

We value and believe in having a group of diverse individuals to make our team stronger. We strive to provide equal employment opportunities and a discrimination and harassment free workplace through our ADA, EEO, and anti-harassment/sexual harassment policies, which are laid out below. We believe in paying our employees properly and providing a safe work environment for all. We have the following policies to protect our employees and our business.

### **Code of Conduct**

Our work environment and our team members create and shape the Ellevation culture. Ellevation expects team members to act professionally and courteously with all partners and fellow team members at all times. Ellevation team members also are required to conduct business to meet the highest moral, legal and ethical standards. Ellevation team members are expected to adhere to the following:

- Adhere to all applicable policies and regulations in this handbook and any employment agreements.
- Be honest, fair and trustworthy in all of your Ellevation activities and relationships.
- Avoid all conflicts of interest between work and personal affairs.
- Foster an atmosphere in which fair employment practices extend to every member of the Ellevation community.
- Strive to create a safe workplace and to protect the environment.
- Help Ellevation's leaders sustain a culture where ethical conduct is recognized, valued and exemplified by all team members.

Our Code of Conduct expects team members to follow simple, straight-forward, ethical business rules that are good for Ellevation, team members and partners. There are some situations that may result in disciplinary action or even termination of employment. The decision to impose a particular penalty, such as a warning, suspension or immediate termination is strictly within the discretion of the company. Ellevation management may elect to skip or forego certain disciplinary steps in light of the severity of any particular infraction. Ellevation's management may impose a particular penalty, such as a warning, suspension or immediate termination for specific actions and unethical behaviors. Some examples of cause for disciplinary action, up through and including termination include:

- Theft or inappropriate removal or possession of property that does not belong to an individual.
- Falsification of timekeeping records, employment records, employment information or other company records.
- Inappropriate use of Ellevation's electronic mail systems or internet access.
- Soliciting, distributing literature, or conducting non-work, or unauthorized meetings on company time or on company property during the work day.
- Unauthorized use of Ellevation's equipment, materials or facilities.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty is strictly prohibited.

- Unauthorized possession or use of firearms, fireworks, or any other weapon on company property while engaged in company business.
- Fighting or threatening violence in the workplace.
- Negligence or improper conduct leading to damage of company-owned or customer-owned property.
- Insubordination or refusal to follow reasonable instruction from a manager.
- Sexual or other unlawful or unwelcome harassment.
- Excessive absenteeism or absence without notice.
- Violation of personnel policies outlined in the Handbook.
- Unsatisfactory performance.
- The sale of or disclosure of partner or student's personal information.

### **Red Flag Reporting Employee Hotline**

We want there to be as many avenues as possible to bring up any concerns at Ellevation, therefore we've provided a designated hotline for employees to file a report or complaint. Red Flag Reporting is a safe, secure, and anonymous ethics and compliance tool and can be used to report any violations of our code of conduct, such as fraudulent activity or theft, misconduct, safety violations, and unethical behavior. Please know that if you are mentioned in a report, it does not automatically constitute guilt. We will assume parties mentioned are innocent unless proven otherwise and investigate all claims thoroughly.

We still encourage all employees to bring concerns to their people leader, division leader, or People Operations whenever possible.

### **Employee Fraternalization**

Ellevation wants to preserve a working environment that has clear boundaries between personal and professional relationships. This is believed to be the best for conducting business. This policy establishes clear boundaries with regard to how relationships develop at work and within the confines of the work area.

- During working hours and in work areas, employees of Ellevation are expected to keep all personal interactions limited and at a professional level to avoid distracting and/or offending others.
- Employees are prohibited from engaging in any physical interactions that would be seen as inappropriate in the work area. What is inappropriate conduct is at the discretion of the employer.
- Employees who engage in personal relationships with others and allow these relationships to negatively affect the working environment will be subject to appropriate action, including disciplinary action where warranted. If said employees fail to change their behavior after such action takes place, they may be subject to termination.
- Romantic relationships between supervising, managing, or executive employees and subordinates are strictly prohibited. If a relationship does develop between a supervising employee and his/her subordinate, management should be notified immediately so that a department transfer, or other appropriate action may be considered.

