Solution Terms: Fourth's HR & Payroll ASO Plus and ASO Basic Services

(formerly referenced as Fourth's HR+ Payroll, Payroll, and Benefits Services)

Purpose

These Solution Terms govern Subscriber's use of Fourth Enterprises, LLC's ("Fourth") HR & Payroll ASO Plus and ASO Basic Services (formerly referenced as Fourth's HR+ Payroll, Payroll, and Benefits Services) (the "Solutions"), and are subject to and governed by the terms and conditions of the applicable Ordering Document, including Fourth's General Terms and Conditions or (if agreed upon by Fourth and Subscriber) the Master Subscription Services Agreement entered into by and between the parties (collectively, the "Terms"). Terms used in this document and not otherwise defined shall have the meanings given to them in the Terms.

Fourth and Subscriber will work jointly to:

- facilitate the smooth processing of Subscriber's payrolls;
- support continuous improvement and automated processes;
- communicate openly regarding Fourth's provision of, and Subscriber's use of, the Solutions; and measure, review and improve Solution quality.

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1 Document Control

1.1 Scope of this document

This document defines the processes that Fourth and Subscriber will follow to deliver and receive the following Fourth HR & Payroll Solutions (collectively, the “ASO Solutions"):

- ASO Plus
- ASO Basic

Each of the Solutions requires onboarding and implementation services to be conducted by Fourth in partnership with Subscriber. The onboarding and implementation services and associated fees will be defined separately in a Statement of Work, which will be agreed upon by Fourth and Subscriber in association with the applicable order for services (the “Ordering Document”).

1.2 Changes to this document

Fourth regularly assesses the ASO Solutions and how the ASO Solutions are provided to Subscribers, and may update these Solution Terms from time to time. Changes may be made (for example) to address regulatory changes, changes in Subscriber needs, or changes to Fourth’s business. Fourth may notify Subscriber of changes these Solution Terms by uploading a new version of the Solution Terms to this website www.fourth.com/legal (the “Site”). Fourth recommends that Subscriber check the Site periodically for updates.

2 Payroll Services

2.1 Payroll Services Defined

Access to Payroll Software	Service Description
Web based software application	• Online portal for managers and employees to access personal and company data at any time • Includes granular access management for managers to control employee permissions • Permits employee access to update and maintain personal information • Additional access can be granted to Subscriber’s external trusted advisors for quick access to information
Payroll Management	
Payroll Calculations, Processing & Compliance	• Collect, calculate, review and process payroll • Payroll data can be collected manually or automated if Subscriber has purchased Fourth Time & Attendance. • Conduct payroll calculations and tax withholdings in a manner compliant with applicable laws. This includes minimum wage laws, tip regulations, and federal, state, and local withholding requirements • Payroll reports provide a full review of employee gross pay, deductions, taxes, net pay, unpaid employees, and full Payroll invoices

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PTO Accrual Management	• Configure, manage, and approve Subscriber time off policies • Policies can be determined based on location, position, or other defining factors • Accrual of time off can be automatically calculated based on hours worked • Subscriber can approve time off requests and time is automatically added to time sheet
Garnishment Management	• Record, deduct and distribute garnishment payments • If a garnishment order is received, employee records are updated, necessary deductions are applied to payroll to maintain compliance with applicable regulations and payments are made to garnishment agencies
Payroll Payment Processing	• Flexible payment processing choices include check, direct deposit and pay cards • Pay cards require a third-party provider and additional fees
Payroll Tax Management	
Payroll Tax Filing	• Withhold, prepare, and file payroll tax forms for all federal, state and local jurisdictions, and pay applicable taxes
Payroll Tax Credit Calculations	• Process applicable tax credits if eligible
New Hire Reporting	• Submit new hire reporting as required by states
W-2 Processing	• Process and file Form W-2 beginning with the calendar year of service activation • Form W-3 can be produced on request
1099- NEC Processing	• Process and file 1099-NEC forms for contract employees and end of year.
Payroll Reporting	
General Ledger Reporting	• Configure general ledger reporting for import into accounting software to record payroll expenses
FICA Tip Tax Credit Reporting	• FICA Tip tax credit reporting available
Paycheck Protection Program (PPP) Loan Reporting	• PPP Loan reporting available
HR Reporting	• Standard HR reports are available, including Bureau Labor Statistics and Equal Employment Opportunity Reporting, are available for Subscriber self-service
Custom Reporting	• Subscriber-specific custom reports development can be discussed as an add-on service and fee
Electronic Onboarding	
Automated New Hire Onboarding	• Automated new hire onboarding, generation of welcome email, and up to 3 standard company forms and I-9 verification • An additional third-party subscription and implementation fees are required for I-9 verification

