



**Berkshire East Mountain Resort  
Schaefer Resort Management**

**Employee Handbook**  
January 2025 Edition

**Berkshire East Mountain Resort  
Berkshire Whitewater**

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## Welcome to Berkshire East Mountain Resort

The Schaefer family is delighted that you have chosen to join our team. We believe that every employee helps to define the Berkshire East experience that our guests have come to enjoy. We hope you will take pride in being a member of our team and that your experience here will be enjoyable and rewarding.

Introductory Statement

This handbook has been prepared to provide our employees with an understanding of our personnel policies, work rules, and benefits. This handbook is not a contract and does not override our employment-at-will policy. All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification. We reserve the right to make changes to this handbook at any time.

Nothing in these policies is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including the National Labor Relations Act, to engage in protected concerted activities with other employees to improve terms and conditions of employment, such as wages and benefits.

## Employment-At-Will

This handbook has been prepared to give you a general overview of the benefits and policies of Berkshire East Mountain Resort. Careful review and familiarization with the handbook are your responsibility. This handbook is a resource to be used as a guidance and informational tool. It represents our desire to provide a cooperative, productive and safe working environment.

The language used in this handbook is not intended to create, nor is it construed to constitute, a contract between Berkshire East Mountain Resort and any one or all of its employees nor does it convey any expressed or implied promises. All employees are at will employees and Berkshire East Mountain Resort or the employee may terminate employment at any time for any or no reason, and with or without notice.

Massachusetts is an “at-will” employment state. The handbook is an overview of our policies and benefits. Its content is subject to change at any time at Berkshire East Mountain Resort’s discretion.

## Berkshire East Mountain Resort’s Mission, Vision and Values:

### Mission

We are an **Experience** company. From skiing to zip lines, weddings to snow tubing and everything else in between, our products are transformative for the guests who choose them.

### Vision

Company growth as a function of creating, building and maintaining world class **Experiences**. Creating a profitable work environment that focuses on family, a cohesive team atmosphere, community development, personal integrity and financial stability.

### Values

To work together as friends, colleagues and promoters to give our guests the **Experience** of a lifetime and to be energized by the work we accomplish.

## Guest Relations and Employee Responsibilities

Our guests are vital to the success of our business. Every employee represents Berkshire East Mountain Resort to guests and to the public. One of the highest priorities at Berkshire East Mountain Resort is to help our guests or potential guests. Nothing is more important than being courteous, friendly, prompt, and helpful to guests.

If a guest wants to make a specific comment or a complaint, you should direct the person to your supervisor or to Customer Service for appropriate action. Your contact with the public, your appearance, your telephone manners and the manner in which you communicate to guests reflects not only on you, but also on our company.

Good guest relations build guest loyalty.

## Guest Services Quality Standards

Berkshire East Mountain Resort's continued success is directly dependent upon having a satisfied guest. For this reason, it is important that all employees understand the necessity of maintaining good relationships with our guests.

- ☐ Be polite to all persons. We must treat all individuals with respect.
- ☐ Put forth your best "personal image" to include proper grooming, neatness of dress, a pleasant smile, an interest in your work, and a willing and cooperative attitude toward your co-workers and guests.
- ☐ Be aware that your telephone manners are very important. Treat guests and the public with respect and dignity when talking on the telephone just as you would in meeting people face to face.
- ☐ Berkshire East Mountain Resort will not knowingly misrepresent its products or services in advertisements, public statements or offerings to individual guests. Personnel shall use their best efforts to ensure that all statements, communications and representations to guests are accurate and truthful.
- ☐ Any employee entrusted with, or who comes into possession of, confidential or proprietary information relating to Berkshire East Mountain Resort's business activities must keep such information confidential and use it only for authorized purposes.
- ☐ We respond to a customer's need immediately even if it's not our department
- ☐ We have a friendly, positive and always professional attitude
- ☐ We never speak negatively about a coworker, guest or competitor
- ☐ We arrive on time and ready to work
- ☐ We always work as a team

## Appearance and Grooming Standards

Berkshire East requires employees to maintain a neat and clean appearance that is appropriate for the work being performed. Maintain proper personal hygiene at all times. Keep yourself and your uniform CLEAN and FRESH throughout the season.

Tattoos that include profanity, are affiliated with gangs or extremist groups, along with those that advocate sexual, racial, ethnic or religious discrimination, must be covered with clothing, makeup, wraps or sleeves while working. Black, white, blue or skin colored wraps and sleeves are acceptable

Each department varies in uniform and safety equipment requirements, but the following are general Berkshire East Mountain Resort dress codes for employees with regular contact with guests:

- ☐ Shirts must be clean and kept at a length that covers the midriff area when arms are lifted
- ☐ No uniform sleeves rolled up or cut off to make a tank top
- ☐ Clothing should not be frayed, ripped or torn, and must be kept clean

Employees that work in departments that provide uniforms should wear them at all times.

Berkshire East will reasonably accommodate an employee's religious beliefs or practices in terms of workplace attire unless the accommodation creates an undue hardship or compromises the employee's safety. Employees requesting a workplace attire accommodation based on religious beliefs should be referred to Human Resources.

## Smoking and Vaping Policy

By law, NO smoking is permitted in any of the Berkshire East Mountain Resort buildings. This policy includes the use of electronic cigarettes, commonly known as vaping. No smoking, vaping, or other use of tobacco products (including, but not limited to, cigarettes, pipes, cigars, snuff, or chewing tobacco) is permitted at your work area. Smoking is allowed only during scheduled breaks and in the designated smoking area.

Consumption and possession of marijuana is prohibited from Berkshire East Mountain Resort property including the parking lots and campground.

## Drug Free Workplace

Berkshire East is committed to being a drug-free and safe workplace. Our employees must be physically and mentally fit to perform their duties in a safe manner. Therefore, no employees shall work or report to work impaired by drugs, medications, or alcohol, because that would affect their abilities to perform their job in a safe manner.

No employee shall consume, display, or have in his/her possession, including the workplace or in company vehicles, alcoholic beverages, marijuana, illegal drugs (i.e. cocaine), or at any time during the workday, including during lunch, breaks, and on-call hours. To do so could jeopardize your safety, the safety of co-workers and guests, company equipment, and Berkshire East's relations with the public. Therefore, doing so is a cause for disciplinary action, up to and including discharge. The exception to this rule is at company functions or other business activities, when reasonable consumption of alcoholic beverages is permitted.

Because of the significant safety risk involved with the use of certain medications, when employees that work in safety-sensitive positions are required to take any kind of prescription or nonprescription medication that has side effects which may impair their ability to work in a safety-sensitive job, they are required to report those side effects to their immediate supervisor. The supervisor will initially determine if it is necessary to temporarily place them on another assignment or take other appropriate action. For purposes of this policy, employees whose job functions require skiing/boarding, watersports, working on/handling rental equipment, working in the parking lots, or operation of company machinery, lifts or vehicles will be deemed safety-sensitive positions. Contact your supervisor or Human Resources if you have questions as to whether your position is deemed a safety sensitive position.

To protect the safety of employees and the public, Berkshire East may take whatever measures necessary to determine if illegal drugs, prohibited medications or alcohol are located on or are being used on company property. Measures that may be used include but are not limited to inspection of company uniforms or personal property located on Berkshire East property. This includes the inspection of desks, lockers, bags, and vehicles parked on Berkshire East property. These searches may be conducted by law enforcement authorities or by management. Regardless of whether you hold a safety-sensitive job or not, drug and/or alcohol tests may be conducted when there is reasonable suspicion of substance abuse, or if the employee is noticeably impaired, as requested by the employee's supervisor or management.

When urinalysis and/or blood tests are necessary, samples will be taken under the supervision of an appropriate health-care professional. The above-mentioned searches and drug tests will not be conducted if an individual refuses to submit; however, refusal to submit will result in immediate removal from service and may result in termination.

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance to resolve such problems before they become serious enough to require management referral or disciplinary action. If you have questions regarding this policy or issues related to drug or alcohol use at work, you can raise your concerns with your immediate supervisor or Human Resources without fear of reprisal.

Berkshire East Mountain Resort will comply with the Americans with Disabilities Act and the Massachusetts' Chapter 151B regulations by engaging in the interactive process for disability accommodation if a prescription user tests positive because of a medically necessary lawful prescription. However, Berkshire East Mountain Resort cannot make an accommodation that will pose an unacceptably significant safety risk to the public, the employee, or their co-workers.

## Prohibited Use of Unmanned Aerial Systems (Drones)

Out of safety concerns for guests, employees, and resort property, Berkshire East Mountain Resort prohibits the operation or use of unmanned aerial systems, or aerial drones, by the general public – including recreational users and hobbyists.

This prohibition on drone use extends to any drones launched or operated from Berkshire East Mountain Resort property, as well as

drones launched from private property outside of Berkshire East Mountain Resort boundaries.

Any violation of this policy may involve suspension of your privileges, or the revocation of our guest's activity, as well as confiscation of any (drone) equipment. Violators will be liable for any damages, including but not limited to, physical or personal injuries, property damage, and damages for violations of privacy, regulatory fines and legal fees.

If an employee sees a guest with a drone the employee should politely inform the guest that drones are not allowed at Berkshire East Mountain Resort. Employees should inform their manager of the situation. Employees are expected to report the use of drones to their manager immediately.

## Equal Employment Opportunity and Commitment to Diversity

Berkshire East Mountain Resort is committed to following all federal, state and local laws regarding equal employment opportunity. Berkshire East Mountain Resort has a strong and effective Equal Employment Opportunity policy.

