

#### Wage and Hour Policy

BUTLER AMERICA AEROSPACE, LLC. ("BAA") is committed to compensating employees consistent with all applicable state and federal laws. In order to accomplish the same, the employee is expected to follow through on certain responsibilities as outlined below.

#### **Review Your Pay Stub**

Even though BAA makes every effort to pay its employees correctly, occasionally errors are made. In those rare instances when they do occur and after they are brought to BAA's attention, BAA will promptly investigate and make any corrections as required. To ensure such accurate and timely payment of all wages, upon the receipt of each paycheck employees should review their pay stubs for correctness. There are two categories of payroll deductions: 1) Mandatory deductions, and 2) Optional or voluntary deductions. Examples of mandatory deduction include federal and/or applicable state or local income taxes. An example of an optional or voluntary deduction is a payment for the employee's share of a voluntarily selected health insurance premium.

#### Non-exempt Employees

If classified as a non-exempt employee, in accordance with the FLSA (Fair Labor Standards Act) and applicable state law, the employee is responsible for maintaining a record of the total hours worked each day and verifying that his or her time is accurate and complete. S/he should ensure it reflects all regular and overtime hours worked, as well as any absences, late arrivals, early departures and meal or other mandatory breaks (required by some state laws). At the end of each pay period, the employee should enter time, within the Company timekeeping system or other approved process, to submit for supervisor approval.

An employee is not to work any unauthorized hours, start work early, finish work late, work during a meal break; or perform any other extra or overtime work unless instructed to do so and such time is then recorded. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed by an employee but not reported on his/her time card.

It is a violation of BAA's policy for any employee to falsify a time card, alter one belonging to another employee, or to instruct another employee to falsify their work hours. If any manager or employee instructs an employee to: (1) incorrectly or falsely under- or over-report hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, that employee should immediately report it to the Human Resources at HR@butler.com.



#### Exempt Employees

If classified as an exempt salaried employee (as per the FLSA) and applicable state law, that employee will receive a salary which is intended to compensate him or her for all hours worked. This salary will be established at the time of hire or when the individual becomes classified as an exempt employee. While subject to review and modification from time to time, the salary of an exempt employee will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, an employee's salary may be subject to certain deductions. For example, it may be reduced for any of the following reasons if authorized by state law and/or any applicable contract or written agreement:

- Full day absences for personal reasons other than sickness or disability
- Full day absences for sickness or disability in accordance with a bona fide plan, policy or practice.
- Full day disciplinary suspensions for infractions of workplace misconduct or penalties for infractions of safety rules of major significance.
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which you do not perform any work.

**Mandatory deductions:** In addition to federal income and FICA (Social Security) taxes or applicable state or local income taxes, a garnishment is a form of a mandatory deduction. A garnishment is a legal summons or warning concerning the attachment of property or wages to satisfy a debt. Garnishments may include an Internal Revenue Service (IRS) levy, child support, bankruptcy, and repayment of student loans. A Garnishment is usually mandated by the court system and requires the employer to deduct a certain amount from the employee's wages and issue a check to the garnisher. The federal Consumer Credit Protection Act (CCPA) limits the amount of an employee's earnings that an employer may garnish in any one week. If an employee has multiple Garnishments in one state or over multiple states, the Payroll department determines proration rules under the Garnishment law of the employee's resident state. The Payroll Department will continue to garnish the employee's wages in every payroll until the Garnishment is released in a written notification by the court.

One's salary may also be reduced for certain types of optional or voluntary deductions such as for the employee's portion of health, dental or life insurance premiums; STD or LTD plan coverages, state, federal or local taxes, social security; or, voluntary contributions to a 401(k) retirement savings plan.



An employee may be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

#### To Report Concerns or Obtain More Information

If any employee has questions about deductions from his or her pay, the Payroll Manager should immediately be contacted at Payroll@butler.com. If the employee believes there have been any improper deductions or the paycheck does not accurately reflect all hours worked, the employee should report the matter to his or her supervisor as soon as possible. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person, he or she should immediately contact BAA's payroll manager at Payroll@butler.com. If the employee has not received a satisfactory response within five (5) business days after reporting the incident, he or she should feel free to contact BAA's President at (203) 926-2700.

