insubordination.

### **43.0 COBRA**

43.1 The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a law that gives workers who lose their health benefits the option to continue group health benefits provided by the plan under certain circumstances. COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end.

43.2 COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event". Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the plan is lost because of the qualifying event. Under the plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

43.3 If you are an employee, you will become a qualified beneficiary if you lose your coverage under the plan because either one of the following qualifying events happens:

- Your hours of employment are reduced; or
- Your employment ends for any reason other than your gross misconduct.

43.4 If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the plan if any of the following qualifying events happens:

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- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B or both); or
- You become divorced or legally separated from your spouse.

43.5 Your dependent children will become qualified beneficiaries if they lose coverage under the plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

43.6 COBRA continuation coverage will be offered to qualified beneficiaries only after the Employer has been notified that a qualifying event has occurred. For qualifying events such as divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child, you must notify the Director of Benefits within 60 days after the qualifying event occurs.

43.7 Once the Director of Benefits receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

43.8 COBRA continuation coverage is a temporary continuation of coverage.

43.8.1 When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months.

43.8.2 When the qualifying event is the end of employment or reduction of the employee's hours of employment or the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare eight months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18

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months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

43.8.2.1 Disability extension: If you or anyone of your family covered under the plan is determined by the Social Security Administration (SSA) to be disabled and you notify the Director of Benefits in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60<sup>th</sup> day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation of coverage.

43.8.2.2 Second qualifying event extension: If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the plan had the first qualifying event not occurred.

43.9 If you have questions about your plan or your COBRA continuation coverage rights, contact the Director of Benefits. For more information about your rights under ERISA, including COBRA, HIPAA, and other laws affecting group health plans, contact the nearest Regional or District Office of the US Department of Labor's Employee Benefits Security Administration (EBSA) or visit the EBSA website at <http://www.dol.gov/ebsa>.

## 44.0 COMPANY PURCHASES

44.1 Only employees authorized to make purchases on DAP's behalf may do so. All purchases made for DAP must support a business necessity. No item shall be purchased or ordered in excess of \$2,000 without prior written approval of Senior Management. Employees making purchases on DAP's behalf that are unnecessary or that do not include the appropriate approvals may be subject to disciplinary action up to and including termination.

44.2 DAP-issued credit cards are for business use only. Personal expenses on a DAP-issued credit card are prohibited unless approved by a manager. DAP-issued credit card purchases in excess of \$2,000 must be accompanied by written approval of Senior Management.

Any purchase made on a DAP-issued credit card should be accompanied by a receipt that must be turned in to the Accounting Department.

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**45.0 PARKING**

45.1 Parking lots are provided throughout the Park property. See your manager for specific parking instructions.

**46.0 EMPLOYEE LOCKERS**

46.1 DAP-owned lockers are provided in some areas for employees to store personal items while they are at work.

46.2 DAP-owned lockers should be locked with a lock provided by the employee. All items must be removed at the end of each shift to ensure lockers are available for employees working the next shift.

46.5 DAP reserves the right to perform an individual inspection of a locker based upon suspicion of a violation of DAP policy and/or state or federal law and/or rule or regulation.

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**APPENDIX A - CHILD LABOR LAWS**

It is the intention of DelGrosso's Amusement Park to follow all federal and state Child Labor Laws for employees under the age of 18. All employees under the age of 18 are considered minors by the Federal and Pennsylvania Child Labor Laws. Pennsylvania requires that any minor employee (under 18) must secure a Worker's Permit before their first day of work.

When the state and federal child labor laws differ; it is our intention to follow the stricter of the two, as to not violate any laws. All employees must abide by the federal and state child labor laws indicated below:

**(1) Federal Child Labor Laws**

**FEDERAL CHILD LABOR PROVISIONS**

The federal child labor provisions, also known as the child labor laws, are authorized by the Fair Labor Standards Act (FLSA) of 1938. These provisions were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities.

By knowing, understanding, and complying with these provisions, employers, parents, and teachers can help working teens enjoy those safe, positive, early work experiences that can be so important to their development.

**OTHER LAWS THAT IMPACT CHILD LABOR**

Other federal and state laws may have higher standards. When these apply, the more stringent standard must be observed. All states have child labor provisions, compulsory school attendance laws, and establish the minimum ages and conditions under which youths may operate motor vehicles.

Unless otherwise exempt, a covered minor employee is entitled to receive the same minimum wage, overtime, safety and health, and nondiscrimination protections as adult workers.

DelGrosso's Amusement Park is a covered employer under the Child Labor Provisions and must abide by the law as indicated in this section.



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## **The Federal Child Labor Provisions Do Not:**

require minors to obtain “working papers” or “work permits,” though many states do;

limit the number of hours or times of day that workers 16 years of age and older may legally work, though many states do;

apply to any employee whose services during the workweek are performed in a workplace within a foreign country or within a territory named in section 13(f) of the FLSA.

## **Exemptions from the Child Labor Provisions of the FLSA**

The federal child labor provisions do not apply to:

Children 16- and 17 years of age employed by their parents in occupations other than those declared hazardous by the Secretary of Labor.

Children under 16 years of age employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the Secretary of Labor.

Children employed as actors or performers in motion pictures, theatrical, radio or television productions.

Children engaged in the delivery of newspapers to the consumer.

Homeworkers engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens).

## **Minimum Age Standards for Nonagricultural Employment**

**Age 14** Minimum age for employment in specified occupations outside of school hours for limited periods of time each day and each week.

**Age 16** BASIC MINIMUM AGE FOR EMPLOYMENT. At 16 years of age, youth may be employed for unlimited hours in any occupation other than one declared to be hazardous by the Secretary of Labor.

**Age 18** Minimum age for employment in nonagricultural occupations declared hazardous by the Secretary of Labor.

## **Wage Payments to Young Workers**

Unless otherwise exempt or employed under conditions discussed below, covered minor employees must be paid at least the statutory minimum wage for all hours worked.

Employees under 20 years of age may be paid \$4.25 per hour during their first consecutive 90 calendar days of employment with an employer.

Certain full-time students, student learners, apprentices and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligations. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 do not equal the minimum hourly wage, the employer must make up the difference.