It is the continuing policy of Berkshire East Mountain Resort to recruit and employ the best qualified individuals without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, familial status, religion/religious creed, age, disability, gender identity, results of genetic testing, service in the military, veteran status, the receiving of public assistance, or the handicap of any person alleging to be a qualified handicapped person. The term "sexual orientation" shall mean having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality, but shall not include persons whose sexual orientation involves minor children as the sex object. The term "gender identity" includes transgender individuals, a-gender individuals, nonbinary individuals, bi-gender individuals, employees transitioning genders, and preferences regarding use of pronouns.

Equal employment opportunity applies to all personnel actions, such as recruiting, hiring, placement, promotion, discipline, termination, layoff, recall, transfer, leave of absence, compensation, benefits, and opportunities for training.

Berkshire East Mountain Resort expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

## Non-Discrimination Statement

Berkshire East Mountain Resort does not discriminate on the basis of race, color, ancestry, national origin, gender, sexual orientation, marital status, familial status, religion/religious creed, age, disability, gender identity, results of genetic testing, service in the military, veteran status, the receiving of public assistance, or the handicap of any person alleging to be a qualified handicapped person. The term "sexual orientation" shall mean having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality, but shall not include persons whose sexual orientation involves minor children as the sex object. The term "gender identity" includes transgender individuals, a-gender individuals, nonbinary individuals, bi-gender individuals, employees transitioning genders, preferences regarding use of pronouns,

## Americans with Disabilities Act (ADA) and Reasonable Accommodation

Berkshire East Mountain Resort complies with, and fully supports, the ADA and the ADA Amendments Act of 2008, as well as its state-law counterparts. Berkshire East Mountain Resort/Berkshire Whitewater is committed to taking all actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state, and local laws. To be protected under the ADA, you must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

To ensure equal employment opportunities to qualified individuals with a disability, Berkshire East Mountain Resort will make a reasonable accommodation to a known disability in order to allow an applicant to fairly apply for employment and so a disabled employee can perform the tasks essential to the job he/she holds or seeks. We will also make a reasonable accommodation to a



known disability that would make it difficult for an employee to receive customary training, evaluations, etc. All other requirements of this law, as they now exist or may be from time-to-time modified, will be observed by the company.

Employees who may require reasonable accommodation should contact their direct supervisor or a member of the Human Resources Department.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists.

Berkshire East Mountain Resort will make reasonable accommodations for the known disability of an otherwise qualified individual, unless an undue hardship on the operation of the business would result. For example, Berkshire East Mountain Resort/Berkshire Whitewater cannot make an accommodation that will pose an unacceptably significant safety risk to the public, the employee, or their co-workers.

Berkshire East Mountain Resort is committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability.

In fulfilling our commitment to comply with the ADA, we may have the need to call on our able-bodied employees to help provide a reasonable accommodation to a disabled co-worker. You may be asked to assume additional duties if we modify a disabled employee's work schedule or reassign a nonessential task from their job to yours. We know you will assist us in this regard with the same willing spirit you now display in the workplace, so it is probably unnecessary to state the obvious: Cooperation in this regard will be a condition of continued employment for all able-bodied employees.

### Massachusetts' Chapter 151B Law against Employment Discrimination

There are several differences between Massachusetts Chapter 151B and the Federal ADA regulations. Chapter 151B covers certain medical conditions not covered by the ADA.

Employees who suffer a work-related injury may be automatically afforded the protections under the law, regardless of whether they are substantially limited in a major life activity.

### Notice of Right to be free from Discrimination because of Pregnancy, Childbirth and Related Conditions

Massachusetts State law protects employees and applicants from discrimination based on pregnancy, childbirth and related conditions. Federal law provides similar protections.

Employees and applicants have the right under state law to request reasonable accommodations for conditions related to pregnancy, childbirth and related conditions such as the need to express breast milk for a nursing child.

Berkshire East Mountain Resort may not:

- Refuse to grant you the reasonable accommodation unless it would create an undue hardship on Berkshire East Mountain Resort's enterprise, business or program;
- Require you to take a leave if another reasonable accommodation can be granted; or
- Deny you employment opportunities based on a refusal to provide a reasonable accommodation.

If you want to request reasonable accommodations, or if you have been discriminated against based on pregnancy, childbirth or related conditions, please contact Human Resources.

### Policy Against Discriminatory Harassment

Berkshire East Mountain Resort promotes a workplace that is free of discriminatory harassment of any kind, including sexual harassment. Discriminatory harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation

against an individual who has complained about discriminatory harassment or retaliation against individuals for cooperating with an investigation of a discriminatory harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discriminatory harassment, the conduct described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees. Because Berkshire East Mountain Resort takes allegations of discriminatory harassment seriously, we will respond promptly to complaints of discriminatory 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 while this policy sets forth our goals of promoting a workplace that is free of discriminatory harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of discriminatory harassment.

## Definition of Discriminatory Harassment

Harassment means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to, (1) displaying or circulating written materials or pictures that are degrading to a person or group as previously described, (2) verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

Sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- 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 work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body; sexual gestures; suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Berkshire East Mountain Resort's prohibition against discriminatory harassment includes a prohibition on the dissemination of sexually explicit voicemails, e-mails, graphics, text messages, pictures, downloaded materials, or websites. All employees should take special note that, as stated above, retaliation against an individual who has complained about discriminatory harassment, and retaliation against individuals for cooperating with an investigation of a discriminatory harassment complaint is unlawful and will not be tolerated by this organization.

## Complaints of Discriminatory Harassment

If any of our employees believes that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting your direct supervisor or any member of the Human Resources Department. These people are also available to discuss any

concerns you may have and to provide information to you about our policy on discriminatory harassment and our complaint process.

### **Discriminatory Harassment Investigations**

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person(s) alleged to have committed discriminatory harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### **Anti-Retaliation**

Berkshire East Mountain Resort encourages its employees to speak up when they believe inappropriate conduct is occurring in the workplace. This includes situations where employees are subjected to or aware of discriminatory harassment. Berkshire East Mountain Resort will take no retaliatory action against employees who report suspected discriminatory harassment so long as they have a good-faith belief that unlawful conduct is occurring.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we 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 as we deem appropriate under the circumstances.

### **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to discriminatory harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies require that claims be filed within a certain period of time from the date of the alleged incident. These agencies may be contacted at:

**The United States Equal Employment Opportunity Commission**  
**One Congress Street, 10<sup>th</sup> Floor**  
**Boston, Massachusetts 02114**  
**(617) 565-3200**

or

**The Massachusetts Commission Against Discrimination**  
**424 Dwight Street, Room 220**  
**Springfield, Massachusetts 01103**  
**(413) 739-2145**

### **Policy against Workplace Violence**

Berkshire East Mountain Resort is committed to preventing workplace violence and to maintaining a safe work environment for all employees. Berkshire East Mountain Resort has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur onsite or offsite during work-related activities.

### **Prohibited Conduct**

All employees, guests, vendors and business associates should be treated with courtesy and respect at all times. The following list of behaviors, while not exclusive, provides examples of conduct that will not be tolerated:

- ☐ Fighting, "horseplay" causing physical injury to another person or other conduct that may be dangerous to others;
- ☐ Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another person to emotional distress;

- ☐ Conduct that threatens, intimidates or coerces another employee, guest, vendor or business associate in a manner that would make the individual feel unsafe;
- ☐ Use of Berkshire East Mountain Resort resources to threaten, stalk or harass anyone at or outside the workplace; ☐ Written threats, vicious cartoons or notes, and other written material that is meant to threaten or create a hostile environment;
- ☐ Intentionally damaging employer property or property of another employee;
- ☐ Committing acts motivated by or related to sexual harassment or domestic violence.

All employees are expected to report indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities as soon as possible. Employees should bring their concern directly to the attention of their immediate supervisor. When reporting a threat or incident of violence, employees should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees are encouraged to report safety concerns with regard to intimate partner violence and should promptly inform the HR Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area.

### Investigations and Enforcement

Berkshire East Mountain Resort 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. Berkshire East Mountain Resort will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation Berkshire East Mountain Resort may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

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.

Berkshire East Mountain Resort encourages employees to bring their disputes to the attention of their supervisors or the HR Manager before the situation escalates. Berkshire East Mountain Resort will not discipline employees for raising such concerns.

To ensure a safe workplace and to reduce the risk of violence, all employees are prohibited from making threats or engaging in violent activities.

## GENERAL EMPLOYMENT POLICIES

### Employment Applications

We rely on the accuracy of the information you put on your employment application. We expect that you and your references will give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person has already been hired, it could result in termination of employment.

### Employment Eligibility Verification

Berkshire East Mountain Resort complies with the Immigration Reform and Control Act of 1986 (as amended), which is enforced by the Department of Homeland Security. Form I-9, as issued by U.S. Citizenship and Immigration Services, is used for verifying the identity and employment authorization of individuals hired for employment in the United States. Berkshire East Mountain Resort must ensure proper completion of Form I-9 within three business days for each individual hired. This includes citizens and noncitizens.

Berkshire East Mountain Resort expects that all new employees complete Section 1 electronically and present the acceptable documents evidencing identity and employment authorization prior to working. This should be done by the end of the third day after working for pay. If an employee is hired for less than three days, the employee and Berkshire East Mountain Resort must complete Form I-9 and provide the appropriate identification before the end of the employee's first working day for pay.

### CORI Background Check Requirements

Due to the nature of our business we are required to conduct criminal history inquiries on certain applicants for employment. The procedure has been adopted by Berkshire East Mountain Resort for Criminal Offender Record Inquiries ("CORI"). Massachusetts requires that these checks be completed as needed. Employees must sign the agreement to have a CORI run. Pro-Screen now runs national CORI's for the organization.