### **At-Will Employment**

Nothing in these policies should be taken to establish or imply a contract of employment or a guarantee of continued employment. All employment with Ellevation is "at-will," which means either you or Ellevation may terminate the employment relationship at any time and for any reason, or for no reason at all, with or without prior notice.

### **Termination Process**

Because employment at the Company is "at-will," an employee or the Company can terminate the employment relationship at any time, for any reason or no reason at all, with or without notice.

The Company considers extended absence without proper notification, and failure to return to work after the conclusion of leave of absence, vacation, personal days, etc., as job abandonment, a voluntary form of termination. Final paychecks for employees who choose to terminate their employment will be available on the next regularly scheduled pay date.

Neither floating holidays, sick time nor paid time off will be paid out upon termination.

The Company reserves the right to withhold the final pay of an employee to satisfy any outstanding financial obligation incurred by the employee with the Company, including but not limited to cell phone expenses, unless prohibited by federal and state laws.

Prior to an employee's departure, an exit interview may be scheduled to discuss the circumstances surrounding the employee's departure and the effect of the termination on benefits. Departing employees should complete any forms necessary for the transfer or termination of benefit programs. All employees are required to return all Company property in their possession, including but not limited to computers, cell phones, Company tools, manuals, training manuals, customer and pricing lists, Company files, business cards, keys, uniforms, sales office vehicles, supplies, or any other Company property.

### **Your Pay**

All employees are paid on a bi-weekly basis, except where restricted by state or local law. All required deductions, such as for federal, state, and local taxes, and all authorized voluntary deductions, such as for health insurance or 401(k) plan contributions, will be withheld automatically. We work hard to ensure we accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

### **Types of Employees**

Exempt employees are those employees falling into one of several exemptions from overtime under the Fair Labor Standards Act (FLSA). Non-exempt employees are employees that do not fall into any of the FLSA exemptions.

Regular, full-time employees are those employees regularly scheduled to work 40 or more hours per week. Regular, part-time employees are those employees regularly scheduled to work less than 40 hours per week.

Ellevation only hires employees who are at least 14 years old and complies with all work certification, hour restrictions, and other requirements for employees under the age of 18.

### **Deductions Policy for Exempt Employees**

If you are classified as an exempt employee, you will receive a salary, which is intended to compensate you for all hours you may work for the Company. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons.
- Full-day absences for sickness or disability.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment from the court for jury and witness fees or from the military as military pay.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which you do not perform any work.

In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence on a day because your employer has decided to close a facility on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work (subject to any offsets as set forth above).

However, unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your manager. If the manager is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact People Operations. Ellevation will promptly investigate any reports of improper deductions. If an improper deduction is discovered, Ellevation will reimburse employees for such improper deductions in a timely manner.

### **Overtime**

There will be times when you will need to work overtime (more than 40 hours in a given workweek) so that we may meet the needs of our customers. Although you will be given advance notice when feasible, this is not always possible. Non-exempt employees must have all overtime approved in advance by their supervisor, and will be paid for all overtime hours worked. Non-exempt employees who work overtime will be paid one and one-half times their regular rate of pay for all hours worked beyond 40 hours in a given week, or as otherwise provided by applicable state law.

California non-exempt employees will also receive overtime pay of one-and-one-half times their regular rate of pay for hours worked in excess of eight and up to and including twelve hours of work in a given workday, and for the first eight hours on the seventh consecutive work day in a workweek. They will also receive double time pay (twice their regular rate of pay) for all hours of work in excess of twelve hours in a given work day, and for all hours of work in excess of eight hours on the seventh consecutive day of work in a given workweek.

### **Breaks**

Employees will be entitled to meal and rest breaks in accordance with applicable state law.

Non-exempt workers in Massachusetts will be entitled to a 30-minute unpaid meal break for every 6 hours of work.

