

LUNG SPECIALISTS OF THE MERRIMACK VALLEY, P.C. EMPLOYEE HANDBOOK

This handbook is prepared to provide information and guidance for our employees. Lung Specialists of the Merrimack Valley, P.C. (hereinafter known as “LSMV” or the “Practice”) reserves the right to change, add to, or delete any of the provisions in this handbook at any time. This handbook is not a contract of employment. All employment with LSMV is on an at-will basis. As such, you or LSMV may terminate the employment relationship at any time and for any reason.

PHILOSOPHY

The purpose of the Practice is to serve our patients as a specialty practice and to provide comprehensive pulmonary care, critical care, and information to families, regardless of their income, race, religion, sexual orientation, creed, national origin, marital status or any other category protected by law. It is assumed that every member of the staff shares in this purpose and will treat patients with the greatest possible skill, dignity, attention, respect, and care in order to effectuate our philosophy.

EQUAL EMPLOYMENT OPPORTUNITY

LSMV affirms its commitment to the full realization of equal employment opportunity in all aspects of its operations including employment to all qualified applicants and employees without regard to creed, status as a veteran, ancestry, race, color, religion, sex, genetic information, national origin, age, disability/handicap, sexual orientation or any other protected status.

In hiring decisions, LSMV considers a job applicant’s qualifications for the job requirements and also considers education/training, references, previous experience, and personal qualities. Personal qualities such as honesty, compassion and dependability are very important to LSMV in considering candidates for employment and continued employment.

CONFIDENTIALITY OF PATIENT RECORDS AND LSMV INFORMATION

Each employee is legally obligated during and after his or her employment with LSMV not to disclose any of LSMV’s or its patient’s proprietary or confidential information. Any employee who violates this policy is subject to discipline, up to and including discharge, as well as legal action.

Confidential information is any information concerning the technical, administrative, management, financial, and marketing activities of LSMV or its patients, which is not generally available to the public or to LSMV’s competitors. Confidential information also includes, but is not limited to: medical record information, patient information, the identity, names and any information about LSMV’s patients, prospective patients, employees, specifications, procedures, processes, plans, strategies, cost and financial data, marketing plans, technology and other trade secrets.

Information about LSMV, its patient' agents, business associates, investors, or employees should not be divulged to anyone other than persons who have a need to know and are authorized to receive such information. Information entrusted to employees regarding patients must be treated as confidential. Employees should never mention a patient's name to someone outside the office without the patient's/parent's written consent. With regard to adolescents, information should not be released without the patient's written permission under certain circumstances (this can pertain to giving information to the parent). In the case of all adolescents, any questions should be referred to the physician.

When in doubt as to whether certain information is proprietary or confidential, employees should clearly establish that such disclosure has been authorized by appropriate supervisory or management personnel before disclosing the information. This basic policy of caution and discretion in handling of confidential information or proprietary information extends to disclosure both inside and outside LSMV.

All employees are required to sign an Employee Confidentiality Agreement as a condition of employment. Employees who improperly use or disclose confidential business information will be subject to disciplinary action, up to and including termination of employment, even if they do not benefit from the disclosed information.

CODE OF CONDUCT

To ensure orderly operations and provide the best possible work environment, LSMV expects employees to follow guidelines of conduct to protect the interests and safety of all employees and the organization. The following principles are "non-negotiables" and should govern each employee's conduct:

- Speak to (and about) one another respectfully;
- Always follow proper chain of command;
- Never leave a mess for someone else to clean up;
- Keep Department business in the Department;
- Never say "That's not my job";
- Never fake what we do not know;
- Plan ahead;
- Always do the best we can with what we have and what we know; and
- Be accountable for your actions

Following these basic principles should prevent many problems at the Practice. Beyond that however, disciplinary action up to and including immediate termination of employment may result for failure to follow the guidelines described in this Employee Handbook, for poor work performance, or if an employee engages in misconduct or other unacceptable behavior. Depending on the circumstances, including the gravity, repetitiveness and nature of the violation, an employee may be given an opportunity to improve poor work performance or unacceptable behavior.