### Driver Qualification Policy

Berkshire East Mountain Resort seeks to safeguard its employees and others operating a motor vehicle in the course of conducting company business. The duties of an employee of Berkshire East Mountain Resort may require you to drive company vehicles or your own vehicle for company purposes. In order to qualify for driving authority, all staff must complete a [driver qualification form](#) as part of their required pre-season paperwork. Current and prospective employees that score 9 points or less will be granted driving responsibilities, provided they have completed and passed a driver training road test during new staff and/or return staff training. A score of 10 or more disqualifies an employee from driving authority. If a new applicant scores as a non driver it is at the discretion of management whether to continue the employment process. If the applicant is currently employed, they will not be permitted to operate a company vehicle at any time until their driving record improves, they resubmit their driving record, and complete and pass driver training during new staff and/or return staff training.

### Attendance and Punctuality

Each employee is hired for a specific contribution to Berkshire East Mountain Resort. We expect Berkshire East Mountain Resort employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your immediate supervisor at least one hour prior to your assigned starting time. Without this notification, your absence may be counted as unexcused and could affect your future employment.

Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

Berkshire East Mountain Resort may continue to operate during inclement weather. Employees are expected to report to work unless they have received specific notice from their supervisor that they need not report.

### Scheduling

Scheduling is the responsibility of your manager. Each employee is responsible for knowing their work schedule. You are expected to work according to the schedule set by your manager and be on time every day in uniform, ready to work. Once you have been assigned to the schedule, be sure you can work the schedule you have been given. Notify your manager immediately if there is a conflict.

### Equipment, Radio & Gear Use Policy

Berkshire East Mountain Resort may provide gear and equipment to you for use. It is property of Berkshire East Mountain Resort and, unless authorized by your manager, cannot leave the premises. You are expected to inspect gear and equipment regularly and report any broken or malfunctioning equipment so it can be replaced or fixed in a timely manner.

Regarding hand held radios, they are for business communications only. Please remember that while on our radios, you are representing our company and appropriate professionalism will be expected. Communications should be limited to necessary work communication only, regardless of what channel you are on. Foul language and any other inappropriate radio use will result in disciplinary action.

Employees interested in using our facilities, buildings, trails, mountain and equipment when not working must obtain prior permission from Management.

### Cell Phone Usage

Use of cell phones, especially if your position is critical to safety, is prohibited unless calling for help or as approved by your supervisor.

Use of personal cell phones in other circumstances is discouraged, as it is disruptive to the workflow. Personal cell phones should be turned off while at work unless otherwise discussed with your supervisor. Use of your personal cell phone is permitted during your meal break, but not on company time. This policy includes use of cell phones for texting. Cell phones are distracting, and employees should be paying attention to their surroundings, their job and the guests when on the job.

### Music while on Duty

All stereo and radio music is subject to the discretion of each department supervisor. Berkshire East Mountain Resort prohibits loud, obscene, profane or other types of music which are offensive or unfitting to Berkshire East Mountain Resort's guest relations policy. In order to deliver great guest service, employees need to be able to hear guests and machinery. Where safety is not a concern, the use of headphones, iPods and other personal sound systems is allowed at the discretion of each department supervisor.

### Communication

#### Berkshire East Mountain Resort Social Networking

Berkshire East Mountain Resort recognizes that social media is an integral part of doing business today. The proper role of social networking is to convey information about Berkshire East Mountain Resort, its products and services, search for possible new markets and discuss company activities and events. Only persons authorized to do so may prepare or modify content for Berkshire East Mountain Resort's official website(s), social networking outlets and/or blogs.

Information published on the internet becomes part of a permanent record. Exercise good judgment and common sense. If in doubt, do not post about Berkshire East Mountain Resort until you clear it through the appropriate channels. All social networking activities must be in compliance with Berkshire East Mountain Resort's policy on electronic communication.

Employees are not allowed to discuss any issues regarding Schaefer Properties with the news media or press. All inquiries should be directed to our Marketing Director or General Manager.

#### Computer Policy, Including Internet Usage and Email

Internet access is provided to individuals based upon business needs to benefit Berkshire East Mountain Resort through connection to worldwide information resources. Employees have a responsibility to maintain and enhance Berkshire East Mountain Resort's public image while accessing the Internet by following these guidelines:

- ☐ Employees using Internet access via Company hardware and software are representing Berkshire East Mountain Resort. As such, their conduct should be ethical and lawful at all times.
- ☐ Internet access should not be used for personal reasons, personal gain or advancement of personal views, for solicitation of non-company business, or result in the disruption of Berkshire East Mountain Resort network operation or interfere with personal productivity at work.
- ☐ Employees are responsible for the content of all text, audio, or images they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited. All messages on the Internet should be identified with the employee's name. Employees may not obscure the origin of messages and the information published should not violate or infringe upon the rights of others. Abusive, profane or offensive language transmitted through Berkshire East Mountain Resort's system is strictly prohibited.

- ☐ Employees may not download or install software without the express acknowledgement and support of the Network Administrator to ensure that proper licenses are obtained and viruses are not transmitted.
- ☐ Employees may not send or upload Company copyrighted materials, trade secrets, proprietary information, or similar materials to third parties. Employees may not violate the copyright laws in regard to receipt/download of materials

available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use."

All messages created, sent, or retrieved over the Internet are the property of Berkshire East Mountain Resort and should be considered public information. Berkshire East Mountain Resort reserves the right to access and monitor all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sexual orientation, or other protected attributes may not be transmitted.

Violations of this Computer Policy may result in disciplinary action up to and including termination and illegal activities may result in prosecution by legal authorities.

## Pets

For the comfort and safety of our guests as well as the well-being of the animal, Employees must receive prior approval from their manager to bring their pets. If you see a guest with a pet on the grounds please inform the guest of our on-leash pet policy.

## Good Housekeeping

Your work location should be kept clean and orderly. Keep machines and other objects (supplies, boxes, materials, etc.) out of the center of walking areas. Clean up spills, drips, and leaks immediately to avoid slips and falls. Place trash in the proper receptacles. Stock shelves carefully so items will not fall over upon contact.

## Employee Conduct and Work Rules Policy

Berkshire East Mountain Resort strives to provide a positive work environment and expects employees to act with integrity and adhere to the rules, procedures, and policies provided to them through various means, including but not limited to this employee handbook, department handbooks, and verbal direction from department supervisors and management while employed by Berkshire East Mountain Resort, when attending company functions, or otherwise performing work-related activity. Employees who violate policies are subject to disciplinary action, up to and including termination. Though it is not possible to list all forms of behavior that are considered unacceptable in the workplace, infractions of the following work rules are deemed to be unacceptable and may result in termination upon the first offense.

- ☐ Theft of company property or personal property of another employee or guest; Theft includes offering discounts or giving away or lending such items as staff badges, lift tickets, season passes, rentals or other activities, or providing free activities to anyone who has not been authorized to receive such discounts;
- ☐ Failure to wear safety equipment when required;
- ☐ Leaving the work area without permission, especially if your position is critical to safety;
- ☐ Use of cell phone, especially if your position is critical to safety;
- ☐ Sleeping while on duty;
- ☐ Unauthorized alteration of company machinery or equipment;
- ☐ Violation of safety rules which could result in serious injury to you or to others;
- ☐ Reporting to work under the influence of drugs and/or alcohol;
- ☐ Testing positive for drugs on a company-administered drug test;
- ☐ Possession of guns, knives, weapons, and/or explosives on company property;



- ☐ Using the time clock for another employee;
- ☐ Unauthorized disclosure of confidential information;
- ☐ Unauthorized use of company time, materials, or tools, especially for personal gain;
- ☐ Insubordination to supervisors or rude behavior to guests;
- ☐ Deliberately damaging company property or property belonging to a co-worker, guest or vendor;
- ☐ Indecent or immoral behavior on company property;
- ☐ Falsification of an application or company record;

In addition to maintaining and enforcing this policy to protect the interests and safety of all employees and guests, Berkshire East Mountain Resort complies with all applicable federal, state and local laws and regulations concerning employer/employee rights and obligations.

## Complaint Procedure

Your complaints and problems are of concern to Berkshire East Mountain Resort. It is our policy to give full consideration to any issues that may affect your job performance. The only way we can help you answer your questions or solve your problems is for you to tell us about them.

- ☐ Each supervisor and employee is encouraged to resolve on-the-job complaints in an atmosphere of mutual respect. An employee should bring any work-related problem to the attention of his/her immediate supervisor as soon as possible so the problem may be resolved. The supervisor should discuss with the employee those concerns in an effort to resolve the problem in a timely fashion.
- ☐ In the event the problem or misunderstanding cannot be settled between you and your supervisor, you should discuss your problem with Human Resources. Upon notification, all complaints will be promptly investigated. If upon investigation, it is found that a violation of policy has occurred, appropriate and immediate action will be taken, up to and including termination.

## Training and Development Policy

It is Berkshire East Mountain Resort's policy to ensure that employees are knowledgeable about their job and its requirements. Management should ensure that training is available to all employees periodically in various fashions, such as on-the-job training and/or training meetings. Managers/supervisors will determine what training employees are required to have and what training courses they should attend.

Training can occur either prior to working or while on the job. The employee will be compensated for training as determined by their department. An employee who attends training outside the organization must get preapproval from their supervisor and then must complete an expense report attaching the appropriate receipts and submit it to his/her immediate manager for authorization. The manager will forward it through the proper channels to secure reimbursement for expenses such as vehicle mileage, meals, etc., and should comply with the standard company policies.

## Nepotism and Personal Relationships in the Workplace

Berkshire East Mountain Resort is a family-run business and thus, for obvious reasons, Berkshire East Mountain Resort accepts the employment of individuals of the same family or those who have a personal relationship. Decisions regarding family, domestic partners or household members involving a term or condition of employment such as hiring, promotion, salary, performance appraisals or other working conditions for those related, should be discussed and approved by the General Manager.