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Additional Services	
Background Check/Drug Screen	• Integrated background check and drug screening services are add-ons requiring a third-party provider
e-Verification Integration	• Integrated e-Verification services are add-ons requiring a third-party provider
Work Opportunity Tax Credit Verification	• Integrated Work Opportunity Tax Credit verification is an add-on requiring a third-party provider

Additional Services	
Background Check/Drug Screen	• Integrated background check and drug screening services are an add-on requiring a third-party provider
e-Verification Integration	• Integrated e-Verification services are an add-on requiring a third-party provider
Work Opportunity Tax Credit Verification	• Integrated Work Opportunity Tax Credit verification is an add-on requiring a third-party provider

2.2 Payroll Services Delivery

2.2.1 Fourth Responsibilities

In conjunction with delivering payroll services to Subscriber, Fourth will perform the following during each payroll processing:

- Data Input & Processing:
    - Process input received from the Subscriber:
        - New hires within 24 business hours of receipt
        - Employee changes within 24 business hours of receipt
        - Payroll returned within 3 business hours for review and approval
    - Calculate pay, associated earnings and deductions from pay (including statutory and voluntary deductions). Calculations will be based solely on instructions and data provided by Subscriber, and all calculations must be verified and approved by Subscriber prior to final payroll being run.

2.2.1.1 Validation

- Perform reasonability check for employees receiving pay that are terminated or on leave
- Review total regular hours per employee. Any regular hours over the standard worked for the pay frequency will be identified and brought to the Subscriber's attention
- Review invoice and compare to prior payroll invoice; bring any concerns to Subscriber
- Check that payroll has been approved, processed and sent for delivery as needed

2.2.1.2 Output

- Creation of Payroll Reports
- Printing, packaging, and delivery of any live employee checks based on agreed upon delivery
- Provide Electronic Pay Stubs via Employee Self Service
- Processing of garnishment payments and responses as required
- Production of General Ledger file (if requested as part of service)

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- Submission of ACH files
- Submission of tax payment files and reporting
- Retaining records of standard ACA reports
- Production and distribution of electronic W-2 at the end of the tax year

2.2.2 Payroll Operations - Subscriber Responsibilities

Fourth's obligations to provide the payroll services as described in this document are conditioned on Subscriber fulfilling the following requirements:

- Ensure that all approvals, updates, changes, or other requirements for successful payroll processing are completed by payroll submission deadlines, as defined in the payroll timetable, and meet all other deadlines as advised in the timetable
- Ensure that all data/information provided to Fourth:
  - is accurate and complete;
  - is legible, and duly authorized; and
  - is submitted in accordance with the agreed timetable
- Ensure all employee records have been created and are accurate (including bank account numbers) prior to each payroll deadline
- If the Subscriber is using Electronic Onboarding, ensure all employees have completed the onboarding process and that Subscriber has completed the I-9, Section 2 prior to the payroll deadline
- Ensure all information submitted via the schedules is accurate prior to the payroll deadline
- Ensure that all worksite managers are fully trained to submit payroll data timely and accurately
- Inform Fourth's payroll team when a location is set up or is closed; ensure that all administration recordscan be updated, including the addition or removal of authorized contacts
- Submit all garnishment notices to Fourth within 48 hours of receipt to ensure setup and deduction from employee in timely manner
- Approve the payroll
- Confirm that the pay date is correct
- Provide details of all new state registrations and/or forward any tax documentation to Fourth within two (2)business days of receipt by Subscriber
- Complete (approve/deny) all employee PTO requests reasonably in advance of the payroll deadline

FOURTH IS NOT RESPONSIBLE FOR COSTS OR LOSSES RESULTING FROM INCORRECT DATA OR INSTRUCTIONS THAT WERE APPROVED BY SUBSCRIBER.

2.2.3 Duplicate Documents

Employees will have access to self-service and can print/re-print their own pay stubs. If a Subscriber's employee cannot access Subscriber's self-service site, then the Subscriber's payroll team will have access in the HR & Payroll system to re-print a pay stub and or W-2 for that employee.

