



California 2022 COVID-19 Supplemental Paid Sick Leave Policy (SB 114)

Effective February 19, 2022, Kimco Staffing Services, Inc. (Dba “Advantex Professional Services” and “MediQuest Staffing” (“the Company”) will provide California COVID-19 Supplemental Paid Sick Leave (“SPSL”) pursuant to SB 114 to any Covered Employee (as defined below). This policy will remain in effect through September 30, 2022.

Definitions

For purposes of this policy, a “**Covered Employee**” means any employee who is unable to work or telework because of a qualifying reason listed below.

A “**Family Member**” means any of the following: (1) a child, as defined below; (2) a parent, as defined below; (3) a spouse; (4) a registered domestic partner; (5) a grandparent; (6) a grandchild; or (7) sibling.

A “**child**” means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stand in loco parentis.

A “**parent**” means a biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

Qualifying Reasons (Bucket #1)

The Company will provide SPSL to a Covered Employee who is **unable to work or telework** due to any of the following reasons:

- (1) The Covered Employee is subject to a federal, state, or local quarantine or isolation period as defined by an order or guideline related to COVID-19 (if subject to more than one order or guideline, the Covered Employee shall be permitted to use SPSL for the minimum quarantine or isolation period under the order or guidelines that provide for the longest minimum period);
- (2) The Covered Employee is advised by a health care provider to isolate or quarantine due to COVID-19;
- (3) The Covered Employee is attending an appointment for themselves or a Family Member to receive a vaccine or vaccine booster for protection against contracting COVID-19*;
- (4) The Covered Employee is experiencing symptoms, or caring for a Family Member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevent the Covered Employee from being able to work or telework*;
- (5) The Covered Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- (6) The Covered Employee is caring for a Family Member who is subject to a federal, state or local quarantine or isolation period related to COVID-19 or who has been advised to isolate or quarantine due to COVID-19 by a health care provider; or



California 2022 COVID-19 Supplemental Paid Sick Leave Policy (SB 114)

- (7) The Covered Employee is caring for a child (as defined by applicable law) whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

The Company will request certification from a health care provider, a lab certified test or other documentation, as permitted, dated as close to the beginning of the requested leave as possible. The documentation must clearly and legibly show: The name of the Employee/Family Member, the date when the test was taken and the results of the test. Please note: Home Antigen tests are not accepted.

Employees can visit the following website to find a free testing location near them: <https://covid19.ca.gov/get-tested/>

For each vaccination or vaccine booster, the Company limits SPSL to 3 days or 24 hours unless the Covered Employee provides verification from a health care provider that the Covered Employee or their Family Member is continuing to experience symptoms related to the vaccine or vaccine booster. The 3-day or 24-hour limitation applied to each vaccine or vaccine booster includes the time used to get the vaccine or booster.

Qualifying Reasons (Bucket #2)

A Covered Employee is entitled to additional leave if the Covered Employee, or a Family Member for whom the Covered Employee is providing care, tests positive for COVID-19. Proof of a Lab/Pharmacy test is required.

Leave under this category is subject to the following:

- If the Covered Employee tested positive, the Company will require documentation of the Covered Employee's positive COVID-19 test results before paying SPSL. Documentation includes any of the following: certification from a health care provider, a lab certified test or other documentation, as permitted, dated as close to the beginning of the requested leave as possible. The documentation must clearly and legibly show: The name of the Employee/Family Member, the date when the test was taken and the results of the test. Please note: Home Antigen tests are not accepted
- If the Covered Employee tested positive, the Company may require the Covered Employee to submit to a diagnostic test on or after the fifth day after the first positive test was taken and provide documentation of those results. Employees can visit the following website to find a free testing location near them: <https://covid19.ca.gov/get-tested/>
- If the Covered Employee requests to use additional leave because a Family Member for whom they are providing care tests positive for COVID-19, the Company may require the Covered Employee provide documentation of that Family Member's test results before paying the additional leave.
- The Company has no obligation to provide additional COVID-19 supplemental paid sick leave under this category for a Covered Employee who refuses to provide documentation of the test results upon the request of the Company.