## Definition of Relationships

The potential for conflicts of interest may also exist in close personal relationships other than family relationships. To avoid a conflict of interest or the appearance of a conflict of interest, the definition of "relationships," which is covered by this policy, should be interpreted very broadly. In considering whether a relationship falls within this policy, all employees are urged to disclose the facts if there is any doubt rather than fail to disclose in cases where a relationship exists or existed in the past. This policy applies to all types



of employment, including seasonal, full-time, salaried or hourly employees.

### Consensual Romantic or Sexual Relationship

Conflicts of interest also can exist when there is a consensual romantic or sexual relationship in the context of employment supervision or evaluation.

To avoid a conflict of interest, no employee may participate in decisions involving a term or condition of employment such as hiring, promotion, salary, performance appraisals or other working conditions for an employee with whom such a relationship exists, but the supervising employee shall provide senior management with all necessary and relevant information to enable them to render a decision.

Any supervisor involved in a consensual romantic or sexual relationship, in the context of employment supervision, must discuss the matter on a confidential basis with senior management to assess the implications for the workplace and make arrangements to ensure that decisions regarding terms and conditions of employment are made in an appropriate and unbiased setting.

Although both employees involved in a consensual relationship are individually responsible for disclosure, a supervisor's failure to report such a relationship will be regarded as a serious lapse in his or her management of the workplace and grounds for appropriate disciplinary action.

### Supervisor's Responsibility

A supervisor bears a responsibility for sustaining a positive workplace environment and one which is conducive to the professional growth of all employees. It is important to understand that, even when arrangements have been made to minimize conflicts of interest regarding particular employment-related decisions, it is necessarily more difficult for a supervisor to be fair when a close relationship exists with an employee.

Disruption to the workplace can be particularly acute when a sexual or romantic relationship involving a supervisor and their employee is known to exist but cannot be discussed openly. Supervisors should also understand that even in a consenting relationship there are substantial risks of charges of sexual harassment or favoritism when supervision is involved.

### Report of Relationship

Any supervisor who receives the report that someone who reports to him or her is involved in a consensual romantic or sexual relationship with one of their direct subordinates will be expected to speak confidentially with the person(s) involved. If the relationship exists, appropriate steps should be taken to ensure that employment-related decisions are made in an unbiased setting and that written documentation regarding the relationship is completed.

Individuals who have questions or are uncertain as to the application of this policy should speak in confidence to senior management.

## GENERAL WORKPLACE SAFETY RULES

Berkshire East Mountain Resort offers outdoor adventure activities including downhill skiing and riding, snow tubing, downhill mountain biking, a mountain coaster, aerial adventure park; guided zipline canopy tours, guided whitewater rafting trips and guided kayaking. Because of the inherent risk associated with our programs, minor accidents occur periodically and the potential exists for a major accident or incident including the possibility of a fatality.

Berkshire East Mountain Resort takes seriously its commitment to conduct operations in a safe and responsible manner by implementing proactive safety and regulatory compliance programs, well designed and maintained facilities, training employees and planning. The commitment begins at the management level and is reflected in a policy of rigorous review of and strict adherence to standard operating and maintenance procedures. This commitment is consistent with the high standards for safety on which the operation of our programs is based and reflects an acknowledgement of personal responsibility to our employees, our customers, and our community.

## Occupational Safety and Health Act (OSHA)

The Occupational Safety and Health Act (OSHA) requires all employers to provide a safe and healthful workplace for their employees. In this regard, it is important that adequate policies and procedures be developed and adhered to in order to ensure safe, efficient operating conditions, thereby safeguarding employees and facilities.

Our company will not knowingly permit unsafe conditions to exist, nor will it permit employees to indulge in unsafe acts. Violations of company rules and regulations will result in disciplinary action. The company believes that the safety of employees and physical property can best be ensured by a meaningful program.

Employee---Since the employee on the job is frequently more aware of unsafe conditions than anyone else, employees are encouraged to make recommendations and/or suggestions regarding unsafe conditions to their immediate supervisor so that they may be corrected.

Supervisors---Supervisors are responsible for the working conditions within their department. A supervisor should remain alert at all times to dangerous and unsafe conditions, so that he/she may recommend corrective action, discipline employees who habitually create or indulge in unsafe practices, assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to continue.

Your safety is the constant concern of this company. Many precautions have been taken to provide a safe workplace. Common sense and personal interest in safety are still the greatest guarantees of your safety at work, on the road, and at home. We take your safety seriously and any willful or habitual violation of safety rules will be considered cause for dismissal. Berkshire East Mountain Resort/Berkshire Whitewater is sincerely concerned for the health and well-being of each member of the team.

The cooperation of every employee is necessary to make this company a safe place in which to work. Help yourself and others by reporting unsafe conditions or hazards immediately to your supervisor. Give earnest consideration to the rules of safety presented to you by Berkshire East Mountain Resort/Berkshire Whitewater, discussions with your supervisor, and rules and regulations published in this safety section of your employee handbook. Begin by always thinking of safety as you perform your job, or as you learn a new one.

## Accident Reporting

Any injury at work must be reported immediately to any supervisor to receive first aid attention and a safety evaluation. Serious conditions often arise from small injuries if they are not cared for at once.

## Injury Management

It is the policy of Berkshire East Mountain Resort to assure that all employee injury cases receive prompt and appropriate attention and processing according to this policy. It is also the policy of Berkshire East Mountain Resort that all employees incurring work related injuries or illnesses are provided appropriate prompt medical care.

## Notification/Report of Work Related Injury

Persons who get injured on Berkshire East Mountain Resort's premises while working should report injury to their immediate manager or the Manager of the Day. The supervisor or manager will fill out an accident report of the injury and file it with Human Resources within 24 hours or as soon after as is reasonable. If it is a cumulative trauma injury that has developed over time, the person should report the injury to their supervisor or manager and file a report with the HR office before receiving any outside treatment. Without a timely report provided to Berkshire East Mountain Resort, the Worker's Compensation insurance company may reject the claim. Patrol will provide treatment, or will recommend the person goes to an appropriate facility by appropriate means if more treatment is needed. For any additional questions on the process, please contact the Director of Human Resources, June Roy-Martin at June@zoaroutdoor.com

## Drug and Alcohol Testing

When an employee causes an accident injuring him/herself and/or others, Berkshire East Mountain Resort may perform an on-site drug and/or alcohol test. Additionally, regardless of whether you hold a safety-sensitive job or not, on-site drug and/or alcohol tests may be conducted when there is reasonable suspicion of substance abuse, or if the employee is noticeably impaired, as requested by the employee's supervisor, management. Senior management needs to be informed immediately.

If needed on-site test results are positive for methamphetamines, amphetamines, opiates, marijuana, cocaine, phencyclidines, or a blood alcohol level at or over 0.08%, Berkshire East Mountain Resort will inquire to determine if the employee has a legitimate medical explanation, such as a physician's prescription, that may have caused that test result to be positive.

In order to eliminate the possibility of a false positive on-site test Berkshire East Mountain Resort may send the employee to a medical facility of the company's choosing for urinalysis and/or blood test drug and/or alcohol testing.

As stated in the earlier section "Drug Free Workplace", tests will not be conducted if an individual refuses to submit; however, refusal to submit may result in immediate removal from service and may result in termination.

For purposes of drug and alcohol testing, an accident is defined as an unfortunate event resulting from carelessness, poor judgment, misconduct, or impairment etc., as evaluated by a supervisor, ski patrol or management.

Berkshire East Mountain Resort will comply with the Americans with Disabilities Act and the Massachusetts' Chapter 151B regulations by engaging in the interactive process for disability accommodation if a prescription user tests positive because of a medically necessary lawful prescription. However, Berkshire East Mountain Resort cannot make an accommodation that will pose an unacceptably significant safety risk to the public, the employee, or their co-workers.

## Returning to Work from Injury

When an employee is prepared to return to work, he/she must bring documentation from their attending physician that they are cleared to return to work. This documentation must be brought to Berkshire East Mountain Resort HR office before the employee resumes any of his/her work related duties. If an employee is returning to work with physical limitations, Berkshire East Mountain Resort's HR office will coordinate the communication with the supervisor or manager to assist in the return to work. Berkshire East Mountain Resort will obtain a copy of the physical limitations from your physician. Berkshire East Mountain Resort will work with all parties to ensure a successful return to work. Follow up will be provided as needed. If a person has permanent limitations, Berkshire East Mountain Resort's HR office will coordinate with the employee, supervisor or manager to determine what level of accommodation will be provided if reasonable, or if it may be necessary to explore an alternative job.

Berkshire East Mountain Resort may require you to receive a physical assessment at a medical facility of Berkshire East Mountain Resort choosing if there are any questions or concerns as to whether you are physically fit to perform the duties of your job.

If you are unable to obtain a note from the treating physician due to a lack of medical insurance, financial need, or because your physician is not available within a reasonable period of time, Berkshire East Mountain Resort may pay the cost for you to be assessed by a medical facility of Berkshire East Mountain Resort choosing to determine if you are physically fit to perform the duties of your job even if your absence is not due to a workers compensation injury.

## Dealing with abusive or aggressive guests

On rare occasions a guest may become aggressive or abusive toward a staff person. If you are in this situation, state firmly that you are going to have a manager speak to the guest and that you do not have the authority to do what the guest is asking of you and then find a manager and explain the situation to them. If you feel a guest is likely to become violent or has threatened you with violence, let them know that you will be calling the police and make the call to 911 if necessary.

## Food Service and Sanitation

All food will be prepared in accordance with established local & state health codes. When preparing or serving food,

employees must first wash their hands using generally accepted practices and then wear disposable gloves. Staff handling food identified with a foodborne illness must be excluded from work related to food handling. Symptoms such as diarrhea, vomiting, fever and infected cuts should be reported to a manager before work; the staff person may be taken off job duties or asked to leave. Employees should remain at home until 24 hours after the last episode of vomiting, diarrhea and/or fever.