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### **Employment Standards for 14- and 15-Year-Olds in Nonagricultural Employment**

**The FLSA confines the employment of 14- and 15-year-olds to those jobs and time periods that the Secretary of Labor has determined will not interfere with their schooling and to conditions which will not interfere with their health and well-being. Jobs that are not specifically permitted are prohibited.**

### **Hours-Time Standards for 14- and 15-Year-Olds**

#### **Fourteen- and 15-Year-Olds May Not Be Employed:**

1. DURING SCHOOL HOURS, *except* as provided in Work Experience and Career Exploration Programs and Work-Study Programs.
2. BEFORE 7 a.m. or AFTER 7 p.m. *except* from June 1 through Labor Day when the evening hour is extended to 9 p.m. (time is based on local standards; i.e., whether the locality has adopted daylight savings time).
3. MORE THAN 3 HOURS A DAY ON A SCHOOL DAY, INCLUDING FRIDAYS.
4. MORE THAN 8 HOURS A DAY ON A NONSCHOOL DAY.
5. MORE THAN 18 HOURS A WEEK DURING A SCHOOL WEEK.
6. MORE THAN 40 HOURS A WEEK DURING NONSCHOOL WEEKS.

As used above, the term week means the same workweek adopted by the employer for the employee to determine when overtime hours are worked in accordance with Regulations, 29 CFR 778.105.

School hours are determined by the local public school in the area the minor is residing while employed – this is true even if the minor does not attend the public school (i.e., attends a private school or is home schooled). Special provisions apply to students participating in a state sponsored Work Experience and Career Exploration Program or Work-Study Program authorized by the Department of Labor in accordance with §§ 570.36 or 570.37 of Regulations 29 CFR Part 570.

### **Exceptions from the “school in session” provisions**

School is not considered to be in session, and exceptions from the hour's limitations standards for any youth 14 or 15 years of age who:

1. Has graduated from high school;
2. Has been excused from compulsory school attendance by the state or other jurisdiction once he or she has completed the eighth grade and his or her employment complies with all the requirements of the state school attendance law;
3. Has a child to support and appropriate state officers, pursuant to state law, have waived school attendance requirements for this minor;
4. Is subject to an order of a state or federal court prohibiting him or her from attending school; or
5. Has been permanently expelled from the local public school he or she would normally attend, unless the youth is required, by state or local law or ordinance, or by court order, to attend another school.

*Limited exemption for professional sports attendants:*

Section 570.35(b) of Regulations 29 CFR Part 570 grants a partial waiver from the hours standards limitations for 14- and 15-year-olds who are employed as professional sports attendants and performing the traditional duties of that position. These minors are still precluded from working during school hours.

### **Occupation Standards for 14- and 15-Year-Olds**

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The following, which is not exhaustive, are jobs that 14- and 15-Year-Olds MAY NOT Be Employed in:

1. Any MANUFACTURING occupation.
2. Any MINING occupation.
3. Most PROCESSING occupations such as filleting of fish, dressing poultry, cracking nuts, developing of photographs, laundering, bulk or mass mailings (*except* certain occupations expressly permitted as discussed below).
4. Occupations requiring the performance of any duties in WORKROOMS or WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE PROCESSED (except to the extent expressly permitted as discussed below).
5. ANY OCCUPATION FOUND AND DECLARED TO BE HAZARDOUS BY THE SECRETARY OF LABOR.
6. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing of HOISTING APPARATUS.
7. Work performed in or about BOILER OR ENGINE ROOMS or in connection with the MAINTENANCE OR REPAIR OF THE ESTABLISHMENT, MACHINES, OR EQUIPMENT.
8. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing or of ANY POWER-DRIVEN MACHINERY, including, but not limited to, lawnmowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and 15-year-olds may operate most office machinery and those machines that are expressly permitted and discussed below.
9. THE OPERATION OF MOTOR VEHICLES OR SERVICE AS HELPERS ON SUCH VEHICLES.
10. THE RIDING ON A MOTOR VEHICLE inside or outside of an enclosed passenger compartment except as permitted below.
11. OUTSIDE WINDOW WASHING that involves working from window sills.
12. ALL WORK REQUIRING THE USE OF LADDERS, SCAFFOLDS, OR THEIR SUBSTITUTES.
13. ALL BAKING AND MOST COOKING ACTIVITIES except as discussed below.
14. WORK IN FREEZERS AND MEAT COOLERS AND ALL WORK IN THE PROCESSING OF MEAT FOR SALE; however, youth are permitted to occasionally enter freezers only momentarily to retrieve items.
15. YOUTH PEDDLING, including not only the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler, such as the loading and unloading of motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer, and the transportation of the minors to where the sales will be made.
16. LOADING AND UNLOADING of goods or property onto or from MOTOR VEHICLES, RAILROAD CARS, AND CONVEYORS, except as discussed below.
17. CATCHING AND COOPING OF POULTRY in preparation for transport or for market.
18. PUBLIC MESSENGER SERVICE.
19. OCCUPATIONS IN CONNECTION WITH:
  - a. TRANSPORTATION of persons or property by rail, highway, air, on water, pipeline, or other means.
  - b. WAREHOUSING and STORAGE.
  - c. COMMUNICATIONS and PUBLIC UTILITIES.
  - d. CONSTRUCTION (including repair).  
Except 14- and 15-year-olds may perform office or sales work in connection with a., b., c., and d. above when not performed on transportation media, on an actual means of transportation, or at the actual construction site.

The following is the list of jobs the Secretary of Labor has determined will not interfere with the schooling, health, and well-being of 14- and 15-year-olds and therefore MAY BE performed by such youth. Any job not specifically permitted, is prohibited.