The following are some examples of conduct that may result in disciplinary action, up to and including, immediate termination of employment:

- Theft or inappropriate removal or possession of LSMV property
- Falsification of LSMV records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, use of or the attempted possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Practice-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Abuse or destruction of LSMV property
- Negligence or improper conduct
- Possession, use, or copying of LSMV records for personal use
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism, any absence without notice, or excessive tardiness
- Violation of any personnel policies
- Sleeping while on the job
- Unsatisfactory performance or conduct
- Use of abusive language in the workplace
- Breach of the confidentiality of any patients of LSMV

As previously explained, employment with LSMV is at the mutual consent of LSMV and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without notice.

WORKPLACE VIOLENCE

LSMV strives to maintain a safe working environment for its employees and requires its employees to make efforts to do the same. Any threat of violence or act of violence committed against any person in the workplace is prohibited. This includes, but is not limited to, physical attack or property damage, intimidating behavior or the use or possession of an unauthorized weapon. Bringing in any type of weapon to work or engaging in any acts or threats of violence is strictly prohibited. Any employee engaged in this activity will be terminated.

Any employee who is the subject of or a witness to a violation of this policy is asked to report the violation to the Office Administrator immediately. Incidents of workplace violence will be taken seriously and will be dealt with appropriately.

Violations of this policy may result in disciplinary action up to and including immediate termination of employment. Employees who act in good faith by reporting workplace violence will not be retaliated against. Intentionally false accusations of workplace violence may result in disciplinary action up to and including immediate termination of employment.

CLASSIFICATION OF EMPLOYEES

Each employee of the practice falls into one of the following classifications. Eligibility for the employee benefits program of the practice varies according to classification.

Full-Time Employee - An employee regularly scheduled to work 35-40 hours per week.

Regular Part-Time Employee - An employee regularly scheduled to work 20-34 hours per week.

Limited Part-Time Employee - An employee regularly scheduled to work less than 20 hours per week.

Per-Diem Employee - An employee who works an unspecified number of hours per week not regularly scheduled.

Temporary Employee - An employee scheduled to work full or part-time for a specified period of time, or upon a specified project, normally not more than six months.

RECRUITMENT AND SELECTION

Management is responsible for coordinating recruitment, screening, interviewing and selection of all employees. A written job description is available for each position.

PERSONNEL RECORDS

A confidential Personnel Record is established when employment is commenced and is maintained for each employee of LSMV. Every employee may have access to his/her own Personnel Record. Each staff member is responsible for informing LSMV in writing of changes of address, telephone number, marital status, legal changes of name, number of children or insurance beneficiary, etc. and must bear the consequences of any failure to do so.

EMPLOYMENT AT WILL

We hope that every employee has a satisfactory, rewarding career with LSMV, but we recognize that neither you nor LSMV is committed to a specified period of employment. For that reason all employment is on an at-will basis, which means that LSMV or you may terminate your employment at any time for any reason.

EVALUATION AND SALARY REVIEW

Evaluations will be conducted by each employee's supervisor at the conclusion of: three (3) months of employment; twelve (12) months; and, annually thereafter.

An evaluation is one of the bases for continued employment, promotions, dismissals, and salary adjustments.

TERMINATION

Voluntary Termination: Non-exempt employees who intend to resign are encouraged to give at least two (2) weeks notice before resigning. The resignation should be written and submitted to management. Exempt employees are encouraged to give at least three (3) weeks notice before resigning. Employees cannot use sick or vacation time during their notice period. All accrued unused vacation time will be paid at the time of termination. There is no payment for unused sick leave at the time of termination. Prior to your last day, all keys and other Practice property must be returned.

LSMV reserves the right at its sole discretion to pay an employee in lieu of having the employee work through the notice period.

The following will be considered Voluntary Termination:

- Failure to return to work on the scheduled day of return following any leave of absence.
- An employee who is absent for two (2) consecutive days without proper notice will be considered a voluntary resignation.
- Resignation

Involuntary Termination: Employment with LSMV is on an at will basis. This means that LSMV retains the right to terminate or discontinue employment of an employee at any time for any reason.

WORK TIME: HOURS AND EXPECTATIONS

All hours of work will be compensated in compliance with the Fair Labor Standards Act and the U.S. Department of Labor's regulations.