## VEHICLE USE

### DRIVER QUALIFICATIONS

All new staff will complete a [Driver Application](#) as part of their required return/new staff paperwork and must earn a passing score to be listed as a driver. If a current employee earns an unsatisfactory score on their application, they will not be permitted to operate a company vehicle until their driving record improves. Once their driving record improves, they may be granted driving privileges when they resubmit a driver application, and undergo driver training if this is their initial listing as an approved driver. Driver classifications and requirements:

“Driver”-Can drive all Berkshire East Mountain Resort vehicles not connected to a trailer. The only vehicle/trailer combinations a “Driver” is allowed to drive is the pick up truck/SUV connected to a paddlesports trailer. Requirements

- 18 years old
  - Completed driver application
  - Copy of a current driver's license on file
  - Has a driving record on file
  - Completed in house or equivalent driver training

“Trailer Driver”-Can drive all Berkshire East Mountain Resort vehicle and trailer combinations

- 18 years old
- Completed driver application
- Has driving record on file
- Copy of a current driver's license on file
- Completed in house Road Test or equivalent driver training

Berkshire East Mountain Resort is listed as an intrastate (within MA only) company with the DOT. We are not allowed to transport guests across state lines in vehicles exceeding 8 passengers. In some cases, short distances across state lines may be acceptable. See your manager for more details. All driver classifications are required to notify their managers if they receive any in-season moving violations that may impact their current driving status. Depending on the infraction, managers may require the employee to undergo additional driving training, complete an additional driving assessment form, suspend their driving privileges, or terminate their employment.

### DRIVING SAFELY

The use of vehicles is potentially one of the most hazardous parts of our business. As a driver of a Berkshire East Mountain Resort vehicle, you are responsible for the safety of the people riding in the vehicle as well as for the vehicle itself. You are also responsible for obeying Berkshire East Mountain Resort policies relating to vehicle and van use, and the laws of the jurisdiction in which you are driving. Any citations, fines, or tickets received as a result of a failure to obey the law will be your personal responsibility to pay. You should carry your driver's license while driving Berkshire East Mountain Resort vehicles.

When you are the driver, make sure all passengers (including yourself) are wearing seatbelts. Guests and staff are required to wear seat belts when in a company vehicle. Start every trip, whether you are driving staff or guests, by explaining that the ride in the front of the van is different from the ride in the back of the van, so that if anyone has any concerns at any time, they should feel free to speak up.

Drive conservatively at all times. Avoid sharp turns, excessive speed and abrupt maneuvers. Drive the speed limit, even if it makes you late. To minimize the risk of van rollovers, fill front seats first, keep the gas tank as full as possible and use a trailer for boats when possible with 10 or more passengers. Riding on the roof of any vehicle or on any trailer is dangerous and not permitted at any time for any reason. Any problems with vehicles should be brought to the attention of the manager who is in charge of vehicle maintenance.

While driving a Berkshire East Mountain Resort vehicle your primary focus is on safe driving. To ensure your attention remains on the road and to comply with state law, cell phone use is not allowed while driving Berkshire East Mountain Resort vehicles. If a call needs to be made or answered while driving, allow the passenger to handle the call or pull over and park the vehicle before you answer or dial the phone. The same is also true with iPods and other electronic music devices. It is a fineable offense to use your phone while driving in Mass.

***At no time are employees allowed to operate a vehicle while under the influence of drugs or alcohol. One or more drinks count as under the influence of alcohol.***

Berkshire East Mountain Resort vehicles may be used only for the purpose assigned. Detours for the purpose of conducting

personal business, for the driver or the passengers, are prohibited. Drivers shall drive to and from the designated destination via the most direct and safe route under prevailing weather conditions. People who are not staff members or staff members who are not qualified to drive, may not drive vehicles at any time.

***DRIVING A VEHICLE RECKLESSLY OR ABOVE THE SPEED LIMIT or failure to exercise good judgment and comply with Berkshire East Mountain Resort/Berkshire Whitewater vehicle policies will result in temporary suspension or permanent revocation of driving privileges, and/or termination of employment.***

## **PAYROLL**

### **Fair Labor Standards**

Berkshire East Mountain Resort will maintain work hours for its employees in accordance with federal and state regulations, production needs, and the maintenance of an efficient and effective schedule of work.

The Fair Labor Standards Act requires employers to maintain an accurate record of hours worked and to pay one and one-half times the regular hourly rate of pay to every nonexempt ("hourly") employee who works overtime. Overtime will be defined as all hours worked over forty in a workweek. Time spent on leave will not be considered 'hours worked' for purposes of determining whether an employee is entitled to overtime payments. The Fair Labor Standards Act permits exemption of certain employees from entitlement to overtime payments, including professional, administrative, and executive positions and certain sales positions. These are known as exempt employees.

### **Employee Records**

Employee records must be as accurate as possible. Employees must keep Human Resources/Payroll apprised of any changes to their address, phone number, name changes, marital status and dependent information. Employees may not use Berkshire East Mountain Resort as their mailing address. At year end Berkshire East Mountain Resort must send each employee an IRS Form W-2 and cannot do so if Berkshire East Mountain Resort is listed as your home address.

### **Pay Periods**

The official work week for all employees begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the second Friday. Each pay period includes two work weeks. Both salaried and hourly employees are paid every other week on Thursday.

### **Badge Numbers**

You will be notified of your badge number on or before your first day of work. You will "clock in" and "clock out" of work every day at a time clock. Returning employees should inform their manager or Human Resources if their badge number does not work at any time. Employees are also given the ability to punch in and out with their phones and can contact management or HR for link instructions.

### **Pay via Direct Deposit**

*Direct deposit or payroll pay card is required for all Berkshire East Mountain Resort employees. Berkshire East Mountain Resort will*

### *no longer issue paper payroll checks*

- ☐ Immediate access to your money.
- ☐ Direct deposit provides assurance that your pay is electronically deposited in your account(s).
- ☐ Direct deposit is secure, convenient, and fast; and with direct deposit there are no lost checks.
- ☐ No waiting in line at the bank or ATM.
- ☐ You can make direct deposits to more than one account and/or bank.

## Time Keeping

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Berkshire East Mountain Resort to keep an accurate record of time worked in order to calculate employee pay and benefits. Altering, falsifying, tampering with time records, or recording another employee's time record may result in disciplinary action, up to and including termination. If

corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes.

Hourly employees should accurately "clock in" when they begin work day and "clock out" when their work day is concluded. They should also "clock out and clock in" at the beginning and ending time of any departure from the premises for personal reasons and when beginning and ending unpaid breaks.

"Time worked" is defined as all the time hourly staff spend performing duties on behalf of Berkshire East Mountain Resort.

## Minimum Daily Hours

An employee who, by request or permission of the employer, reports for duty on any day at the time set by the employer and is scheduled to work for 3 or more hours, regardless of whether actual work is assigned, shall be paid for at least 3 hours at not less than the applicable minimum wage.

Each day an employee works at least six consecutive hours, the timekeeping system will automatically deduct the 30-minute meal break from the hours worked by the employee. During the 30-minute period, employees must be relieved of all duties and must be free to leave the work premises. Employees needing extra time on their meal period must receive prior approval from their supervisor. The meal period is a time for the employee to eat, take care of personal issues, and to relax and catch their breath from the toils of the business. Employees are not permitted to forgo the meal period to shorten the work day without the permission of Berkshire East Mountain Resort officers and only after they execute a valid Meal Break Waiver.

Some employees, with approval from management, can voluntarily give up the meal break and will be paid for all hours worked. Compensation for the 30-minute meal break will be paid if the employee has voluntarily agreed to waive his or her meal break by (1) working through his or her meal break, or (2) remaining on the premises at the request of the employer during the meal break.

## Non-Discrimination

An employer shall neither discriminate against nor discharge an employee for making a complaint alleging a violation of the Minimum Wage Law, or because the employer believes that an employee might file a complaint, or for testifying in any investigation or proceeding relating to the Massachusetts Fair Wage Law.

## Overtime

It is company policy that work shall be completed, whenever possible, within one shift only and only during scheduled work time. When overtime work must be scheduled, equal opportunity for participation will be given among the employees who are capable of performing the work to be done.

Overtime must be approved by your supervisor in advance. Berkshire East Mountain Resort retains sole discretion to determine when employees must work overtime. Unless directed to do so by your immediate supervisor, ***clocking in before your shift begins or***

***remaining on the clock after your shift ends is not permitted.*** Working unauthorized overtime hours may lead to discipline, up to and including termination. Supervisors are required to ensure that their employees abide by the terms of this policy.

There will be no partiality shown to any employee in the distribution of overtime. As a condition of employment, an employee is expected to work overtime on any shift when assigned by his/her immediate supervisor. In the event an employee has a justifiable excuse and is unable to work overtime, he/she should notify his/her immediate supervisor so that an alternate may be selected.

Overtime will be paid to hourly employees for those hours worked over and above forty hours in a workweek at the rate of 1½ times regular base rate.

## Payroll Deductions

### Withholding Tax

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Berkshire East Mountain Resort is required by law to deduct Federal and State Withholding Tax (where applicable) from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. At year end you will receive a W-2 form showing your total earnings and the amount of taxes withheld.

### Child Support

Berkshire East Mountain Resort complies with the law of the land regarding New Hire/Child Support Law. If you are subject to a child support order, monies will be withheld from your paycheck in accordance with child support orders received.

### Garnishments

A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by Berkshire East Mountain Resort. When a garnishment is received by Berkshire East Mountain Resort, we will advise the employee that a garnishment has been served on Berkshire East Mountain Resort.