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1. OFFICE and CLERICAL WORK, including operation of office machines.
2. WORK OF AN INTELLECTUAL OR ARTISTICALLY CREATIVE NATURE such as but not limited to computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, the playing of a musical instrument, and drawing, as long as such employment complies with all the other provisions contained in §§ 570.33, .34, and .35.
3. COOKING with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease. NOTE: this section does not permit cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as "Neico broilers."
4. CASHIERING, SELLING, MODELING, ART WORK, WORK IN ADVERTISING DEPARTMENTS, WINDOW TRIMMING and COMPARATIVE SHOPPING.
5. PRICE MARKING and TAGGING by hand or by machine. ASSEMBLING ORDERS, PACKING and SHELVING.
6. BAGGING and CARRYING OUT CUSTOMER ORDERS.
7. ERRAND and DELIVERY WORK by foot, bicycle, and public transportation. Except such youth may not be employed by a public messenger service.
8. CLEANUP WORK, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
9. KITCHEN WORK and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. Examples of permitted machines and devices include, but are not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm prepared food and do not have the capacity to warm above 140 °F.
10. CLEANING KITCHEN EQUIPMENT. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers and liquids do not exceed a temperature of 100°F.
11. CLEANING VEGETABLES AND FRUITS, AND THE WRAPPING, SEALING, LABELING, WEIGHING, PRICING, AND STOCKING OF ITEMS, INCLUDING VEGETABLES, FRUITS, AND MEATS, when performed in areas physically separate from a freezer or meat cooler.
12. LOADING ONTO MOTOR VEHICLES AND THE UNLOADING FROM MOTOR VEHICLES of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site. Such light tools would include, but not be limited to, rakes, hand-held clippers, shovels, and brooms. Such light tools would not include items like trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment. Such minors would not be permitted to load or unload safety equipment such as barriers, cones, or signage.
13. THE OCCUPATION OF LIFEGUARD (15-year-olds but not 14-year-olds) at traditional swimming pools and water amusement parks (including such water park faculties as wave pools, lazy rivers, specialized activity areas, and baby pools, but not including the elevated areas of water slides) when properly trained and certified in aquatics and water safety by the American Red Cross or a similar certifying organization. No youth under 16 years of age may be employed as a lifeguard at a natural environment such as an ocean side beach, lake, pond, river, quarry, or pier.
14. Employment of certain youth under specified conditions inside and outside of establishments WHERE MACHINERY IS USED TO PROCESS WOOD PRODUCTS.
15. WORK IN CONNECTION WITH CARS AND TRUCKS if confined to the following:
  - a. Dispensing gasoline and oil.
  - b. Courtesy service on premises of gasoline service station.
  - c. Car cleaning, washing, and polishing by hand.
  - d. Other occupations permitted by Child Labor Regulation No. 3, BUT NOT INCLUDING WORK involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
16. WORK IN CONNECTION WITH RIDING INSIDE PASSENGER COMPARTMENTS OF MOTOR VEHICLES except as prohibited or when a significant reason for the minor being a passenger in the vehicle is for the purpose of performing work in connection with the transporting—or assisting in the transporting of—other persons or

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property. Each minor riding as a passenger in a motor vehicle must have his or her own seat in the passenger compartment; each seat must be equipped with a seat belt or similar restraining device; and the employer must instruct the minors that such belts or other devices must be used. In addition, each driver transporting the young workers must hold a valid state driver's license for the type of vehicle being driven and, if the driver is under the age of 18; his or her employment must comply with the provisions of HO 2.

There are also provisions for Work Experience and Career Exploration Programs (WECEP) and Work-Study Programs that can be referenced at [www.dol.gov](http://www.dol.gov).

## Employment Standards for 16- and 17-Year-Olds in Nonagricultural Employment

### The Hazardous Occupations Orders (HOs) for Nonagricultural Employment

The FLSA provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor “shall find and by order declare” to be particularly hazardous for 16- and 17-year-old persons, or detrimental to their health and well-being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent.

The seventeen HOs apply either on an industry basis, specifying the occupations in the industry that are not permitted, or an occupational basis irrespective of the industry in which found. Some of the HOs contain limited exemptions.

HO 1	Manufacturing and storing of explosives.
HO 2	Motor-vehicle driving and outside helper on a motor vehicle.
HO 3	Coal mining.
HO 4	Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling.
HO 5*	Power-driven woodworking machines.
HO 6	Exposure to radioactive substances.
HO 7	Power-driven hoisting apparatus, including forklifts.
HO 8*	Power-driven metal-forming, punching, and shearing machines.
HO 9	Mining, other than coal mining.
HO 10*	Operating power-driven meat processing equipment, including <b>meat slicers and other food slicers</b> , in retail establishments (such as grocery stores, restaurants kitchens and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering.
HO 11	Power-driven bakery machines including vertical dough or batter mixers.
HO 12*	Power-driven balers, compactors, and paper processing machines.
HO 13	Manufacturing bricks, tile, and kindred products.
HO 14*	Power-driven circular saws, bandsaws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs.
HO 15	Wrecking, demolition, and shipbreaking operations.
HO 16*	Roofing operations and all work on or about a roof.
HO 17*	Excavation operations.

*\* These HOs provide limited exemptions for 16- and 17-year-olds who are bona-fide student-learners and apprentices.*

Additional specifics detailing the hazardous occupations can be found at [www.dol.gov](http://www.dol.gov).

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**(2) Pennsylvania Child Labor Laws**

The Department of Labor and Industry, through the Bureau of Labor Law Compliance, is responsible for the administration and enforcement of the Child Labor Law and the Regulations Governing the Employment of Minors in Industry.

The Child Labor Act provides for the health, safety and welfare of minors by:

- prohibiting their employment or work in certain establishments and occupations;
- under certain ages, restricting their hours of labor;
- regulating certain conditions of their employment; and
- requiring employment certificates (general or vacation) for minors under the age of 18.

**Summary of Minimum Age:**

Minors under 14 years of age may not be employed or permitted to work in any occupation, except children employed on farms or in domestic service in private homes. No minor under 14 years of age may be employed on a farm by a person other than the farmer. Under certain restrictions, caddies may be employed at the age of 12, news carriers at 11 years of age, and juvenile performers in the entertainment field.

For individuals who are under 16 years of age, a written statement by the minor's parent or legal guardian acknowledging understanding of the duties and hours of employment and granting permission to work is required. This downloadable form is one way to satisfy that requirement.

[LLC-75, Parental Acknowledgement of Minor's Duties and Hours of Employment](#)

**For the employment of any minor under 18, in compliance with the Pennsylvania Child Labor Act in a performance where a minor models or renders artistic creative expression in a live performance, radio, television, movie, Internet, publication, documentary, reality programming, or other broadcast medium that is transmitted to an audience, please download the Application for Minors in Performances. [LLC-12, Application for minors in performances](#)**

If you wish to request a waiver from entertainment provisions of the Child Labor Act, please fill out the [Special Waiver Request for Entertainment Performances](#) and send it to the Bureau no later than 48 hours prior to the time needed for the waiver to be acted on.