California non-exempt employees will be entitled to a 30-minute unpaid meal break to begin no later than the 5<sup>th</sup> hour of work. If the employee works 10 or more hours, they will also be entitled to an unpaid meal break beginning no later than the 10<sup>th</sup> hour of work. California non-exempt employees will additionally be entitled to 10-minute paid rest breaks as follows:

Hours Worked	Number of 10 Minute Rest Breaks
0 to 3.5 hours	0
3.5 to 6 hours	1
6 to 10 hours	2
10 to 14 hours	3

### **Non-Exempt Employees**

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. Employees who are classified as nonexempt must accurately record the time they work each day, including arrival, departure and meal break times. Nonexempt employees must report all time worked and not work any time that is not authorized by their managers. This means nonexempt employees must not start work early, finish work late, work during a meal or rest break, or perform any other extra or overtime work

unless directed to do so by your manager. Employees who have questions about when or how many hours they are expected to work should contact their manager.

Employees should promptly review their paychecks and verify immediately that they have been paid correctly for all regular and overtime hours worked. We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, the Company promptly will make any correction that is necessary. If an employee believes their wages have been subject to any improper deductions or their pay does not accurately reflect all hours worked, the employee must immediately report their concerns to a manager. If a manager is unavailable or it would be inappropriate to contact that person (or if an employee has not received a prompt and fully acceptable reply within three business days), you should immediately contact People Operations.

It is a violation of the Company's policy for any employee to falsify time records or to alter another employee's time records. It is also a serious violation of Company policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time records to under- or over-report hours worked. If any manager or employee instructs you to: (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, employees must report it immediately to People Operations.

**Falsification of a time record is a breach of Company policy and is grounds for disciplinary action, up to and including termination.**

The Company will not allow any form of retaliation against individuals who report alleged violations of this policy or retaliation against anyone who cooperates in the Company's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

### **Employment of Relatives**

Members of your immediate family will be considered for employment on the basis of their qualifications. Your immediate family may not be hired, however, if it would:

- Create a direct manager/subordinate relationship with a family member;
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest. This policy must also be considered when hiring, assigning, or promoting an employee.

If a circumstance arises that results in a direct supervisory relationship between immediate family or close personal relatives (e.g., marriage, reduction in force, reorganization), one of the relatives may be reassigned to an appropriate vacancy. During the period that a direct supervisory relationship exists between immediate family or close personal relatives, the supervisory relative will not be involved in any personnel action involving his/her relative.

Typical first- level supervisory responsibilities will be referred to the next higher level in the supervisory chain.

For purposes of this policy, immediate family includes: mother, father, husband, wife, domestic partner, son, daughter, sister, brother, mother-in- law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, stepparent, grandchild, or grandparent. This policy also applies to close personal relatives such as uncle, aunt, first cousin, nephew, niece, or half-sibling.

### **Americans With Disabilities Act (ADA)**

Ellevation complies with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. We also provide reasonable accommodations for such individuals in accordance with these laws. It is the our policy to, without limitation:

- Ensure that qualified individuals with known disabilities are treated in a nondiscriminatory manner in the pre- employment process and that employees with known disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment
- Keep all medical-related information confidential in accordance with applicable law and retain such information in separate confidential files
- Provide applicants and employees with known disabilities with reasonable accommodation to perform the essential functions of their positions, except where such an accommodation is unreasonable, would create an undue hardship on the Company and/or create a direct threat to the health and/or safety of the individual or others.

Any employee who requires an accommodation to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact People Operations to request such an accommodation. People Operations will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. During the interactive process, the Company will evaluate information obtained from the employee, and possibly a health care provider.

Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation and being willing to consider alternative accommodations when applicable.

### **Equal Opportunity Employment**

We are committed to providing equal employment opportunity to all individuals regardless of race, traits historically associated with race (such as hair texture, hair length, and protective hairstyles), color, religion, creed, national origin, ancestry, sex, age, qualified mental or physical disability, sexual orientation, gender identity, expression or status, genetic carrier status, workers' compensation status, pregnancy, childbirth, or related medical conditions, marital

status, familial status, veteran status, military service, application for military service, credit history, crime victim status, homelessness, or any other category or class protected by federal, state or local laws. Equal employment opportunity will be extended to all persons in all aspects of your employer-employee relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff and termination.