Hours of Work

The normal workweek of the Practice consists of forty (40) hours per week. Specific hours that the office is to be open and providing patient care are subject to change. Generally speaking, the Practice's hours of operation are 8:00 a.m. to 5:00 p.m.

If an hourly wage-earning employee works more than 40 hours in a week, the hours in excess of 40 hours are considered overtime and compensated accordingly. Hours used to determine whether an employee is entitled to overtime include only hours actually worked and holiday

hours. Vacation hours and other time off (except holiday hours) are not included in the calculation. Hourly wage earning employees may not work overtime hours without prior approval. Employees who work overtime without prior approval may be subject to discipline, up to and including termination of employment.

Lunch Period and “Break” Period

There is a thirty-minute unpaid meal break for any employee who works more than six (6) hours in a day. Designated meal breaks will be scheduled for each employee to ensure continued coverage and continued patient care. Employees are not entitled to waive their meal break rights in order to leave work early.

LSMV recognizes employees need breaks. Accordingly, employees are permitted a paid “break” for the purpose of rest and/or refreshment, not to exceed a total of 20 minutes during any one-work day. The break must be coordinated with other employees who can “cover” for the employee and not in any way compromise patient care. Employees who take excessive breaks may be subject to discipline up to and including termination of employment.

Absence/Change in Schedule

From time to time, it may be necessary for you to be absent from work. We are aware that emergencies, illnesses or pressing personal business that cannot be scheduled outside your work hours may arise.

If you are unable to report to work, if you will arrive late, or you need to change your regular schedule for the day, please contact your supervisor immediately. Advanced notice is preferred so that we may arrange for coverage.

When you call to inform us of an unexpected absence or late arrival, please speak with your supervisor or management if your supervisor is unavailable. Leaving a message or notifying a fellow employee is not sufficient. If you are unable to call yourself because of an illness, injury or emergency, please be sure to have someone call on your behalf.

An employee who is absent for two (2) consecutive days without proper notice will be considered to have abandoned their position and voluntarily resigned from LSMV.

Excessive Absenteeism or Tardiness

In general, five (5) absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, and the reasons for the absences may come under question. Tardiness or leaving early is as detrimental to the practice as an absence and will carry the same weight as an absence. Excessive absenteeism or tardiness may subject an employee to discipline up to and including termination of employment.

IMPORTANT GENERAL OFFICE POLICIES

Compliance with Regulations and Laws

LSMV is dedicated to providing quality health care to its patients practicing the highest ethical standards and in full compliance with local, state and federal regulations. No retribution will ever take place against an employee fulfilling their compliance responsibilities.

Anti-Harassment

Introduction

It is the policy of LSMV that all employees should be able to enjoy a work environment free of discrimination and harassment.

This policy refers to, but is not limited to, harassment in the following areas: age, race, color, national origin, religion, sex, sexual orientation, marital status, handicap, and veteran status. Harassment includes display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, or religious groups, or other protected category; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

Harassment also refers to behavior which is personally offensive, impairs morale, and interferes with the work effectiveness of employees. Any harassment of employees by other employees will not be permitted, regardless of their working relationship.

Because LSMV takes allegations of harassment seriously, we will respond promptly to complaints of 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 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 sexual harassment.

Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

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

- a) 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
- b) 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.

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

Complaints of Harassment

If any of our employees believes that he or she has been subjected to harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

LSMV will not retaliate against any employee for making a complaint of harassment. Allegations of harassment that are investigated and prove to be false may result in disciplinary action against any employee who makes a false accusation with the intent of harming another individual.

If you would like to file a complaint you may do so by contacting:

Joseph W. Walek, M.D., President
Lung Specialists of the Merrimack Valley, P.C.
275 Varnum Avenue, Suite 203
Lowell, MA 01854
(978) 934-9220

If you would prefer, you may contact the Practice Administrator, who has been designated as the Alternate Harassment Grievance Officer.

Practice Administrator
Lung Specialists of the Merrimack Valley, P.C.
275 Varnum Avenue, Suite 203
Lowell, MA 01854
(978) 934-9220

These persons are also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

Sexual Harassment Investigation

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 alleged to have committed sexual 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.

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 sexual 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 has a short time period for filing a claim. A claim must be filed within 300 days of its occurrence.