### Social Security

The payment of Social Security and Medical Benefits is made by you and Berkshire East Mountain Resort. Berkshire East Mountain Resort matches your contribution to Social Security and Medicare and thereby pays one-half of the cost of your Retirement and Medicare Benefits under the Social Security Act.

Social Security provides a variety of benefits, including retirement income, death benefits, disability benefits and monthly income for certain dependent survivors of covered employees. For additional information regarding Social Security eligibility and benefits, go to [www.socialsecurity.gov](http://www.socialsecurity.gov).

## Final Paycheck

Berkshire East Mountain Resort will pay any employee who is terminated or fired on the day of termination. The company will pay employees who leave voluntarily no later than the next regular payday.

## Paid Time Off Policy

All Berkshire East Mountain Resort full-time year round employees earn Paid Time Off (PTO). PTO is earned on all hours worked until the annual maximum is reached. PTO is available for use after 30 days of employment. If an employee is hourly, time begins to accrue on the first day of employment. The smallest amount of time you can take is one hour. For use beyond one hour, you can use your available PTO in 30 minute increments.

The amount of PTO you earn, and some of the rules associated with PTO, are based on your PTO employment classification. Each January, Human Resources analyzes the hours you worked during the previous calendar year to confirm your PTO employment



classification. When applicable, your PTO employment classification changes on July 1st based on the prior calendar year's analysis. Otherwise, classification changes would happen on employment or eligibility anniversaries. Exceptions to the PTO Policy must be approved by one of Berkshire East Mountain Resort officers in writing.

### PTO Employment Classifications

**Part-Time (PT)** The majority of Berkshire East's employees will have this classification as most do not average 30 hours per week based on 52 weeks of the calendar year. Employees that are hired for either the Ski/Ride Season or the Summer Season are classified as PT. Employees that work both seasons, but do not work 30 hours or more throughout both seasons are also classified as PT. Employees that are hired with the intention of working less than 30 hours per week for the majority of the year are automatically classified as PT.

**Full-Time (FT Hourly)** Once an employee completes the maximum number of years classified as FT3, they are transferred to FT4 classification. Essentially, this is the beginning of their 4<sup>th</sup> year as full-time. An employee may remain in this classification indefinitely.

**Full-Time S (FTS)** Full-Time, exempt employees that are paid a salary and are employed year-round. Salaried employees that do not work full-time accrue PTO based on 35 hours worked per week and are classified as FT for PTO accrual purposes.

**Executive Accrual** is for Senior Administrative Managers at BE. It is 200 hours total and there is *no roll over of hours* into the next year. This resets for all employees on 7/1 of each year.

### PTO Accrual Rates

PTO Employment Classification	Accrual Rate Per Hour Worked	Annual Maximum PTO Earned Per Year	Total Max PTO "On-the-Books"	Maximum Unused PTO Paid at Time of Termination
<b>Part-Time (PT)</b>	0.0334	40 Hours	40 Hours	ZERO
<b>Full-Time (FT4)</b>	0.0752	120 Hours	160 Hours	120 Hours
<b>Full-Time S (FTS)</b>	N/A	160 Hours	200 Hours	160 Hours
<b>Executive Accrual</b>	N/A	200 Hours		No Rollover

**Full-Time Salary (FTS)** Full-Time, exempt employees that are paid a salary and are employed year-round. Salaried employees that do not work full-time accrue PTO based on 30 hours worked per week and are classified as PT for PTO accrual purposes.

**Executive Accrual** Executive Accrual is for senior administrative managers at Berkshire East. It is 200 hours total and there is no roll over of hours into the next year.



***In the Full-time Salary (FTS) category only*** - up to 40 hours of unused PTO will be carried over from one year to the next if you do not separate from employment for more than four months. Following a break in service of up to four months, you shall maintain the right to use any unused earned leave time accrued before the break in service.

PTO may be used any time an employee needs or wants to take time off from work. Berkshire East believes that periods of rest and relaxation are essential to your health and well-being. Please remember that if you use *all* of your PTO for non-medical related purposes there will be no additional time given/earned specifically for medical related purposes.

### FT Salary Only

Employees will receive their annual maximum PTO earned per year on July 1st of each year. In most cases salaried employees receive a block of determined time and hourly employees accrue based on hours work. There is a 30 day waiting period for new employees. PTO may be used for any time an employee needs or wants to take time off from work. Berkshire East believes that periods of rest and relaxation are essential to your health and well-being. Please remember that if you use *all* of your PTO for non-medical related purposes there will be no additional time given/earned specifically for medical related purposes.

### MA Sick Time Leave

The Massachusetts Earned Sick Leave Act became effective on July 1, 2015. This law requires Berkshire East to provide earned sick time to all seasonal employees. Berkshire East grants PTO time for full-time employees. You can use the time you earn based on MA regulations, and with the same protections. MA Sick time: an employee earns 1 hour of sick time for every 30 hours worked. This time accrues and stays on the employee's time account. It's not paid out when an employee leaves.

Qualifying "medical related" purposes:

- ☐ Caring for the employee's own physical or mental illness, injury or medical condition that requires home, preventative, or professional care;
- ☐ Caring for a child<sup>1</sup>, spouse<sup>2</sup>, parent<sup>3</sup>, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
- ☐ Attending routine medical appointments for the employee or the employee's child, spouse, parent, or parent of a spouse;
- ☐ Addressing the psychological, physical or legal effects of domestic violence; or
- ☐ Traveling to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken. You will tell your supervisor as soon as you know you need to use Sick time for "medical related" purposes, except in an emergency. Catamount Resort may require a note from your doctor or other documentation after you use available PTO for more than three consecutively scheduled work days for reasons that qualify as medical related.
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<sup>1</sup> "Child" is defined under this law as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood.

<sup>2</sup> "Spouse" is the meaning given by the marriage laws of the commonwealth

<sup>3</sup> "Parent" is defined under this law as a biological, adoptive, foster or step-parent of an employee or an employee's spouse; or other person who assumed the responsibilities of parenthood when the employee or employee's spouse was a child.

**Full-Time S (FTS)** Full-Time, exempt employees that are paid a salary and are employed year-round. Salaried employees that do not work full-time accrue PTO based on 20 hours worked per week and are classified as PT for PTO accrual purposes.

Up to 40 hours of unused PTO will be carried over from one year to the next if you do not separate from employment for more than four months. Following a break in service of up to four months, you shall maintain the right to use any unused earned leave time accrued before the break in service.

PTO may be used any time an employee needs or wants to take time off from work. Berkshire East Mountain Resort believes that periods of rest and relaxation are essential to your health and well-being. Please remember that if you use *all* of your PTO for non medical related purposes there will be no additional time given/earned specifically for medical related purposes.

### FT Salary Only

Employees will receive their annual maximum PTO earned per year on July 1st of each year. In most cases salaried employees receive a block of determined time and hourly employees accrue based on hours worked. There is a 30 day waiting period for new employees PTO may be used for any time an employee needs or wants to take time off from work. Berkshire East Mountain Resort believes that periods of rest and relaxation are essential to your health and well-being. Please remember that if you use *all* of your PTO for non-medical related purposes there will be no additional time given/earned specifically for medical related purposes.

### MA Sick Time Leave

The Massachusetts Earned Sick Leave Act became effective on July 1, 2015. This law requires Berkshire East Mountain Resort to provide earned sick time to all seasonal employees. Berkshire East Mountain Resort grants PTO time for full-time employees. You can use the time you earn based on MA regulations, and with the same protections. MA Sick time: an employee earns 1 hour of sick time for every 30 hours worked. This time accrues and stays on the employee's time account. It's not paid out when an employee leaves.

Qualifying "medical related" purposes:

- ☐ Caring for the employee's own physical or mental illness, injury or medical condition that requires home, preventative, or professional care;
  - ☐ Caring for a child<sup>1</sup>, spouse<sup>2</sup>, parent<sup>3</sup>, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
  - ☐ Attending routine medical appointments for the employee or the employee's child, spouse, parent, or parent of a spouse; ☐ Addressing the psychological, physical or legal effects of domestic violence; or
  - ☐ Traveling to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.
- You will tell your supervisor as soon as you know you need to use Sick time for "medical related" purposes, except in an emergency. Berkshire East Mountain Resort may require a note from your doctor or other documentation after you use available PTO for more than three consecutively scheduled work days for reasons that qualify as medical related. ☐

### Leave of Absence and Family Medical Leave (FMLA)

#### Bereavement Leave

When a death occurs in an employee's immediate family, all full time benefited employees may take up to three (3) days off with pay to attend the funeral or make funeral arrangements. The pay for time off will be prorated for a part-time employee if the funeral occurs on a scheduled work day. Berkshire East Mountain Resort may require verification of the need for the leave. Berkshire East Mountain Resort grants this level of leave to all full time employees in all aspects of relationships such as married or live partners.

Immediate family members are defined as an employee's spouse or partner, parents, step-parents, siblings, children and step children.

<sup>1</sup>“Child” is defined under this law as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood.

<sup>2</sup>“Spouse” is the meaning given by the marriage laws of the commonwealth

<sup>3</sup>“Parent” is defined under this law as a biological, adoptive, foster or step-parent of an employee or an employee’s spouse; or other person who assumed the responsibilities of parenthood when the employee or employee’s spouse was a child.

Berkshire East Mountain Resort understands the deep impact that death can have on an individual or a family, therefore additional time off beyond the initial 3 days paid bereavement leave may be needed. In these instances, the employee may make arrangements with his or her supervisor for additional unpaid time off, or may use PTO.

Employees wishing to take time off for a non-family member, i.e. friends or non-immediate family members may use PTO/vacation or unpaid time off to attend the funeral services.