We are strongly committed to this policy, and believe in the concept and spirit of the law. We believe in and practice equal opportunity and affirmative action. People Operations serves as the Equal Opportunity Coordinator and has overall responsibility for ensuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and affirmative action and assisting the company in meeting its objectives. Any employee who believes they have been subject to discrimination is encouraged to report the discrimination to their supervisor or People Operations. Ellevation takes allegations of discrimination seriously and will promptly investigate all complaints of discrimination.

We prohibit harassment of one employee by another employee, supervisor or third party for any reason based on a "protected class" including, but not limited to: race, color, religion, creed, national origin, ancestry, sex, age, qualified mental or physical disability, sexual orientation, gender identity, expression or status, genetic carrier status, workers' compensation status, pregnancy, childbirth, medical condition, marital status, any veteran status, any military service, any application for any military service, or any other category or class protected by federal, state or local laws. Harassment of third parties by our employees is also prohibited.

#### *Manager's Responsibility*

All managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to People Operations so they may be investigated and resolved in a timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

The purpose of this policy is not to regulate the personal morality of employees. It is to ensure that in the workplace, no employee harasses another because of their protected characteristics. While it is not easy to define precisely what harassment is, it includes:

**Verbal.** Epithets; derogatory comments, slurs, or name-calling; sexually explicit, suggestive, or degrading words to describe an individual; sexually explicit jokes, emails or any other form of



written communication, comments, noises, or remarks; racial or ethnic slurs; asking for sexual favors; repeated requests for dates, threats, propositions, unwelcome and unwanted correspondence, phone calls, e-mails, text messages, pictures, images and gifts; or other unwelcome attention.

**Physical.** Assault; impeding or blocking movement; any physical interference with normal work or movement when directed at an individual; unwanted and unwarranted physical contact, such as touching, pinching, patting, grabbing, brushing against, or poking another employee's body.

**Visual.** Derogatory or offensive posters, cartoons, or drawings; displaying sexual pictures, writings or objects; obscene letters or invitations; staring at or directing attention to an employee's anatomy; leering; sexually oriented or suggestive gestures.

**Cyberstalking.** Harassment using electronic communication, such as e-mail or instant messaging (IM), or messages posted to a website, blog, or discussion group, including Facebook and LinkedIn.

**Sexual.** See section 'Sexual Harassment'.

Any employee who believes that they have been harassed should report the situation immediately to one of the following members of management who have been designated to receive such complaints: Mary Kang, VP of People Strategy or Jordan Meranus, CEO at 50 Milk Street, Boston MA 02110. If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

The company will investigate all such reports as confidentially as possible. Adverse action will not be taken against an employee because they, in good faith, report or participate in the investigation of a violation of this policy. The company will not retaliate against any employees for making a complaint under this section or participating in the investigation. Violations of this policy are not permitted and may result in disciplinary action, up to and including discharge.

## **Sexual Harassment**

### *1. Introduction*

Any type of sexual harassment is against company policy and may be unlawful. Harassment of third parties by our employees is also prohibited. The purpose of this policy is not to regulate the morality of employees. It is to ensure that in the workplace, no employee is subject to sexual harassment.

Sexual harassment of any kind occurring in the workplace or in other settings related to the employment relationship will not be tolerated. Violations of this policy may result in disciplinary action, up to and including discharge. Retaliation against an individual who has reported or complained about sexual harassment and retaliation against individuals who cooperate in an

investigation of a sexual harassment complaint is unlawful and will not be tolerated by this company.

Because Ellevation takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that this policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

## *II. Definition of Sexual Harassment*

For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when,

- a) submission to or rejection of such advances, requests, conduct or communication is made either explicitly or implicitly a term or condition of employment; or
- b) submission to or rejection of such advances, requests, conduct or communication by an individual is used as a basis for employment decisions affecting such individual; or
- c) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to workers of any gender may also constitute sexual harassment. This may include the dissemination of sexually explicit voice mail, e-mail, graphics, downloaded material or websites in the workplace. The conduct prohibited by this policy includes conduct in any form including but not limited to email, voice mail, chat rooms, Internet use or history, text messages, pictures, images, writings, words or gestures.