Federal Anti-Discrimination Law

The United States Equal Employment Opportunity Commission (EEOC)

Telephone: (617) 565-3200

Website: <http://www.eeoc.gov/boston/index.html>

Massachusetts Anti-Discrimination Law

The Massachusetts Commission Against Discrimination (MCAD)

Telephone: (617) 994-6000

Website: <http://www.mass.gov/mcad/>

No Fraternization Policy

LSMV prohibits supervisors or shareholders from engaging in romantic relationships with employees of the Practice. Relationships between supervisors/shareholders and employees raise issues of equity, fairness, and favoritism and as such, will not be permitted or tolerated.

Parking Area Policy

Lowell General Hospital assigns designated parking areas for all employees of the Medical Office Building. There will be periods of time that parking assignments will be adjusted and changed to accommodate functions, construction and staffing requirements.

The Lowell General Security Department will issue to all Medical Office Building employees who park on the hospital campus a parking decal upon receipt of a proper request form. Instructions for proper placement will be included with the decal. The Security Department maintains a list of all vehicle decals for easy identification.

Management will inform each employee of the designated parking assignment in effect for Medical Office Building employees upon employment. Employees will receive notification of adjustments or changes if such notification is received from Lowell General Hospital.

Drug Free Environment

LSMV is committed to providing a safe and healthy environment for its employees, patients and visitors.

- Employees may not use or be under the influence of drugs or alcohol while they are on Practice time.
- The management of LSMV may at any time during employment require testing, should drug or alcohol use during normal working hours be suspected. All testing is done at the expense of the Practice, and the results held in strict confidence. Should testing indicate use or abuse of any drug or alcohol, it constitutes grounds for immediate dismissal.
- An employee may not use or be under the influence of prescription drugs or over-the-counter drugs which may impair their ability to work and/or create an unsafe environment for the employee, their co-workers, patients or visitors.

Smoke-Free Workplace

LSMV provides a smoke-free environment for its employees. Pursuant to the Massachusetts Smoke-Free Workplace Law, it is the responsibility of all employers, including LSMV, to provide a smoke free environment for all employees working in enclosed workspaces. LSMV is committed to providing a safe and healthy environment for all its employees. Accordingly, smoking is prohibited anywhere on the Practice's premises. Violation of this policy will result in disciplinary action, up to and including termination of employment.

Employees should report any violations of this policy to management. Employee can also report violations to the Massachusetts Department of Public Health at 1-800-992-1895.

It is the policy of Lowell General Hospital (LGH) to provide a tobacco free environment for ALL persons on all LGH owned and leased premises. The tobacco free environment includes grounds, parking lots, and any vehicles on its properties.

Personal Appearance and Hygiene

As a medical practice, the staff must set a high standard of personal appearance appropriate to their work responsibilities. Lab coats are provided by the practice for clinical staff. Jewelry shall not be excessive nor detract from the professional appearance or job duties of the employee. Perfumes, colognes and other scented products are powerful asthma triggers; all staff must refrain from wearing them in the office.

The Practice provides a name badge for each employee. The badge includes the employee's first name and position. The employee name badge is to be worn during office hours.

Hair must be neat, clean, and worn appropriately. Examples of offensive personal hygiene include: strong tobacco odor; body odors; and halitosis.

Acceptable Business Casual

Open collar shirts, "polo" shirts, dress slacks, trousers, casual pants (e.g. "Dockers"), casual skirts, casual blouses, sweaters, loafers, clean athletic shoes, clogs and other nice casual wear.

Inappropriate Clothing Includes:

- Any item which is sheer, tight, or revealing
- Blue jeans or shorts
- Necklines which reveal chest or cleavage
- Soiled or damaged clothing
- Undergarments whose outline and/or color are inappropriately visible
- Dresses or skirts/skortis which are greater than a couple of inches above the knee when standing; slits or open buttons greater than a couple of inches above the knee when standing
- Headwear such as caps, visors, sweatbands, or bandanas inside buildings (except for religion-related caps or turbans) is not acceptable

Not all situations have been addressed in this policy. LSMV has the right to determine appropriate dress. Since all employees are personal representatives of LSMV, they are required to project a positive personal appearance to all guests, including patients, visitors, etc.