Every report will be fully investigated and corrective action taken where appropriate, up to and including discharge of any employee(s) who fails to follow these established guidelines. In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of these guidelines or who cooperate in the Company's investigation of such reports.

Overpayments: If BAA makes an inadvertent mistake and overpays you, please report this to the Payroll Manager immediately at <u>Payroll@Butler.com</u> If BAA discovers the error first, we will notify you in writing and arrange a repayment process with you, depending on the overpayment amount involved and applicable law. While state laws vary regarding overpayments, BAA cannot subtract the overpayment from one of your future paychecks if it will then put your pay below minimum wage for all hours worked.

Butler America Aerospace has the absolute authority and discretion to interpret, make determinations and administer this policy. The Company in its sole discretion reserves the right to amend or terminate this policy, in whole or in part, at any time for any reason with or without notice to employees. To the extent this policy conflicts with applicable law, applicable law shall apply.



# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

#### Who is Protected?

- Employees (current and former), including managers and temporary employees
- Union members and applicants for membership in a union
- Job applicants

#### What Organizations are Covered?

- Most private employers
- Educational institutions (as employers)
- State and local governments (as employers)
  - UnionsStaffing agencies

## What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability

- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

## What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
  Harassment (including
- unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, observance or practice
- Benefits

- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

# What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx

- Call 1–800–669–4000 (toll free) 1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone)
- Visit an EEOC field office (information at www.eeoc.gov/field-office)
- E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.



#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

#### Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

#### Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

#### Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

#### **Protected Veteran Status**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

#### Retaliation

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1–800–397–6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at *https://ofccphelpdesk.dol.gov/s/*, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at *https://www.dol.gov/agencies/ofccp/contact*.

#### PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

#### Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

#### **Individuals with Disabilities**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# **PAY TRANSPARENCY** NONDISCRIMINATION PROVISION

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

If you believe that you have experienced discrimination contact OFCCP 1.800.397.6251 TTY 1.877.889.5627 www.dol.gov/ofccp



200 CONSTITUTION AVENUE NW WASHINGTON, DC 20210 tel: 1-800-397-6251 TTY: 1-877-889-5627 www.dol.gov/ofccp

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

## THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

#### LEAVE ENTITLEMENTS

•

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

#### ELIGIBILITY REQUIREMENTS

BENEFITS & PROTECTIONS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

#### EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

#### **ENFORCEMENT**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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



# EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

#### **EXEMPTIONS**

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

#### EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

**ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

## THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.





WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR **1-866-487-9243** TTY: 1-877-889-5627 www.dol.gov/whd



WH1462 REV 07/16

# IF YOU HAVE THE RIGHT TO WORK



# DON'T LETANYONETAKE IT AWAY

f you have the skills, experience, and legal right to work, your citizenship or immigration status shouldn't get in the way. Neither should the place you were born or another aspect of your national origin. A part of U.S. immigration laws protects legally-authorized workers from discrimination based on their citizenship status and national origin. You can read this law at 8 U.S.C. § 1324b.

#### The Immigrant and Employee Rights Section (IER) may be able to help if an employer treats you unfairly in violation of this law.

The law that IER enforces is 8 U.S.C. § 1324b. The (the law prohibits retaliation at regulations for this law are at 28 C.F.R. Part 44.

Call IER if an employer:

Does not hire you or fires you because of your national origin or citizenship status (this may violate a part of the law at 8 U.S.C. § 1324b(a)(1))

Treats you unfairly while checking your right to work in the U.S., including while completing the Form I-9 or using E-Verify (this may violate the law at 8 U.S.C. § 1324b(a)(1) or (a)(6))

Retaliates against you because you are speaking up for your right to work as protected by this law

8 U.S.C. § 1324b(a)(5))

The law can be complicated. Call IER to get more information on protections from discrimination based on citizenship status and national origin.