California 2022 COVID-19 Supplemental Paid Sick Leave Policy (SB 114)

Amount of SPSL (Bucket #1)

Please note, the majority of our temporary associates may not qualify for the full 40 hours of SPSL as they are not scheduled to work at least 40 hours per week and the number of hours worked per week varies. As such, the Covered Employee will be entitled to an amount of SPSL calculated by the Company (following State guidelines) as follows. The amount of SPSL paid may be up to but not exceeding 40 hours:

- **If the Covered Employee has a normal weekly schedule**, (*meaning the employee is scheduled and consistently works 40 hours per week, as shown by weekly timesheets submitted.*) The total number of hours the Covered Employee will be paid is the number of normally scheduled hours worked for the Company over one week.
- **If the Covered Employee works variable hours and has worked for the Company for at least six months preceding the date the Covered Employee took SPSL.** (*Variable hours means the hours worked per week are not consistent and change each week, as shown by weekly timesheets submitted by the Employee.*) The amount of SPSL hours paid will be seven times the average number of hours worked by the Covered Employee each day in the six months preceding the date the Covered Employee took SPSL
- **If a Covered Employee works variable hours and has worked for the Company for less than six months but more than seven days:** (*Variable hours means the hours worked per week are not consistent and change each week, as shown by weekly timesheets submitted by the Employee.*) The amount of SPSL hours paid will be seven times the average number of hours the Covered Employee worked each day for the Company over the entire period of employment.
- **If the Covered Employee works variable hours and worked for the Company for seven days or fewer:** the total number of hours worked for the Company.

A Covered Employee may determine how many hours of SPSL to use, up to the total number of hours to which the Covered Employee is entitled.

SPSL is available for immediate use on the oral or written request of the Covered Employee to their recruiter or the Company's Human Resources Department. Any unused SPSL will not be paid out on separation of employment or at any other time.

Amount of SPSL (Bucket #2)

A Covered Employee is entitled to the same amount of leave under Bucket #2 as under Bucket #1. For example, if a Covered Employee is entitled to a total of 80 hours of SPSL (40 hours under Bucket #1 and 40 hours under Bucket #2), so the total amount of SPSL leave under both categories shall not exceed 80 hours.

A Covered Employee may determine how many hours of SPSL to use, up to the total number of hours to which the Covered Employee is entitled.



California 2022 COVID-19 Supplemental Paid Sick Leave Policy (SB 114)

If eligible, SPSL is available for immediate use on the oral or written request of the Covered Employee to their recruiter or the Company's Human Resources Department. Any unused SPSL will not be paid out on separation of employment or at any other time.

Pay for SPSL

Each hour of SPSL will be paid to **non-exempt Covered Employees** as follows:

- The regular rate of pay for the workweek in which the Covered Employee uses SPSL, whether or not the employee actually works overtime in the workweek;

SPSL for **exempt Covered Employees** will be calculated in the same manner as the Company calculates wages for other forms of paid leave time.

SPSL pay under this policy is subject to a cap of \$511 per day and \$5,110 in the aggregate per Covered Employee, unless federal legislation is enacted that increases these amounts beyond the amounts included in the Emergency Paid Sick Leave Act established by the federal Families First Coronavirus Response Act ("FFCRA"), in which case the new federal dollar amounts will apply as of the date the new amounts are applicable under federal law.

For questions about SPSL pay calculations, please contact the Company's Human Resources Department at 949-331-1107 or email HR@kimco.com.

Notice

Any Covered Employee requesting time off under this policy must provide the Company as much advance notice as possible. Where the need for SPSL is unforeseeable, notice must be provided as soon as practicable. The Company will request certification from a health care provider, a lab certified test or other documentation, as permitted, dated as close to the beginning of the requested leave as possible. Please note: The Company has no obligation to provide additional COVID-19 SPSL under Bucket #2 for a Covered Employee who refuses to provide documentation of the results of the test (for themselves or a family member) upon the request of the Employer

Anti-Retaliation

The Company will not retaliate, take any adverse action, or otherwise discriminate against any person for utilizing SPSL under this policy. However, if SPSL is misused (e.g., misrepresentation regarding the reasons for SPSL, use of SPSL for vacation, etc.), or fails to timely report their Covid results or exposure, in accordance to the Company's COVID-19 protocol, the Company will take any necessary disciplinary action, up to and including termination.



MediQuest



Advantex



California 2022 COVID-19 Supplemental Paid Sick Leave Policy (SB 114)

Interaction with Other Leaves

SPSL under this policy is in addition to the Company's other paid leave policies (e.g., paid sick leave). However, SPSL may run concurrently with another supplemental benefit for leave (e.g., local COVID-19 paid sick leave) taken on or after January 1, 2022, that is taken for an applicable qualifying reason and compensated in an amount equal to or greater than the amount of pay for SPSL, as noted above.

The Company will not require use of any other paid or unpaid leave, PTO, or vacation before or in lieu of SPSL.

Any leave taken on or after January 1, 2022, for an applicable qualifying reason and compensated in an amount equal to or greater than the amount of pay for SPSL, as noted above, may be counted toward the Covered Employee's total number of hours of SPSL under this policy.

For more information or with any questions regarding this policy, contact the Human Resources at 949-331-1107 or via email at HR@Kimco.com.