### Leave for Court-Related Reasons

Berkshire East Mountain Resort encourages you to fulfill your civic responsibilities by serving jury duty when required. If you receive a jury duty summons, show it to your immediate supervisor as soon as possible so that arrangements can be made to accommodate your possible absence from work. Berkshire East Mountain Resort will compensate employees who miss work for court-related reasons as required by governing state/federal law. Employees seeking leave for jury duty must provide a copy of the summons to Human Resources and are required to provide proof of jury duty attendance upon returning to work.

Employees have the right to take time off work to comply with a witness subpoena, with advance notice to the employer. The employer need not pay the employee for leave time and may require the employee to submit verification of his or her service as a witness.

Berkshire East Mountain Resort also protects its employees by providing various types of leave for those who have been victims of crime and must participate in legal proceedings. An employee is eligible for leave if he or she is

- (1) a subpoenaed witness;
- (2) the victim, the victim’s next of kin, or the victim’s representative,
- (3) a Good Samaritan, or
- (4) pursuing a protective order. Employees eligible in this fashion may take time off work to
  - (i) comply with a subpoena to testify in a criminal proceeding,
  - (ii) consult with a district attorney about such testimony,
  - (iii) give a statement at a sentencing hearing,
  - (iv) give a victim impact statement, or
  - (v) provide a statement at a parole board hearing.

Employees taking leave under this paragraph must notify Berkshire East Mountain Resort at least one day in advance. Berkshire East Mountain Resort may demand that the employee verify his or service. Time taken under this paragraph is unpaid.

### Military Leave

Berkshire East Mountain Resort will grant a military leave of absence if you are absent from work because you are serving in the U.S. military/National Guard/Coast Guard in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). You must give Human Resources advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

You will not be paid for military leave; however, you may use any available accrued PTO to help pay for the leave.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible.

Your benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again.

If you are on military leave for up to 30 days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than 30 days, you must apply for reinstatement in accordance with USERRA and applicable state laws.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For the

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purpose of determining benefits that are based on length of service, you will be treated as if you had been continuously employed.

If you have questions about military leave, contact your HR Manager for more information.

### Leave Under the Family and Medical Leave Act

It is Berkshire East Mountain Resort's policy to comply with the requirements of the Federal Family and Medical Leave Act (FMLA). Generally, an eligible employee will be granted up to 12 weeks of FMLA leave during any calendar year period. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the reason for the leave and the benefits to which the employee may be eligible. The taking of leave under this policy will not be used against an employee in any employment decision, including the determination of promotions, discipline, compensation, or other employment actions.

To be eligible for leave under this policy, an employee must have been employed by Berkshire East Mountain Resort for at least 12 months. In addition, in the 12 months immediately preceding the commencement of the leave, the employee must have worked at least 1,250 hours.

As stated above, an eligible employee is generally eligible for up to a total of 12 weeks of protected leave within a 12-month period for any combination of reasons.

### Types of Leave Covered Un-Related to Military Service

- **Birth or Placement for Adoption or Foster Care:** Family leave will be available to eligible male and female employees for the birth of a child or for placement of a child with the employee for purposes of adoption or foster care. Such leave must be completed within 12 months of the birth or placement.
- **Serious Health Condition of Employee:** An eligible employee who experiences a "serious health condition" as defined by the Family and Medical Leave Act may take medical leave under this policy. A serious health condition will generally occur when the employee (1) receives inpatient care in a hospital, hospice, or residential care facility; (2) suffers a period of disability accompanied by continuing outpatient treatment by a healthcare provider; or (3) has a history of a chronic condition that may cause episodes of disability.
- **Serious Health Condition of Immediate Family Member:** An eligible employee may take family leave under this policy in order to care for a son, daughter, spouse, or parent with a "serious health condition" (see above section for general definition). This leave may be taken all at once or, when medically necessary, in smaller increments. It will be necessary for the family member's treating healthcare provider to document the need for leave through the medical certification process.
- **Leave Related to Military Service:** Discussed in detail below.

### Notifying Berkshire East Mountain Resort of the Need for Family or Medical Leave

Generally, an application for leave must be completed for all leave taken under this policy. When the need for leave is foreseeable, the employee should provide notice at least 30 days in advance. When this is not possible, notice should be provided as soon as the

employee learns of the need for leave. In cases of emergency, verbal notice should be given as soon as possible (by the employee's representative if the employee is incapacitated), and the application form should be completed as soon as practicable. Leave application forms are provided by the Human Resource Department. In the case of foreseeable leave, failure to provide adequate notice may result in a delay or denial of the leave. In the case of unforeseeable leave, failure to provide notice as soon as is practicable may also result in a delay or denial of the leave. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

Generally, Berkshire East Mountain Resort will require medical certification to verify that an employee or family member's illness meets the definition of serious health condition and to determine the nature and duration of the leave. In the case of a family illness, the provider must also verify that the employee is needed to care for the family member. Periodic recertification to verify that a condition is ongoing may be required as provided by the law. The appropriate form should be obtained from the Human Resource Department and should generally be returned within 15 calendar days from the date certifications are obtained. Failure to provide this certification may result in delay or denial of the leave.

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If Berkshire East Mountain Resort has reason to question the validity of a medical certification, an employee may be required to provide a second certification from a healthcare provider selected and paid for by Berkshire East Mountain Resort. If the second opinion differs from the first, a third opinion may be required. The healthcare provider for the third opinion must be mutually chosen by the employee and Berkshire East Mountain Resort and paid by Berkshire East Mountain Resort. The third opinion, by law, is binding on all parties.

### Use of Paid and Unpaid Leave

FMLA requires that an employer provide unpaid leave to eligible employees. However, through employee election or employer requirement, a paid benefit for which the employee is eligible may be substituted in order for the employee to receive pay during the leave (such as payment of sick time or short-term disability benefits during an absence for the serious health condition of the employee). Berkshire East Mountain Resort may require that benefits, such as earned PTO, be used before the employee may take unpaid time. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits are not available to the employee later. In cases of intermittent or reduced schedule leave, where substitution of a paid benefit may not be possible, the employee will receive reduced compensation consistent with the number of hours the person actually works.

### Intermittent or Reduced Schedule Leave

Intermittent and/or reduced schedule leave will be permitted when it is medically necessary and, in some cases, for birth or placement for adoption. In all cases, the total amount of leave taken in a calendar year should not exceed the 12 weeks defined earlier in this policy. Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work. Berkshire East Mountain Resort may, in some cases, transfer an employee to an alternative position, with equivalent pay and benefits, in order to better accommodate the need for intermittent or reduced schedule leave.

### Benefit Continuation During Leave

Group health insurance coverage will continue during an FMLA leave provided the employee continues to pay the required portion of the premium. Other than group health insurance, no other employee benefits shall continue during an FMLA leave.

### Rights Upon Return from Leave

An employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist under other company policies or employment laws. The FMLA provides that an employee has no greater rights upon a return from leave than the individual would have had if he or she had continued to work. An employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work. The official date of the layoff or other action will be the date on which the employee would otherwise

have returned to work following the leave.

## Workers Compensation Absences

When an employee is absent due to a work-related illness or injury that meets the definition of a serious health condition, the absence will be counted against the employee's entitlement under this policy. In other words, the employee is using FMLA leave concurrently with the workers compensation absence.

## Early Return from Leave

An employee who wishes to return to work earlier than originally anticipated should provide at least two days notice of such request.

## Servicemember Family and Medical Leave

The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take leave in certain situations related to a family member's service in the Armed Forces or National Guard and Reserves ("Servicemember FMLA"). This policy supplements our FMLA

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policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations under Servicemember FMLA leave is governed by our existing FMLA policy.

## Leave Entitlement

Eligible employees may take leave for one or more of the following reasons:

- A qualifying exigency arising out of a family member's covered active duty or call to covered active duty in the Armed Forces or National Guard and Reserves in support of a contingency operation or when that family member is deployed to a foreign country. Qualifying exigencies include such things as short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment events, and additional activities.
- To care for a family member who has incurred an injury or illness in the line of duty while on covered active duty in the Armed Forces or National Guard and Reserves, provided that such injury or illness renders the family member medically unfit to perform duties of the member's office, grade, rank, or rating. This includes injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces. This also includes veterans who are undergoing treatment for a serious illness or injury incurred in the line of active duty and who were members of the Armed Forces, including the National Guard and Reserves, within the five years preceding the treatment.
- To care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

## Eligibility

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their leave entitlement to address certain qualifying exigencies. Eligible employees whose spouse, son, daughter, or next of kin is a covered servicemember may use their leave entitlement to care for that servicemember.

## Duration of Servicemember FMLA

When leave is due to a qualifying contingency, an eligible employee may take up to 12 workweeks of leave during any 12-month period. When leave is due to rest and recuperation qualifying contingency, an eligible employee may take up to 15 calendar days during any 12-month period. When leave is to care for an injured or ill servicemember, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Servicemember FMLA runs concurrently with other leave entitlements provided under federal/state/local law.

## Small Necessities Leave

An employee who has worked for Berkshire East Mountain Resort for a minimum of one year may take a total of 24 hours unpaid leave each year to:

- participate in school or day-care activities that are directly related to the educational advancement of his or her child, • accompany his or her child to routine medical or dental appointments, or
- accompany an elderly relative to routine medical or dental appointments or other appointments for the elder's care. The

24-hour leave may be taken intermittently or on a reduced leave schedule. Berkshire East Mountain Resort may require employees take Necessities Leave under company policy to take paid leave if available first. If the necessity for the leave is foreseeable, an employee is required to provide at least seven days' notice before the date the leave is to begin. If the necessity for the leave is not foreseeable, then the employee must provide such notice as is practicable. Upon request by Berkshire East Mountain Resort, an employee must provide written "certification" from an appropriate person or entity certifying the basis for the requested Necessities Leave.