For additional information regarding **employment certificates, record keeping, hours of employment** (including night work), **prohibited occupations**, and **penalties**, please download a copy of the [LLC-5, Abstract of the Child Labor Act](#), Revised 1/13. [Form No. LLC-5 \(ESP\)](#) (1-13)

**HOURS OF EMPLOYMENT - AGES 14 & 15**

**During School Term:** Maximum three hours on school days, eight hours on any other day, and 18 hours per school week (Monday—Friday), and only at a time that does not interfere with school attendance. Plus eight additional hours on Saturdays and Sundays.

*Exception: Students 14 and older, whose employment is part of a recognized school work program, may be employed for hours, when combined with school hours, not exceeding eight in a day.*

**During School Vacations:** Maximum eight hours/day, 40 hours/week.

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## WORK TIME – AGES 14 & 15

Employment prohibited after 7 p.m. and before 7 a.m.

*Exceptions: During school vacations, minors may be employed until 9 p.m. Minors at least age 11 may be employed in newspaper delivery from 5 a.m. to 8 p.m., except during school vacation, then until 9 p.m. Members of volunteer fire companies may participate in training and firefighting activities until 10 p.m. with written parental consent.*

## HOURS OF EMPLOYMENT – AGES 16 & 17 \* \*\*

**During School Term:** Maximum eight hours a day and 28 hours per school week (Monday—Friday). Plus eight additional hours on Saturdays and Sundays.

**During School Vacations:** Maximum 48 hours/week; 10 hours/day; a minor may refuse any request to work greater than 44 hours/week.

## **WORK TIME – AGES 16 & 17**

Employment prohibited before 6 a.m. and after 12 a.m.

*Exceptions: During school vacations, minors may be employed until 1 a.m. Members of volunteer fire companies may continue serving in answer to a fire call until excused by chief.*

\* Minors employed as sports attendants are not subject to the Act's hours and work time restrictions.

\*\*EXCEPT: A) Minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code are not subject to the Act's hours of employment or work time restrictions.

B) Special rules apply to young adults, 16 and 17 years of age, employed during a school vacation as a counselor by a summer resident camp operated by a religious or scout organization.

**MAXIMUM EMPLOYMENT: NOT MORE THAN six CONSECUTIVE DAYS (except newspaper delivery).**

**30 MINUTE MEAL PERIOD REQUIRED ON OR BEFORE five CONSECUTIVE HOURS OF WORK.**

## **Child Labor Act Hours Rules for Performances By Minors**

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

Age	Max. hours (24-hour period) at place of employment (does not include hours at minors' residences)	Max. work hours (24-hour period) (including work time at minors' residences)
Infants < 6 mos.	2	Not Applicable
6 mos.—1 year	4	2
2—5 years	6	3
6—8	8	4
9—15	9	5
16—17	10	6

- Live performances—maximum number: three/day or 10/calendar week (Sunday—Saturday).
- Meal periods of half hour—one hour are not counted toward maximum hours/non-work time at place of employment.
- Non-work time at place of employment includes education, rest and recreation.
- Work days for minors may not begin before 5 a.m., and must end by 10 p.m. on evenings preceding school days or by 12:30 a.m. on evenings preceding nonschool days.
- 12 hours must elapse between time of dismissal and time of call on the following day.
- Age 14—17 may work during school hours with permission from school authorities for up to two consecutive days, but may not work in excess of eight hours in 24-hour period.
- Performances rules do not apply to minors who have graduated from high school or who are exempt from

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compulsory attendance under the Public School Code.

**For further information on the Child Labor Act, please consult the Department of Labor & Industry's website at [www.dli.state.pa.us](http://www.dli.state.pa.us) and click on "Labor Law Compliance."**

Address inquiries and complaints to one of the offices of the Bureau of Labor Law Compliance:

Altoona District Office	Harrisburg District Office	Philadelphia District Office
1130 12th Ave.	1301 Labor & Industry Building	110 North 8th St.
Suite 200	651 Boas St.	Suite 203
Altoona, PA 16601	Harrisburg, PA 17121	Philadelphia, PA 19107
814-940-6224 or 877-792-8198	717-787-4671 or 800-932-0665	215-560-1858 or 877-817-9497

## DEPARTMENT OF LABOR AND INDUSTRY

### PROHIBITED OCCUPATIONS UNDER THE CHILD LABOR ACT

(Act of October 24, 2012, P.L. 1209, no. 151, effective January 22, 2013)

This list of prohibited occupations is derived from three sources: (1) occupations and establishments expressly prohibited for minors under Section 4(a)(1) of the Child Labor Act (CLA), (2) any occupation or establishment designated as hazardous and otherwise prohibited for minors under the Federal Fair Labor Standards Act and regulations under that act, and (3) additional prohibited or hazardous occupations for establishments set forth in the Department's regulations. According to Section 29 of the CLA, the current regulations shall be those adopted under the former Child Labor Law until modified or deleted by the Department. Therefore, the list includes prohibited occupations and establishments contained in the Department's Child Labor regulations set forth at 34 Pa. Code §§ 11.1, 11.31 – 11.84.