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2.3 Payroll Submission, Timeline and Funding Requirements

2.3.1 Scheduled Payroll Submission

Subscriber is responsible for reporting payroll to Fourth as set forth below:

2.3.1.1 Scheduled Payroll Submission Timeline

Payroll data must be received by no later than noon EST two business days prior to check date for Fourth to calculate and review payroll. Payroll review will be returned for verification and approval two hours after payroll has been submitted to Fourth. Payroll data must be reviewed and approved by Subscriber no later than 4 pm EST two business days prior to check date.

2.3.1.2 Off-Cycle Payroll

Due to state regulations around payment of wages for terminated employees, unscheduled payrolls may be required. Subscriber may also need to process a special payroll for commissions or bonuses. For any off-cycle payroll, Subscribers should contact their assigned Payroll Specialist for assistance.

2.3.1.3 Payroll Approval

All payrolls must go through a payroll approval process. Payrolls that are not approved by Subscriber by the deadline may be delayed. In the event of a delay in Subscriber's approval of payroll, Subscriber should communicate with its Payroll Specialist immediately.

2.3.1.4 Payroll Funding

An invoice for payroll and taxes will be provided with each payroll review and approval. Payroll must be funded for payroll to be proceed. Funding can be done by:

- ACH: If payroll is funded via ACH debit, payroll must be approved for processing by 4 pm EST two business days prior to check date.
- Wire or Reverse Wire: If payroll is funded via Wire or Reverse Wire (Drawdown), payroll will need to be approved by 4 pm EST two business days prior to check date and funded by 2 pm EST one day prior to check date.

2.3.1.5 Insufficient Funds

Subscribers are allowed to incur two NSF occurrences in any calendar year. After the second NSF occurrence the Subscriber will need to provide funds for payroll via Wire or Reverse wire for six (6) months. Subscriber agrees to pay a NSF fee of one hundred ($250) dollars for each NSF occurrence. In the event that a Subscriber that is funding payroll via ACH debit has non-sufficient funds (NSF) available to process payroll, Fourth will not process payroll for the associated pay period and Subscriber agrees to indemnify and hold Fourth harmless for any claim or loss suffered by Subscriber as a result of Fourth not rendering the payroll services.

2.3.1.6 Employee Pay Errors

Subscriber must bring any errors with employees' wages to Fourth's attention as soon as possible. Subscriber's assigned Payroll Specialist will work with Subscriber to determine the best course of action to correct the employees' wages, make applicable deductions, or reverse direct deposit when applicable. However, it will remain Subscriber's responsibility to work with the employee to obtain repayment of any overpayments and to collect any signed forms that may be required by State or Federal regulation. Subscriber acknowledges that direct deposits cannot be reversed after five (5) business days.

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2.3.1.7 Employee Maintenance

Fourth Subscribers can administer employee maintenance and new hires within the payroll system. Our cloud-based software allows access to your account 24 hours a day/ 7 days a week. Should you need assistance your dedicated Payroll Specialist or Support Team are available to assist with any questions you may have.

2.3.1.8 Adjusting Closed Quarters or Prior Years

All information, including current and historical payroll information, must be submitted by communicated cut-off dates to avoid risk of tax payment penalties, interest, and or amended returns. Any adjustment submitted after a cut-off date will result in additional cost for amended returns and may be subject to penalty and or interest. Fourth will not be responsible for any penalties or interest due as a result of Subscriber failing to communicate accurate and complete information in a timely manner. Any penalty or interest will be the responsibility of Subscriber unless the penalty or interest was incurred as a direct result of Fourth's error. In the event any amended tax returns are required as a result of Subscriber failing to fulfill its obligations under this paragraph, Subscriber agrees to pay to Fourth an amended tax return preparation fee of $500 per return.

2.4 Payroll Services Support

2.4.1 Subscriber Payroll Contacts

Subscriber should provide:

- a primary contact for all payroll related communications;
- A secondary contact to deal with overall payroll related queries; and
- at least one out-of-hours contact telephone number to be maintained for use in emergencies.

The contact information for both the primary and secondary contact shall include:

- Full name
- Job Title
- Direct telephone number (Subscriber to provide)
- Email address (both parties)
- Out of hours contact number

Fourth will communicate with designated payroll contacts only and contact details should be limited to those contacts. If written authorisation has not been sent to Fourth to authorise a new contact, then any emails or calls will not be accepted as they will remain un-authorised.

2.4.2 Fourth Contacts

Fourth will provide contact information for a Payroll Specialist and for the Payroll Specialist's manager in the same form as the contact information in the section above. Subscriber must not provide Fourth's contact details to any unauthorized contacts, including employees.