Immigrant and Employee Rights Section (IER)	
1-800-255-7688	TTY 1-800-237-2515
www.justice.gov/ier	
IER@usdoj.gov	

U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, January 2019



This guidance document is not intended to be a final agency action, has no legally binding effect, and has no force or effect of law. The document may be rescinded or modified at the Department's discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see "Memorandum for All Components: Prohibition of Improper Guidance Documents," from Attorney General Jefferson B. Sessions III, November 16, 2017.

# SI USTED TIENE DERECHO A TRABAJAR



# NO DEJE QUE NADIE SE LO QUITE

i usted dispone de las capacidades, experiencia y derecho legal a trabajar, su estatus migratorio o de No lo contrata o lo despide a causa de su ciudadanía no debe representar un obstáculo, ni tampoco lo debe ser el lugar en que usted nació o ningún otro aspecto de su nacionalidad de origen. Existe una parte de las leves migratorias de los EE. UU. que protegen a los trabajadores que cuentan con la debida autorización legal para trabajar de la discriminación por motivos de su estatus de ciudadanía o nacionalidad de origen. Puede consultar esta lev contenida en la Sección 1324b del Título 8 del Código de los EE. UU.

#### Es posible que la Sección de Derechos de Inmigrantes y Empleados (IER, por sus siglas en inglés) pueda ayudar si un empleador lo trata de una forma injusta, en contra de esta ley.

La lev que hace cumplir la IER es la Sección 1324b del Título 8 del Código de los EE. UU. Los reglamentos de dicha ley se encuentran en la Parte 44 del Título 28 del Código de Reglamentos Federales.

Llame a la IER si un empleador:

nacionalidad de origen o estatus de ciudadanía (esto podría representar una vulneración de parte de la lev contenida en la Sección 1324b(a)(1) del Título 8 del Código de los EE. UU.)

Lo trata de una manera injusta a la forma de comprobar su derecho a trabajar en los EE. UU., incluvendo al completar el Formulario I-9 o utilizar E-Verify (esto podría representar una vulneración de la ley contenida en la Sección 1324b(a)(1) o (a)(6) del Título 8 del Código de los EE. UU.)

Toma represalias en su contra por haber defendido su derecho a trabajar al amparo de esta ley (la ley prohíbe las represalias, según se indica en la Sección 1324b(a)(5) del Título 8 del Código de los EE. UU.)

Esta ley puede ser complicada. Llame a la IER para más información sobre las protecciones existentes contra la discriminación por motivos del estatus de ciudadanía o la nacionalidad de origen.

Sección de Derechos de Inmigrantes y Empleados (IER)

TTY 1-800-237-2515

www.justice.gov/crt-espanol/ier

IER@usdoj.gov

1-800-255-7688



Departamento de Justicia de los EE. UU., División de Derechos Civiles, Sección de Derechos de Inmigrantes y Empleados, enero del 2019



Este documento de orientación no tiene como propósito ser una decisión definitiva por parte de la agencia, no tiene ningún efecto jurídicamente vinculante y puede ser rescindido o modificado a la discreción del Departamento, conforme a las leyes aplicables. Los documentos de orientación del Departamento, entre ellos este documento de orientación, no establecen responsabilidades jurídicamente vinculantes más allá de lo que se requiere en los términos de las leyes aplicables, los reglamentos o los precedentes jurídicamente vinculantes. Para más información, véase «Memorándum para Todos Los Componentes: La Prohibición contra Documentos de Orientación Impropias», del Fiscal General Jefferson B. Sessions III, 16 de noviembre del 2017.

## This Organization Participates in E-Verify

## Esta Organización Participa en E-Verify



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

#### **E-Verify Works for Everyone**

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS. Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU..

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

#### **E-Verify Funciona Para Todos**

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.





E-VERIFY IS A SERVICE OF DHS AND SSA The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.