#### Prohibited Occupations for all Minors in Entertainment

- ☐ An acrobatic act that is hazardous to the minor's safety or well-being, including high-wire or trapeze acts, working with partners hand to hand or head to head, and bicycle or unicycle acts. (Child Labor Act, §§ 5(b)(4)(iv), 5(k), 34 Pa. Code § 11.1)
- ☐ Use of/or exposure to dangerous weapons or pyrotechnical devices. (Child Labor Act, § 5(b)(4)(v))
- ☐ Activities that have a high level of inherent danger including activities involving speed, height, a high level of physical exertion and highly specialized gear or spectacular stunts. (Child Labor Act, § 5(b)(4)(iii))
- ☐ An act that constitutes sexual abuse or sexual exploitation of minors. (Child Labor Act, § 5(b)(4)(i))
- ☐ Boxing, sparring or wrestling, except for a bona fide athletic or recognized amateur competition or activity or non-contact portrayal. (Child Labor Act, § 5(b)(4)(ii))
- ☐ Assisting performers in animal act, conducting an animal into a ring or on stage, or riding an animal when the animal exceeds half the weight of the child performer. This paragraph shall not necessarily apply to performances with trained seals. (34 Pa. Code § 11.1)

#### Prohibited Occupations for all Minors

- ☐ **BRICKMAKER:** Manufacturing bricks, tile and kindred products. Working in the brick-making industry on horizontal or vertical pug mills (mixers) (34 Pa. Code § 11.54). Manufacturing of clay construction products – exception: may work in storage or shipping, in offices, laboratories and storerooms and in the drying departments of plants manufacturing sewer pipe. For silica brick and silica refractories, office work is permitted. Prohibition does not include non-structural bearing clay products: ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories, except silica refractories. (29 CFR § 570.64)
- ☐ **CRANE OPERATOR:** Operating, tending, riding upon, working from, repairing servicing, or disassembling cranes, hoists, derricks, high lift trucks including fork lifts, and elevators. (34 Pa. Code § 11.32, 29 CFR § 570.58)
- ☐ **ELECTRICAL WORKER:** Installing and removing electrical wiring.\* Installing, removing, reading and testing electric meters.\* (34 Pa. Code §§ 11.31, 11.35, 11.38)



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- **ELEVATOR OPERATOR:** Operating, managing (34 Pa. Code § 11.32), tending, riding upon, working from, repairing, servicing or disassembling passenger or freight elevators, hoisting or lifting machinery. (34 Pa. Code § 11.32, 29 CFR § 570.58) Exception: riding inside unattended automatic operation passenger elevator, and 16 and 17 year old minors may ride upon a freight elevator operated by an assigned operator. (29 CFR § 570.58.)
- **EXCAVATOR:** Working within tunnels, shafts prior to completion of all driving, sinking and shoring operations and trenches more than four feet in depth.\* (34 Pa. Code § 11.66, 29 CFR § 570.68)
- **EXPLOSIVES MANUFACTURING:** Including handling or storing explosives. (34 Pa. Code § 11.43) Exception for retail establishments. (29 CFR § 570.51) Must be at least 360 feet from point of handling/storage of 200 pounds of explosives, amount of distance increases with greater pounds of explosives. (34 Pa. Code § 11.43)
- **FOREST FIREFIGHTING:** Including forest fire prevention activities.  
Exceptions for 16 and 17 year olds: as long as tasks are not performed in conjunction with/support of fire fighting efforts. May clear fire trails/roads, construct/maintain/patrol fire lines, pile/burn slash, maintain fire fighting equipment and act as fire lookout or fire patrolman. (29 CFR § 570.54)
- **FOREST SERVICE/MILL WORKER:** Including timber tract management, logging, lath mill, shingle mill, cooperage stock mill and saw mill operations. Exceptions for 16-17 year olds: work in offices, repair/maintenance shops, living quarters, repair/maintenance of roads, railroads or flumes; work on telephone lines not involving the use of power-driven machinery, handling/use of explosives, felling/bucking of timber, and collecting or transporting of logs or work on trestles; work related to forest marketing/forest economics, feeding/care of animals, peeling fence posts, pulpwood, chemical wood, excelsior wood, cordwood, etc, when not done in conjunction or location with logging occupations. For permanent saw mill, lath mill, shingle mill or cooperage stock mill operations, 16 and 17 year olds may straighten/mark/tally/pull lumber on dry chain or dry drop sorter, clean-up lumber yard, piling/handling, shipping of cooperage stock, other than operating/assisting with power-driven equipment; clerical work; clean-up work outside shake and shingle mills, except when mill is operational; split shakes manually from precut/split blocks and pack shakes into bundles, except inside mill building/cover; manually loading bundles of shingles/shakes into trucks/railroad cars with doctor's note. (29 CFR § 570.54)
- **MEAT PROCESSING:**\* Operation of power driven food chopping, meat grinding, slicing or processing machines, and any occupation on the killing floor, in curing/hide cellars. Except for 16 and 17 year old minors working as messengers, runners, and hand truckers, which require entering such workrooms infrequently and for short periods of time. All occupations in recovery of lard and oils, except packaging and shipping, all occupations involved in tankage or rendering of dead animals; boning, pushing or dropping of any suspended full, half or quarter carcass; hand lifting or hand carrying any full, half or quarter carcass of beef, horse, or buffalo; and, any hand lifting or hand carrying of full or half deer or pork carcass. Killing and processing of rabbits and small game in areas physically separated from killing floor permitted for 16 and 17 year olds. (34 Pa. Code § 11.65, 29 CFR § 570.61)
- **MOTION PICTURE (FILM) PROJECTIONIST.** Exception, 17 year old minor may work as apprentice of a motion picture projectionist. (34 Pa. Code § 11.45)
- **MOTOR VEHICLE:** Driving a motor vehicle and being an outside helper on public roads/highways, in or about any mine, in or about excavation operations, and around sawmill/logging operations. Exception for occasional driving for licensed 17 year olds with state approved driver education course, if vehicle does not exceed 6,000 pounds and has restraining device, driving is during daylight, within 30 mile radius of employer, and limited to 2 trips per day away from employer location. May not drive for urgent, time-sensitive transporting and deliveries, including pizza delivery, may not tow, drive route deliveries/sales, may not provide transportation for hire of property/goods/passengers, limit of three passengers. Outside helper is any individual other than driver, whose work includes riding on a motor vehicle outside the cab for purpose of assisting in transporting/delivering goods. (29 CFR § 570.52)
- **PAINT, ACIDS, AND POISON MANUFACTURER:** In any capacity in the manufacture of paint, color or white-lead, poisonous dyes, or compositions using dangerous lead or acids. (Child Labor Act, § 4(a)(3))
- **ROOFER:** All occupations.\* (34 Pa. Code § 11.63; 29 CFR § 570.67)
- **SPRAY COATER:** Spray coating with substances containing lead, benzol or ground siliceous material.\* (34 Pa. Code § 11.58)
- **WELDER:** Acetylene or electric welding.\* (34 Pa. Code § 11.33)
- **WOODWORKING:** Using power-driven woodworking machines, including supervising/controlling operation of machines, feeding/assisting with feeding materials into machines; setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines, off-bearing from circular saws and guillotine-action veneer clippers.\* Exception, 16-17 year olds may place material on moving chain/hopper for automatic feeding. (34 Pa. Code § 11.46; 29 CFR § 570.55)
- **WRECKING AND/OR DEMOLITION WORKER:** All occupations, including shipbreaking. (34 Pa. Code § 11.64, 29 CFR § 570.33)