Tattoos and Piercing

- Tattoos should not be visible during working hours
- Body Piercing
 - Should not inhibit the employee from performing his/her duties
 - Should not be a safety issue – inhibit the employee from proper use of protective equipment
 - Should not impair the employee's speech

Notwithstanding anything in this policy, LSMV will not discriminate against any employee on the basis of his or her religious beliefs.

Cellular Phones and Personal Phone Calls

Cellular Phones

The use of cell phones interrupts an employee's ability to remain focused on his/her duties. Employees are required to turn these devices to "vibrate" or "off" during business hours. Excessive use of cell phones during business hours will be grounds for discipline up to and including termination.

Personal Phone Calls

Occasionally, personal phone calls may have to be received or made during business hours. A small number of calls will be permitted, provided they do not interfere with your job responsibilities or the overall workflow of the Practice. It is every employee's responsibility to respect this privilege. Long distance calls charged to LSMV are prohibited. Permission may be obtained from management in an emergency situation. Excessive personal calls is grounds for discipline up to and including termination of employment.

Electronic Communications

LSMV's telephone, voicemail, e-mail systems, and Internet ("electronic communications") are for business use only. Communications transmitted through these systems are designed for and provided to serve business purposes only. LSMV may access its electronic communications systems and obtain the communications within the systems without notice to users of the system at any time for any reason or no reason.

LSMV's policy prohibiting harassment and discrimination, in its entirety, applies to the use of LSMV's electronic communications systems. No employee may use electronic communications in a manner that may be construed by others as harassment or offensive based on a characteristic protected by law, including creed, status as a veteran, ancestry, race, color, religion, sex, genetic information, national origin, age, disability status, sexual orientation or any of the characteristics protected by federal, state or local law.

In order to clarify what are acceptable and unacceptable uses for LSMV's network, LSMV has developed the following guidelines. This listing is not intended to be an all-inclusive listing. If employees have any question as to the acceptability of a particular usage, they should see the Practice Administrator.

Acceptable Uses

- 1) Business-related electronic communication between LSMV'S staff and its patients;
- 2) Any use related to providing support for LSMV's patients; and
- 3) Business-related internal communications among LSMV staff.

All of the above items are considered acceptable uses as long as they do not violate any unacceptable use listed below and do not interfere with the performance of your job at LSMV. Although LSMV internet connections and e-mail systems are for business use, occasional and reasonable personal use may be permitted on a very limited basis, provided that this does not interfere or conflict with the performance of work duties and responsibilities, or present a risk of exposure to damage or malfunctions of LSMV's business systems and service connections/providers.

LSMV understands that employees sometimes need to access personal e-mail or respond to personal e-mails using LSMV's business systems and service connections. This should always be kept to a minimum with professional discretion applied. It is recommended that employees limit their non-business use of the Internet or personal e-mail activity to meal breaks or a set time either before the beginning or after the end of each work day.

Unacceptable Uses

- 1) Any use that interferes with the employee's own productivity or the productivity of LSMV's staff members;
- 2) Viewing any material that is of a sexual nature (please see LSMV's Anti-Harassment Policy for additional information);
- 3) Any use that disrupts traffic on LSMV'S network;
- 4) Any use that violates state or federal law;
- 5) Any use deemed to be malicious or unethical;
- 6) Sending threatening or offensive communications;
- 7) Sending sexual or any other form of harassing communications; and
- 8) Downloading any software or programs to LSMV equipment.

If it is discovered that any unacceptable use of LSMV's network is occurring, the source machine or individual will be removed from the network as quickly as possible. The machine will not be permitted access to the network until the situation has been resolved. In addition, a block may be put into place for unacceptable URLs. Any employee who violates this policy may be subject to disciplinary action up to and including termination.

All employees waive any right to privacy in using any of LSMV's electronic communication systems and consent to the access and disclosure of e-mail, voicemail, and facsimile messages as well as all information on computer systems by authorized LSMV representatives. LSMV reserves the right to monitor, read and disclose the contents of these messages and all information on computer systems for any purpose. These systems may be monitored to ensure that the technology is being used appropriately and in accordance with LSMV policy. Be advised that LSMV currently has software that allows it to monitor employees' use of electronic communications equipment.