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## Domestic Violence Leave

Berkshire East Mountain Resort provides up to 15 days of unpaid leave in any 12-month period for employees who are or whose family members are victims of domestic violence, sexual assault, stalking or kidnapping. Berkshire East Mountain Resort requires employees to exhaust all available vacation, sick or other leave before taking domestic violence leave. Employees who themselves are the perpetrator of the abusive behavior are not entitled to leave. This leave is afforded to qualifying employees to: • seek or obtain medical attention, counseling, victim services or legal assistance;

- secure housing;
- obtain a protective order from a court;
- appear in court or before a grand jury;
- meet with a district attorney or other law enforcement official; or
- attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

Family members include only the following:

- parent, step-parent, child, step-child, sibling, grandparent, or grandchild;
- a married spouse;
- persons in a substantive dating or engagement relationship who reside together;
- persons having a child in common regardless of whether they have ever married or resided together; or • persons in a guardian relationship.

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section must provide appropriate advance notice of the leave to the Berkshire East Mountain Resort/Berkshire Whitewater. In cases of threat of imminent danger to the health or safety of an employee or the employee's family member, the employee is not required to provide advance notice of leave, but must notify Berkshire East Mountain Resort/Berkshire Whitewater within 3 workdays that the leave was taken or is being taken under the Law.

Berkshire East Mountain Resort may request that an employee provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave is taken as domestic violence leave. An employee must provide such documentation to the employer within a reasonable period after the employer requests documentation relative to the employee's absence. However, an employer cannot require the employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior.

Time off under this policy may run concurrently with time off provided by the Family Medical Leave Act, the Massachusetts Parental Leave Act, the Massachusetts Earned Sick Leave Law, and the Small Necessities Leave Act, and other leave laws that may allow employees to make concurrent use of leave.



Employees are generally required to provide two weeks' notice of an intention to take and return from parental leave, unless for reasons beyond their control such notice is not possible, in which case notice must be provided as soon as practicable.

During parental leave, the employee may use any accrued time available. Parental leave runs concurrently with FMLA leave, if eligible. After returning to work at the end of the eight-week leave period, an employee will be reinstated to his or her previous position or to a similar position with the same status and pay rate. However, Berkshire East Mountain Resort/Berkshire Whitewater shall not be required to reinstate the employee if it has been forced to eliminate the employee's position due to economic conditions or other changes in operating conditions.

Taking longer than eight weeks of parental leave may result in denial of reinstatement or a loss of other rights or benefits. If both parents work for Berkshire East Mountain Resort, they will only be entitled to an aggregate of eight weeks of parental leave regarding the same child.

Parental leave will not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, and length of service credit, benefits, plans or programs for which the employee was eligible at the date of the leave. However, Berkshire East Mountain Resort is not required to pay for the costs of any benefits, plans, or programs during parental leave.

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## MA Paid Family and Medical Leave( MA PFML)

### Employee Explanation of Benefits

**Beginning January 1, 2021** , you may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member. 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.

- **Beginning July 1, 2021**, you may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition. 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- **Your weekly benefit amount** will be based on the employee's earnings, with a maximum benefit of \$850 per week.

### Job Protection, Continuation of Health Insurance, No Retaliation

**Job Protection:** Generally, if you take family or medical leave under the law you must be restored to your previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave.

- **Continuation of Health Insurance:** Your employer must continue to provide for and contribute to your employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if you had continued working continuously for the duration of such leave.
- **No Retaliation:** It is unlawful for any employer to discriminate or retaliate against you for exercising any right to which you're entitled under the paid family and medical leave law. An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court.

### Contributions to the MA FML Family and Employment Security Trust Fund

On October 1, 2019, contributions to the MA Family and Medical Leave (MA PFML) Employment Security Trust Fund will begin. An employer will be responsible for sending contributions to the DFML for all employees, though they may deduct a portion from employee pay. The contribution rate may be adjusted annually and can be found in the attached effective rate notice.



## How to File a Claim

Employees must file claims for paid family and medical leave benefits with the HR Department. A private company assists us with all claims. Employees are required to provide at least 30 days' notice to their employer of the anticipated starting date of any leave, the anticipated length of the leave and the expected date of return. An employee who is unable to provide 30 days' notice due to circumstances beyond his or her control is required to provide notice as soon as practicable.

## Voting Leave

Berkshire East Mountain Resort supports its employees' right to vote. Berkshire East Mountain Resort expects its employees to attempt to vote outside of working hours where possible. Berkshire East Mountain Resort will comply with governing state/federal law regarding providing employees with time off to vote if voting outside of working hours is not possible.

## Health Insurance and other Benefits

### Health Insurance Benefits

The Affordable Care Act (ACA) was signed into law on March 23, 2010. This law makes changes across the health care system in the United States with the goal of increasing access to affordable and comprehensive coverage. The national health reform law is in many ways modeled after Massachusetts' own health reform law passed in 2006, and they both include the following key elements:

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- ☐ Assistance to help make insurance more affordable for low and middle-income individuals;
- ☐ The establishment of a health insurance Marketplace (in Massachusetts, the Health Connector) to help individuals determine if they qualify for help paying for insurance and to help individuals and small businesses more easily compare and enroll in health insurance plans;
- ☐ Provisions to encourage "shared responsibility" among employers and individuals with regard to health insurance coverage. These pieces are also referred to as the "employer shared responsibility" and the "individual mandate" requirements, respectively; and certain health insurance market reforms. Because these fundamental components are the same, many of the key achievements experienced as a result of Massachusetts health reform will remain in place.

Although the themes of the laws and their aims for employers and employer-based coverage are similar, the technical details vary, and the ACA includes many new policies for employers that do not have a "counterpart" in Massachusetts' own health reform law.

Berkshire East Mountain Resort is committed to following all federal and state laws regarding Health Insurance Benefits. Contact Human Resources if you have questions regarding your eligibility for Berkshire East Mountain Resort's Health Insurance Benefits.

If employees meet the eligibility criteria, they may either enroll during open enrollment (during the month of March) or at the date of hire. They may also enroll (if eligible) if they have lost coverage through another insurer immediately from the date of loss with proof of coverage from that insurer.

Berkshire East Mountain Resort the employer pays 50% of all insurance premiums claimed by the employees. The employee portion of the premium is then taken out of the employee's pay on a pre-tax basis. Berkshire East pays 50% of the premium for family members as well.

Employees who do not enroll when they first become eligible must wait until the open enrollment period, which is an annual event. Human Resources will inform employees of open enrollment.

A break in service requires termination of coverage and the offer of COBRA. A break in service of less than 26 weeks and less than the timeframe worked previously indicates that the employee will be considered a "continuing employee." Continuing employees will be reoffered health insurance immediately if they were previously covered. Employees with a break in service greater than 26 weeks and/or greater than their previous period of employment will have to re-qualify for health insurance. Employees who are eligible and who do not wish to enroll in health insurance must sign a waiver indicating that they have been offered insurance and have turned it down.

## Benefit Continuation – COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) was enacted to ensure that employees and their dependents can continue their health insurance once they are no longer eligible under our health plan.

COBRA allows an eligible employee and/or dependents to choose to continue their health insurance when a "qualifying event" happens. Qualifying events include the employee's resignation, termination, leave of absence, shorter work hours, divorce, legal separation, or death. Another qualifying event is when a dependent child stops being eligible for coverage under your health insurance.

If you continue your insurance under COBRA, you will pay the full cost of the insurance plus fee of 2% at Berkshire East Mountain Resort. When you are eligible for our health insurance plan, you will receive a written notice describing your COBRA rights. This notice contains important information about your rights and what to do if you need COBRA so it is important that you read it carefully and maintain it with your insurance documents.

The premiums will be collected directly by the Healthcare Insurance Administrator/HR Director. Berkshire East Mountain Resort is not involved in the process beyond informing the Health Insurance Carrier and the COBRA Administrator that an employee has terminated and is eligible for COBRA. The employee must communicate directly with the HR Director/Healthcare Administrator about premiums and about starting or terminating COBRA.

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## Voluntary Benefits

Berkshire East Mountain Resort also offers all full-time year round benefited employees through a variety of voluntary insurance products such as::

- ☐ Disability Insurance
- ☐ Life Insurance
- ☐ Cancer Insurance
- ☐ Accident Insurance

Human Resources will notify employees and post notices when there is open enrollment at Berkshire East Mountain Resort. Only full time year round employees are eligible. Employees pay the full cost of any voluntary benefits. Benefits may be modified or canceled at any time by Berkshire East Mountain Resort.

## Other Benefits

Active and presently employed staff are entitled to some free activities and other discounts at the 3 locations. To be eligible for these benefits, staff should have worked a minimum of 5 days. All free activities are subject to availability and should only be taken advantage of during non-peak times and while off the clock (some black-out days apply). Employee benefits are not extended to volunteer staff unless approved by the owner(s).

## [Employee Summer Benefits 2023 for BE/CA/ZO](#)

No staff charges or payroll deductions will be permitted for any retail or activity bookings. You must pay for your items in full at the time of purchase. Please be sensitive to working conditions in retail shop since busy weekends may not be the appropriate time to place an order.

## Pro Purchase Policy

Berkshire East Mountain Resort realizes the importance of the manufacturer's Pro Purchase Programs to the employee. Pro Purchases are for employees to use only and may not be used for family, friends or gifts. To protect this valuable benefit, please adhere to the manufacturers and Berkshire East Mountain Resort.

To be eligible for Pro Purchases, the employee must have worked five days in the previous year and intend to work at least five days in the current year or have already worked five days in the current year. Staff eligibility for boat/board Pro Purchases are determined by the manufacture guidelines of the manufacturer.

[Staff Housing & Code of Conduct](#)