**All minors are also prohibited from working:**

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- ☐ **IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRODUCED, SOLD OR DISPENSED:** Except in part of establishment where alcohol is not served, or hotels, clubs, or restaurants where alcohol is served and the establishment has a Sunday sales license issued by the Liquor Control Board, and minor is serving food, clearing tables and/or related duties, but minor may not serve or dispense alcohol. Performing arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code. (Child Labor Act, § 4(a)(1))
- ☐ **ON BOATS:** Pilot, fireman or engineer on any boat or vessel. (Child Labor Act, § 4(a)(1))
- ☐ **ON MACHINERY:** Including repairing, cleaning or oiling machinery in motion (34 Pa. Code § 11.46; 29 CFR § 570.65), and operating or assisting in the operation of the following: emery wheels,\*\* metal plate bending (34 Pa. Code §§ 11.51, 11.55), forming, punching, hammering, bending, rolling and shearing machines\* (29 CFR § 570.59), punch presses\*\* (34 Pa. Code § 11.49, 29 CFR § 570.59), wire-stitching, stapling machines\* (34 Pa. Code §§ 11.34, 11.46, 29 CFR § 570.59), circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.\* (29 CFR § 570.65)
- ☐ **ON BAKING MACHINERY:** Operating, assisting, setting up, adjusting, repairing, oiling or cleaning dough/batter mixer, bread dividing, rounding or molding machine, dough brake, dough sheeter, bread slicer/wrapper machine or cake cutting band saw, and setting up/adjusting cookie or cracker machine. Except for 16 and 17 year olds setting up, adjusting, repairing, oiling and cleaning lightweight, small capacity, portable counter-top power-driven food mixers comparable to models intended for household use. Except for 16 and 17 year olds operating pizza-dough rollers constructed with safeguards to prevent fingers, hands, clothing from being caught on the in–running point of rollers, which have completely enclosed gears, and have microswitches that disengage machinery if the backs/sides of rollers removed. Exception does not apply to setting up, adjusting, repairing, oiling or cleaning of pizza-dough rollers. (29 CFR § 570.62; 34 Pa. Code § 11.47)
- ☐ **IN METAL INDUSTRIES:** Working in rolling mills\* (34 Pa. Code § 11.37; 29 CFR § 570.59), handling bull ladles (34 Pa. Code § 11.56) and working around furnaces. (34 Pa. Code § 11.53)
- ☐ **IN MINES:** Dangerous occupations in or around any mine, including all work performed in any underground working, open-pit, or surface part of any coal-mining plant, that contribute to the extraction, grading, cleaning or other handling of coal. Exceptions for 16-17 year olds: slate/refuse picking at picking table/chute in a tippie or breaker at a coal mine, work in office or repair/maintenance shops on the surface. (34 Pa. Code § 11.59; 29 CFR § 570.53) For other mines all occupations prohibited, except may work in above-ground office, warehouse, supply house, change house, laboratory, repair/maintenance shops, in living quarters, outside mine in surveying, repair/maintenance of roads, general clean-up, track crew work for sections of railroad track when mining activities not being performed, work in or about surface placer mining operations other than place dredging operations and hydraulic placer mining operations. At metal mills other than in mercury-recovery mills or mills using cyanide process may operate jigs, sludge tables flotation cells, drier-filters, may perform hand-sorting at picking table/belt, general clean up. (29 CFR § 570.60) Exception, 14 and 15 year old minors may work in office and perform clerical duties. (29 CFR § 570.34)
- ☐ **IN QUARRIES:** Most occupations, including drilling, shot firing or assisting in loading or tamping holes, face cleaning, attaching blocks to chains for cable hoisting, assisting/operating steam, air or electric shovels. (34 Pa. Code § 11.37)
- ☐ **IN THE PRINTING AND PAPER INDUSTRY:** Operating or assisting with balers, compactors, and power-driven paper-products machines. Operating power driven paper cutters, circular or band saws, corner cutter/mitering machine, corrugating and single/double facing machine, envelope die-cutting press, guillotine paper cutter/shearer, horizontal bar scorer, laminating/combining machine, sheeting machine, scrap paper baler, paper box compactor, vertical slotter, platen die-cutting press, platen printing press, punch press involving hand feeding of machine, operating or assisting with any compactor designed or used to process materials other than paper.\* Exception for 16 and 17 year olds loading materials into scrap paper balers and paper box compactor which cannot be operated while being loaded, machine must meet applicable ANSI standard, there is an on-off switch with key-lock or other system and control maintained by employee over 18, on-off switch in off position when machine not in operation and employer posted notice. (29 CFR § 570.63.)
- ☐ **AROUND RADIOACTIVE SUBSTANCES:** In all occupations involving exposure to radioactive substances,\*\* or ionizing radiation.\*\*\* (34 Pa. Code § 11.62; 29 CFR § 570.57)
- ☐ **ON RAILROADS AND RAILWAYS:** Section hand (34 Pa. Code § 11.41), track repairing, gate-tending, switch-tending, brakeman, fireman, engineer, motorman, or conductor. (Child Labor Act, § 4(a)(1))
- ☐ **ON RIVETS:** Heating and passing rivets, except for 16 and 17 year old minors 10 feet or less from ground or on a scaffold equipped with guardrails and board in accordance with Chapter 47, Subchapter G (34 Pa. Code §§ 47.221 et seq). (34 Pa. Code § 11.52)
- ☐ **IN TANNERIES:** All occupations in the tanning process. (34 Pa. Code § 11.40)

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\* EXCEPT APPRENTICES, STUDENT LEARNERS, AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

\*\* EXCEPT APPRENTICES, STUDENT LEARNERS, LABORATORY STUDENT AIDES AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

\*\*\* EXCEPT LABORATORY STUDENT AIDES AND GRADUATES OF AN APPROVED VOCATIONAL, TECHNICAL OR INDUSTRIAL EDUCATION CURRICULUM WHICH PREPARED THEM FOR EMPLOYMENT IN THE SPECIFIC OCCUPATION.