All electronic media copies of e-mail messages and stored voicemail messages may be deleted at any time. Employees may not access or attempt to obtain access to another employee's electronic communications without appropriate authorization.

Violators of this Electronic Communication Policy may be disciplined, up to and including immediate termination of employment.

COMPENSATION PRACTICES

Compensation

Salaries shall be negotiated on an individual basis between the employee and management based on skill, experience and business needs.

Pay Practice

Employees are paid each week for the week ending the preceding Saturday. Employees shall be responsible for submitting their time sheets to management no later than 9:00 a.m. on the Monday following the week worked.

Important Note: LSMV participates in the Paychex online Internet Report Service. LSMV requires all employees to enroll in Direct Deposit.

WEATHER EMERGENCIES

LSMV continues to provide medical care to its patients during stormy weather. If an employee is concerned about their safety and wishes to go home, he/she may do so without pay or by utilizing vacation pay.

If the weather continues to worsen during the day, management will make a determination as to whether or not the office will remain open. If management closes the office, employees who were on duty at the time of dismissal will be paid for the remainder of the day.

If there is to be a delay in opening or the office is closed due to the weather, employees will receive a call from the supervisor of their department. Employees scheduled to work that day will be paid for scheduled hours missed.

NATURAL DISASTER

If management or conditions require the office to be closed, employees will be paid according to their scheduled hours for the first five (5) days the office remains closed. If the closing extends beyond five business days, employees will be notified when business is expected to resume. Non-exempt employees will not be paid if the Practice remains closed for a period in excess of five (5) days.

EMPLOYEE BENEFITS

LSMV reserves the right to modify or discontinue any of the employee benefit programs or policies at any time. LSMV also reserves the right to revise the employer/employee contribution ratio for these plans. In any instance, where there is an inconsistency between the information supplied by LSMV and the plan documents, the plan documents will control.

Social Security

LSMV participates in the Federal Social Security Program (FICA) for all employees.

Employment Security

LSMV contributes to unemployment insurance through the Commonwealth of Massachusetts Division of Unemployment Assistance.

Retirement Plan

LSMV offers a 401(k) Profit Sharing Plan to all eligible employees. An employee is eligible upon completion of one (1) Year of Service with a minimum age requirement of 21. The one (1) Year of Service requirement is as follows: a twelve (12) consecutive month period in which an employee completes at least 1000 hours of service. The participant will then enter the plan on the first day of the calendar quarter that next follows completion of that requirement.

LSMV will make an Employer Safe Harbor Matching Contribution for all participants based on compensation as of the date of participation as outlined in the Annual Notice of 401(k) Safe-Harbor Contribution for the Plan Year.

Health Insurance

Full-time and regular part-time employees who work at least **30 hours** per week are eligible to enroll for health benefits effective the later of the employee's date of hire or no longer covered under an existing employer sponsored policy. *Eligibility requirements of the insurance carrier will prevail.* If eligible employees do not sign up for health insurance within thirty (30) days of employment or within the first thirty (30) days of an employee becoming eligible based on a qualifying event (i.e., loss of other coverage or new dependent) then the employee must wait until open enrollment to sign up for health insurance.

Health insurance is an available employee benefit. There is no monetary payment for those employee's who opt out of this benefit. The employee's contribution is paid through payroll deduction. LSMV provides a Section 125 Premium Only Plan that enables employees to pay for insurance with pre-tax dollars.

The physicians of LSMV will not enter into a primary care relationship with any employee of LSMV. Employees may utilize the specialty services of LSMV upon appropriate referral from their primary care physician.

Dental Reimbursement

Full-time and regular part-time employees who work at least **30 hours** per week are eligible to participate in the Practice's dental reimbursement plan. Eligible employees will be reimbursed **fifty percent (50%)** of each valid paid dental receipt for dental expenses incurred by a Doctor of Dental Medicine (DDM) or Doctor of Dental Surgery (DDS) up to the plan limits. The plan limits vary depending on when the employee joins the plan and the type of coverage the employee has selected. The Practice Administrator can address questions regarding the specific requirements and benefits available under the plan.