While it is not easy to define precisely what sexual harassment is, it includes, but is not limited to:

- 1. Unwelcome sexual advances.
- 2. Requests for sexual favors.

3. Verbal or physical conduct of a sexual nature when submission to that conduct is made either explicitly or implicitly as a condition of employment.
4. Verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
5. Verbal or physical conduct of a sexual nature that has the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Further examples of sexual harassment include, but are not limited to: sexually-related drawings, pictures, jokes, teasing, e-mails, text messages, uninvited touching or other sexually-related comments.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by Ellevation.

### *III. Complaints of Sexual Harassment*

Any employee who believes that they are a victim of sexual harassment should immediately report such actions in accordance with the following procedure. All complaints will be promptly and thoroughly investigated.

1. Any employee who believes that they are a victim of sexual harassment or has been retaliated against for complaining of sexual harassment, should report the situation immediately to one of the following members of management who have been designated to receive such complaints: Mary Kang, Vice President, People Strategy or Jordan Meranus, CEO at 50 Milk Street, Boston, MA 02110. If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

2. The company will investigate every reported incident immediately. Any employee, supervisor or agent of the company who has been found to have violated this policy may be subject to disciplinary action, up to and including immediate discharge.

3. The company will conduct all investigations in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will ordinarily include a private interview with the person or persons filing the complaint, the alleged harasser(s), and any witnesses. When the investigation is completed, the agency will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the sexual harassment the results of the investigation. If it is determined that inappropriate conduct has occurred, Ellevation will act promptly to eliminate the offending conduct, and where it is appropriate will impose disciplinary action.

4. The reporting employee and any employee participating in any investigation under this policy have the company's assurance that there will be no retaliation or change in the terms and conditions of employment as a result of an employee's sexual harassment complaint made in good faith.

#### *IV. Disciplinary Action*

If it is determined that an employee has engaged in inappropriate conduct, Ellevation will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action deemed appropriate under the circumstances.

#### *V. State and Federal Remedies*

We strongly encourage our employees to file a complaint of sexual harassment using our company's complaint procedure. However, in addition to our internal complaint procedure and at any time, you may file a formal complaint with either your state government agency listed below, your local EEOC office, or both. Each agency has a relatively short time for filing a complaint (300 days for both the EEOC and MCAD).

The Equal Employment Opportunity Commission ("EEOC") and equivalent state agencies will accept and investigate charges of unlawful discrimination and harassment at no charge to the complaining party. The nearest office of the EEOC and equivalent state agencies can be found in your local telephone directory or online at [www.eeoc.gov](http://www.eeoc.gov). Complaints must be filed within 300 days of the adverse action.

#### **Drugs and Alcohol**

It is the intent of Ellevation to provide and maintain a work environment that is free of drugs and alcohol. Alcohol and drug use in the workplace can be harmful to the health and safety of Ellevation employees as well as to the security of the business, its property, equipment, and facilities. To promote safe, efficient, and productive working conditions for our employees, Ellevation has established this policy concerning the use of alcohol and drugs.

Definitions for purposes of this Policy:

- “Illegal drugs or other controlled substances” means (a) marijuana (unless legal in the employee’s state of residence or if an employee has a registered medical marijuana card); and (b) *any* drug or substance that (i) is not legally obtainable; or (ii) is legally obtainable but has not been legally obtained; or (iii) has been legally obtained but is being sold or distributed unlawfully.
- “Legal drug” means any drug, (including any prescription, over-the-counter drug, or lawful use of marijuana) that has been legally obtained and that is not unlawfully sold or distributed.
- “Abuse of any Legal drug” means the use of any Legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- “Possession” means that an employee has the substance on his or her person or otherwise under his or her control.