### **Additional Prohibited Occupations for Minors Under 16**

- ☐ **AMUSEMENT PARK RIDE ATTENDANT, OPERATOR, OR DISPATCHER.** (29 CFR §570.33(e); U.S. DEP'T OF LABOR, WAGE AND HOUR DIV., FACT SHEET NO. 7)
- ☐ **BAKER.** (29 CFR § 570.33(h))
- ☐ **BOILER OR ENGINE ROOM WORKER:** Including work in connection with maintenance/repair of establishment, machines or equipment. (29 CFR § 570.33(d))
- ☐ **COOK:** Except with gas and electric grills that do not involve cooking over an open flame and with deep fat fryers that automatically lower and raise the baskets. (29 CFR §§ 570.33(h), 570.34(c))
- ☐ **CHICKEN CATCHER:** Catching and cooping of poultry in preparation for transport or for market. (29 CFR § 570.33(l))
- ☐ **CONSTRUCTION WORKER:** In any capacity. Also includes repairs and maintenance of a building or its equipment. (29 CFR § 570.33(n)(4))
- ☐ **HOISTING APPARATUS:** Operating, tending, setting up, adjusting, cleaning, oiling, or repairing. (34 Pa. Code § 11.32; 29 CFR § 570.33(c))
- ☐ **INDUSTRIAL HOMEWORKER:** Manufacturing in a home of any materials or articles for an employer, a representative contractor, or a contractor. (34 Pa. Code § 11.84; 43 P.S. § 491-3(f))
- ☐ **LIFEGUARD:** At a natural environment such as a lake, river, ocean beach, quarry, and/or pond. Exception for minors at least 15 years old and certified to be a lifeguard: may work at a traditional swimming pool or water amusement park. (29 CFR § 570.34(l))
- ☐ **PUBLIC MESSENGER:** In any capacity. (29 CFR § 570.33(m))
- ☐ **STRIKES OR LOCKOUTS:** Prohibited to work in an establishment where a strike or lockout is in progress, unless the minor was legally certified to work in an establishment prior to the declaration of a strike or lockout. (34 Pa. Code § 11.60)
- ☐ **SWITCHBOARD OPERATOR:** In a telephone exchange. (29 CFR § 570.33(n)(3), 570.34(a); U.S. DEP'T OF LABOR, WAGE AND HOUR DIV., FIELD OPERATIONS HANDBOOK, 33b08)
- ☐ **TOBACCO STRIPPER OR SORTER.** (Child Labor Act, § 4(a)(1))
- ☐ **TRANSPORTING:** Transportation of persons/property by rail, highway, air, water, pipeline, or other means. (29 CFR § 570.33(n)(1))
- ☐ **WINDOW CLEANER:** At outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes. (34 Pa. Code § 11.61; 29 CFR § 570.33(g))
- ☐ **YOUTH PEDDLING:** Selling goods and services and promotional activities, except at the employer's place of business. (Child Labor Act, § 4(a)(4); 29 CFR § 570.33(j))

### **Minors Under 16 are also Prohibited from Working:**

- ☐ **IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRODUCED, SOLD OR DISPENSED:** Except for continuing-care retirement homes, ski resorts, bowling alleys, golf courses, amusement parks and other similar recreational establishments where alcoholic beverages are served as long as the minor is not handling or serving alcohol, and not working in an area where alcohol is served or stored. Performing Arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code. (Child Labor Act, § 4(a)(1))
- ☐ **ON COAL DREDGES:** Any work on coal dredges. (34 Pa. Code § 11.50)
- ☐ **IN FREEZER OR MEAT COOLERS:** In any capacity, except to enter freezer momentarily to retrieve items for kitchen work. (29 CFR § 570.33(i))
- ☐ **ON HIGHWAYS:** Sections of highways open to the public for vehicular travel. (34 Pa. Code § 11.41a)
- ☐ **IN MANUFACTURING:** Any manufacturing or mechanical process. (29 CFR § 570.33(a))
- ☐ **ON MACHINERY:** Any operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including, but not limited to, lawn mowers, golf carts, all terrain vehicles, trimmers, cutters, weed eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. May operate office equipment, vacuum cleaners and floor waxers. (29 CFR § 570.33(e))
- ☐ **IN PATTERN MAKING SHOPS:** In any capacity. (34 Pa. Code § 11.68)

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- ☐ **IN THE PRINTING INDUSTRY:** On blueprint machines. (34 Pa. Code § 11.69)
- ☐ **FOR PUBLIC UTILITIES:** In any capacity, except office work such as filing, typing and the cleaning and dusting of an office. (29 CFR §§ 570.33(n)(3), 570.34(a))
- ☐ **ON SCAFFOLDING:** All work requiring the use of ladders, scaffolds, or their substitutes. (Child Labor Act, § 4(a)(3); 34 Pa. Code § 11.61; 29 CFR § 570.33(g))
- ☐ **ON TRUCKS, RAILCARS, AND CONVEYORS:** Loading or unloading goods, except for loading/unloading of personal non-power driven hand tools and personal protective equipment that minor will use as part of employment; and personal items to and from motor vehicles. (29 CFR § 570.33(k))
- ☐ **IN TUNNELS:** In any capacity. (Child Labor Act, § 4(a)(3))
- ☐ **IN WAREHOUSING AND STORAGE:** In any capacity. (29 CFR § 570.33(n)(2))