Short Term Disability

LSMV's short-term disability ("STD") plan is designed to continue all or part of an eligible employee's pay when he or she has an injury or illness that prevents them from working. After ninety (90) days of continuous active employment, employees who work at least twenty (20) hours per week are eligible for coverage under LSMV's STD plan. LSMV pays the entire premium cost for this coverage. The Practice includes the cost of your employer paid coverage in your taxable income. LSMV's STD plan provides eligible employees with 60% of weekly earnings with a maximum benefit of \$1,000 per week. STD benefits are available for a maximum of twenty-five (25) weeks. Employees should contact the Practice Administrator regarding their application and eligibility to receive STD benefits. The STD carrier determines eligibility for receipt of STD benefits.

Long Term Disability

LSMV's long-term ("LTD") plan is designed to continue all or part of an employee's pay when STD benefits have ended. LSMV pays the entire premium cost for this coverage. The Practice includes the cost of your employer paid coverage in your taxable income. LSMV's LTD plan provides eligible employees with 60% of weekly earnings with a maximum benefit of \$5,000 per month. Employees should contact the Practice Administrator regarding their application and eligibility to receive LTD benefits. The LTD carrier determines eligibility for receipt of LTD benefits.

Holidays

The Practice is closed on the following holidays:

New Year's Day	January 1 st
Washington's Birthday	3 rd Monday in February
Patriot's Day	3 rd Monday in April
Memorial Day	4 th Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Thanksgiving Day	4 th Thursday in November and <i>Friday after Thanksgiving</i>
Christmas Day	December 25 th

If a holiday falls on a Saturday, the practice will be closed on the preceding Friday. If a holiday falls on a Sunday, the practice will be closed on the following Monday.

Full-time, regular part-time and temporary employees are eligible to receive paid holidays. Employees working a minimum of 30 hours per week will receive holiday pay based on their actual scheduled hours for that day. All other eligible employees will receive holiday pay pro-rated according to regular weekly scheduled hours.

To be eligible for holiday pay, the employee must work his/her last scheduled day before and the first scheduled day after the holiday, or be on **approved** paid vacation or paid sick leave. Holidays occurring during a paid vacation will be treated as paid holiday and not charged against the employee's vacation accrual.

Vacation Time

Full-time and regular part-time employees are eligible to accrue vacation time. Employees are eligible for vacation accrual after they have completed **six (6) months** of employment. Once employed for **six (6) months**, accrued time will be retroactive to date of hire.

Vacation hours are accrued weekly at the following rate for non-exempt employees for every hour of **worked and paid accrued** time up to 40 hours. The following schedule applies to employees who work forty (40) hours per week. Part-time employees will accrue vacation hours proportional to the amount of hours they work.

Years of Service	Accrual Rate	Weeks per Year
1 – 5	.03846	2 Weeks (80 hours)
6-10	.05769	3 Weeks (120 hours)
11	.06154	3 Weeks, 1 Day (128 hours)
12	.06538	3 Weeks, 2 Days (136 hours)
13	.06923	3 Weeks, 3 Days (144 hours)
14	.07308	3 Weeks, 4 Days (152 hours)
15	.07692	4 Weeks (160 hours)

Limited part-time and temporary employees are not eligible for vacation accrual.

Employees are permitted to carry-over from one year to the next a maximum of 1 ½ the amount of accrued unused vacation based on the employees regularly scheduled hours . Your vacation carry-over balance may be verified at any time. Accrued, unused vacation greater than 1 ½ your accrual rate may not be carried over from year to year except at the discretion of management.

No more than 2 weeks of vacation may be taken at the same time without prior approval. Management reserves the right to limit consistent Monday/Friday vacation requests if it interferes with the running of the practice and/or becomes abusive.

Requests for vacation must be arranged with your supervisor at least 30 days in advance where possible. Management will make the final determination on vacation requests. Prime vacation weeks (summer and holiday) are determined based on seniority. **Please note that after five (5) years of employment, seniority is equal and prime vacation weeks will be rotated between senior employees within the same department if necessary.**

Employees must exhaust all of their accrued vacation time before seeking additional time off without pay in excess of two days. Whether an employee will be granted time-off without pay is at the discretion of management, and must be arranged during a time that is convenient to the Practice and may not exceed one week per year.