The following acts are prohibited, and subject an employee to discharge:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol, any Illegal drug or other controlled substance; or
- Being under the influence of alcohol, Illegal drugs or other controlled substances.
- The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law, or the Abuse of any legal drug; or
- Working while impaired by the use of a Legal drug whenever such impairment might endanger the safety of the employee or others; pose a risk of significant damage to company property; or substantially interfere with the employee’s job performance or company business.

The prohibitions of this section apply whenever the interests of the Company may be adversely affected, including any time the employee is on Company premises, conducting Company business, regardless of location; operating or responsible for the operation or care of Company property; or responsible for the safety of other employees.

In the event of a violation of this policy, the Company will take appropriate disciplinary action, which may include but not be limited to, counseling, a written warning, or termination of employment. Appropriate disciplinary action in each situation will be determined by the Company in its sole discretion based on the totality of the circumstances, including but not limited to the severity of the violation, and whether there have been repeated violations of this policy.

Any employee convicted under any criminal drug statute for a violation occurring while on the job, on Company or customer premises, or in any vehicle used for Company business must notify the Company no later than five days after such a conviction. A conviction includes any finding of guilt or plea of no contest and/or imposition of a fine, jail sentence, or other penalty.

Ellevation reserves the right to randomly conduct drug and alcohol testing in compliance with any applicable state and federal laws and regulations.

We recognize that employees suffering from alcohol or drug dependence can be treated. We encourage any employee to seek professional care and counseling prior to any violation of this policy. Employees may contact People Operations or the Employee Assistance Program with questions or to seek assistance.

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in employee impairment in violation of this policy.

To the extent required by applicable law, Ellevation will make reasonable accommodations to any employee with a qualified disability that requires the employee to take medication which has side effects that impacts an employee's ability to perform his or her job.

The Company provides alcohol (as well as non-alcoholic drinks) for consumption at various social functions such as "Fun Fridays." In connection with these social events, the Company maintains alcohol in what is fondly called the "beer fridge." Alcohol in the "beer fridge" is intended for use at Company social events and should never be consumed during work time.

The consumption of alcohol at Company social events does not violate this policy provided that employees are expected to always use good judgment and act responsibly when consuming alcohol at a Company-sponsored function (on or off-site). If there is any question about an employee's ability to drive within legal limits following a Company social event, the employee should not drive and instead should take advantage of Lyft, Uber, taxis, or ride with a coworker.

Employees under the age of 21 will not be served alcoholic beverages at any Ellevation-sponsored social events and may not consume alcohol.

### **Smoke-Free Workplace**

Our goal is to have a smoke-free environment. Smoking is not permitted at any time in Ellevation work areas, including Company vehicles or customer or client areas.

If smoking is allowed outside of the building, smokers should be considerate of coworkers, customers, and members of the public. Help to maintain a clean entryway by depositing cigarettes in appropriate containers and staying far enough away from doors so that smoke does not blow into the building.

Employees who smoke must observe the same guidelines as non-smokers for the frequency and length of break periods.

Smokers who wish to participate in any of the available smoke-aid programs should leverage support through our medical healthcare provider and/or Employee Assistance Program.

### **Workplace Violence**

Violence, or threats of violence, by an employee or anyone else against an employee, supervisor or member of management will not be tolerated. If you receive or overhear any threatening communications from an employee or outside third party, report it immediately to your supervisor or People Operations. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

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

Violations of this policy, including your failure to report or fully cooperate in the company's investigation, may result in disciplinary action, up to and including discharge. Where appropriate and/or necessary, the Company will also take whatever legal actions are available and necessary to stop the conduct and protect Company employees and property.

### **COVID-19 Workplace Safety**

Our goal is to sustain a healthy and safe workplace in our evolving work environment at Ellevation during the coronavirus pandemic. It is important that we all respond responsibly and transparently to these health precautions. Employees are expected to be familiar with and adhere to our COVID-19 company policy. The policy is subject to changes with the introduction of additional governmental guidelines. If such changes occur, we will post all updated policy changes to the internal Wiki page.