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## APPENDIX B

### 2024 Payroll Calendar

<u>12/18/2023</u>	<u>12/31/2023</u>	<u>1/5/2024</u>
<u>1/1/2024</u>	<u>1/14/2024</u>	<u>1/19/2024</u>
<u>1/15/2024</u>	<u>1/28/2024</u>	<u>2/2/2024</u>
<u>1/29/2024</u>	<u>2/11/2024</u>	<u>2/16/2024</u>
<u>2/12/2024</u>	<u>2/25/2024</u>	<u>3/1/2024</u>
<u>2/26/2024</u>	<u>3/10/2024</u>	<u>3/15/2024</u>
<u>3/11/2024</u>	<u>3/24/2024</u>	<u>3/29/2024</u>
<u>3/25/2024</u>	<u>4/7/2024</u>	<u>4/12/2024</u>
<u>4/8/2024</u>	<u>4/21/2024</u>	<u>4/26/2024</u>
<u>4/22/2024</u>	<u>5/5/2024</u>	<u>5/10/2024</u>
<u>5/6/2024</u>	<u>5/19/2024</u>	<u>5/24/2024</u>
<u>5/20/2024</u>	<u>6/2/2024</u>	<u>6/7/2024</u>
<u>6/3/2024</u>	<u>6/16/2024</u>	<u>6/21/2024</u>
<u>6/17/2024</u>	<u>6/30/2024</u>	<u>7/5/2024</u>
<u>7/1/2024</u>	<u>7/14/2024</u>	<u>7/19/2024</u>
<u>7/15/2024</u>	<u>7/28/2024</u>	<u>8/2/2024</u>
<u>7/29/2024</u>	<u>8/11/2024</u>	<u>8/16/2024</u>
<u>8/12/2024</u>	<u>8/25/2024</u>	<u>8/30/2024</u>
<u>8/26/2024</u>	<u>9/8/2024</u>	<u>9/13/2024</u>
<u>9/9/2024</u>	<u>9/22/2024</u>	<u>9/27/2024</u>
<u>9/23/2024</u>	<u>10/6/2024</u>	<u>10/11/2024</u>
<u>10/7/2024</u>	<u>10/20/2024</u>	<u>10/25/2024</u>
<u>21/2024</u>	<u>11/3/2024</u>	<u>11/8/2024</u>
<u>11/4/2024</u>	<u>11/17/2024</u>	<u>11/22/2024</u>
<u>11/18/2024</u>	<u>12/1/2024</u>	<u>12/6/2024</u>
<u>12/2/2024</u>	<u>12/15/2024</u>	<u>12/20/2024</u>

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## **APPENDIX C**

### Motor Vehicle Records (MVRs) Program

Motor Vehicle Records (MVRs) provide vital information for our company when qualifying potential employees and current employees for driving privileges. The MVR is a history of a person's driving habits.

MVRs will be obtained and reviewed:

- prior to hiring an employee with driving duties.
- before placing a current employee into a new position with driving duties.
- as part of the accident investigation process for on-the-job vehicle accidents.
- annually to determine if employee will maintain driving privileges.
- on all employees that routinely drive as part of their job whether in a company owned or non-owned (personal, rental, etc.) vehicle.

Each Motor Vehicle Record (MVR) will be reviewed on its own merits. A

MVR will be interpreted in relation to the driver's age, driving experience, type of violations, attitude, as well as other characteristics. When evaluating an MVR the following questions will be considered:

- Is the number of violations and accidents increasing or decreasing in relation to the age and experience of the individual?
- Do the violations indicate the individual has an attitude of disregard for traffic regulations?
- Is there a trend (frequency, type) of violations that would lead to a particular accident type?
- Are there any indicators that suggest there will be an increase or decrease in violations or accidents in the future?

MVRs will be obtained for a 3-year time period and evaluated using objective criteria defined in this program. Violations that have occurred in either a commercial or private vehicle will be considered when reviewing the MVR. Any concerns and/or consequences identified by the review of the MVR will be communicated to the driver by his/her supervisor.

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**MVR Criteria & Consequences**

Driver Name: \_\_\_\_\_

<b>Violation</b>	<b>Number of:</b>	<b>Points assigned</b>	<b>Total</b>
DUI/DWI		x 6	
Chemical test refusal		x 6	
Reckless/careless Driving		x 6	
Driving with Suspended License		x 6	
License/ Revoked License		x 6	
Three Accidents		x 6	
Fleeing a Police Officer		x 6	
Allowing Unlicensed Driver to Operate Vehicle		x 5	
Racing on a Public Highway		x 5	
Failure to Stop for School Bus		x 5	
Excessive Speed, 30 mph or More Over Limit		x 5	
Driving with suspended license		x 4	
Fleeing police		x 4	
Leaving the Scene of an Accident		x 4	
2nd At-Fault Accident		x 4	
Disregard Traffic Control Device/Red Light/Stop Sign		x 4	
1st At-Fault Accident		x 3	
Operating Unsafe Vehicle		x 3	
Following Too Close		x 3	
Excessive Speed, 20 mph to 30 mph Over Limit		x 3	
Speed Too Great for Conditions		x 3	
Failure to Yield Right-of-Way		x 3	
Speeding(>15mph over limit or over 75mph)		x 3	
Speeding (< 15 mph over speed limit)		x 2	
Improper/illegal lane change or turn		x 2	
Following to close		x 2	
Traffic signal offenses		x 2	
Preventable accidents		x 2	
Improper Backing or Turning		x 2	
Operating Vehicle Without Insurance		x 2	
Seat Belt Violation		x 2	
Failure to Have Vehicle Under Control		x 2	
Any Driver Under 21 Years of Age		x 2	
Driving on Wrong Side of Road		x 2	
Failure to Pay Traffic Ticket		x 1	
Obstructed Vision		x 1	

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Improper Parking		x 1	
Failure to Signal for direction / slowing		x 1	
Failure to yield		x 1	
Failure to signal		x 1	
Operating a defective vehicle		x 1	
Improper Enter/ Exit		x 1	
Passing Through/ Around Crossing Barriers		x 1	
Equipment Violation / Tires/ Lights/ etc.		x 1	
Total MVR Points			

## Rating & Corrective Acton Guidelines

TOTAL MVR POINTS		MVR REVIEW RECOMMENDED CORRECTIVE ACTIONS
0 to 1 point	Acceptable	• No corrective action
2 to 3 Points	Marginal	• Counsel driver and document
4 to 5 Points	Questionable	• Counsel driver and document • Require defensive driving training • Place on probationary driving status • Restrict personal use, if any
6 or More Points	Unacceptable	• Counsel driver and document • Remove from driving position



# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call **1-866-487-9243** or visit [dol.gov/fmla](https://dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