Sick Leave

Full-time and regular part-time employees are eligible to accrue paid sick time after ninety (90) days of continuous employment. Sick leave hours are accrued at a rate of .02692 for every hour of worked and paid accrued time up to 40 hours. This accrual rate is equal to seven (7) days (56 hours) of sick time per year for full-time employees working 40 hours per week. Part-time employees will accrue sick hours proportional to the amount of hours they work. Employees are permitted to carry-over a maximum of seven (7) days (56 hours) of sick time for full-time employees working 40 hours per week – adjusted to scheduled hours for employees working less than 40 hours per week.

Active employees will be paid 50% of any unused sick leave in excess of the permitted carry-over for the year during the first quarter of the next year. This will not apply in year one as the employee will not have an excess above the permitted carry-over.

A staff member must notify his/her supervisor or management if the supervisor is unavailable, of illness or injury necessitating sick leave as soon as practical (not less than one hour prior to the start of the shift) and update them of progress thereafter.

Paid sick leave is an employee benefit and not an entitlement. Abuse of sick leave may lead to disciplinary action including discharge. There is no payment for unused sick leave at time of termination.

Leave of Absence

Employees may request an unpaid leave of absence for urgent reasons or to extend a leave beyond the leave provided by law. A written request must be made to the Practice Administrator and should describe the reasons and the length of the leave requested. Where possible, the employee is required to request the leave at least thirty (30) days in advance when the leave is reasonably foreseeable. Each case will be reviewed and must be approved by LSMV before the leave is authorized. The duration, terms and conditions of each authorized unpaid leave will be based on the circumstances of each individual request. The employee may elect to use accrued, but unused vacation time in conjunction with the unpaid leave. Depending on the circumstances, LSMV may not be able to guarantee reinstatement to the same position upon return.

An employee must return to work on the specified date that his or her leave of absence ends and provide LSMV with the documentation requests relating to any requested or authorized leave of absence.

Parental Leave

An unpaid parental leave of absence up to a maximum of eight (8) weeks per birth or adoption of a child as set forth in this section will be granted to a regular full-time or part-time employee

wishing to return to LSMV after the birth of a child, adoption of a child under age eighteen, or adoption of a child under the age of twenty-three if the child is mentally or physically disabled, if the employee complies with the following conditions:

1. The employee has completed three (3) consecutive months of employment; and
2. The employee has given two (2) weeks notice of his/her expected departure date and notice that he/she intends to return to his/her job. This notice should be in writing, and submitted to his/her supervisor, who in turn, will submit this document to be included in the employee's permanent file.

The employee is entitled to return to the same or similar position at the same rate of pay he/she received prior to the parental leave without loss of benefits for which he/she was eligible on the date his/her leave commenced, with the exception of when other employees of equal length of service and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such parental leave.

Employees on Parental Leave may voluntarily use any accrued vacation or personal time concurrently with all or part of the maternity leave. Such employees will not accrue vacation time, sick leave, time toward bonuses, seniority, etc. during a Parental Leave.

Continued Education Allowance

Employees may request an educational allowance and time off at the discretion of management for attendance at professional conferences. A request for an allowance and paid time off requires prior approval from management. Employees within the same profession wishing to attend the same annual conference will be required to alternate years. This will allow LSMV to continue medical services to its patients. Each request will be assessed based on its particular circumstances.

Bereavement Leave

In the event of a death in the immediate family (immediate family includes the employee's spouse, parent, child, sister, brother, grandparent, grandchild, in-law, foster parent, foster child or when acting as the "legal guardian" for a relative); employees will be granted time off without loss of base pay for up to three (3) days. Notification of the need for bereavement leave is required.

Military Leave

Employees may take a military training leave in accordance with federal and state law. Military leaves of absence are without pay.

Jury Duty

LSMV will pay employees required to serve on jury duty during the first three (3) days. The 4th and 5th day will be paid less whatever daily fee is paid to you by the court. There will be no salary paid for the 6th day and beyond.

Voting Leave Laws

Under Massachusetts law, employees are allowed a leave of absence to vote during the two (2) hours after the polls open in their districts. Payment for voting time is at the discretion of the employer.

Revision Date: December 18, 2008
Document Number: 495657v.2 (*Davis, Malm & D'Agostine, P.C.*)