2.4.3 Payroll Service Support Inquiries

Fourth's Payroll Service Support operates from 8:30 am to 5:30 pm EST, Monday to Friday, except for US Federal and company holidays. The following table defines how Subscribers can receive support for Payroll service issues.

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Category	Action
Non-Urgent	Non-urgent payroll inquiries may be submitted by Subscriber to Fourth via payrollusa@fourth.com. The target response time is 3 hours. If it is not feasible to promptly resolve the inquiry, then Fourth will provide an update on progress and set expectation for full resolution. Examples of non-urgent inquiries are: • Day to day queries relating to employees' payments or deductions • Queries regarding historical payment periods • Requests for information
Urgent	Urgent payroll inquiries may be submitted by Subscriber to Fourth via payrollusa@fourth.com. The target response time is 3 hours. If it is not feasible to immediately resolve the inquiry, then Fourth will provide an update on progress and set expectation for full resolution. Please ensure that **"Urgent"** is the first word in the subject line of the email. If 'Urgent' is not in the subject, then Fourth may not treat the email as urgent. It is the Subscriber's responsibility to ensure emails are marked correctly. Examples of urgent inquiries are: • Inquiries relating to any employee overpaid because of a Fourth error. • Inquiries for information that is time critical (i.e., urgent information for third parties such as Court Orders or information that is required prior to Subscriber being able to submit payroll information within 48 hours of their data submission deadlines as agreed in their schedule. • Inquiries relating to Fourth post payroll errors
Critical	Payroll related inquiries requiring **immediate** response should be made via telephone call or e-mailed to payrollusa@fourth.com and followed up with a telephone call to highlight the urgency. The target response time is 1 hour, with the response including a resolution or plan for resolution. Please ensure that **"Critical"** is the first word in the subject line of the email. If 'Critical' is not in the subject, then Fourth may not treat the email as urgent. It is Subscriber's responsibility to ensure emails are marked correctly. Examples of Critical Payroll Related Inquiries that need attention immediately are: • Queries that relate to the payroll being processed within 4 hours of the payroll approval deadline • Queries that relate to high-risk problems with making payments to employees on time or may impact the submission of direct deposit on time. • Queries that require the team to investigate immediately due to the query/issue being time critical i.e. would result in the situation being made worse if it had a waiting time of 24 hours.

Should any of the response times above not be achievable, Fourth will inform Subscriber and Fourth and Subscriber will mutually agree to an achievable alternative delivery time.

2.4.3.1 Payroll Service Escalations

If the items above are not responded to or resolved in a timely manner or to Subscriber's satisfaction, the Subscriber may escalate to their Payroll Specialist's Supervisor or Manager. If resolution is still not obtained the Subscriber's Satisfaction, Subscriber may escalate to the Director of Payroll Operations.

2.4.3.2 Payroll System Related Inquiries (Help Desk)

If the online Payroll application or some of its features are inaccessible, the Subscriber should contact Fourth's Customer Support team as described below.

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Description of Services	Standard Days/Hours of Service
Standard System Support: Support for the payroll application is available via website or email during standard support hours for the US. Extended support is available for critical issues outside of standard support hours. During the extended service period the caller may be connected to a member of the Fourth out-of-hours support team. Problems that require development or database changes cannot be dealt with in the extended service period, workarounds will be provided, and these issues are given high priority in the morning of the next working day. The Subscriber will be given an update to the status of its issue at that time.	*Standard support: 24 Hours, Monday-Sunday,Including weekends and public holidays.* *http://help.fourth.com* 1 855 664 8234

Payroll Additional Fees

The standard charges for Subscriber's payroll are shared as part of their ongoing service in a document called "Fee Overview." Additional charges may be incurred at the rates shown in the table below. These rates are subject to change at Fourth's sole discretion.

Additional Fees	Cost	
Off Cycle payrolls	$75	Per Request
Reports - Customized	$199	Per Hour (SOW Needed for any work over 4 hours)
Additional Payroll Training	$199	Per Hour
W-2C	$25	Per correction
Tax report corrections (940, 941, etc)	$500	Per Report
Electronic Onboarding – Customization	$199	Per Hour (SOW Needed for any work over 4 hours)
Full List of W-2 and 1095 Printing and distribution	$3.50	Per W2

Any additional work commissioned by Subscriber that falls outside of the Payroll Operations Service, or that not is listed in the Additional Fee table above, will be billed at a professional service rate charge and may require a formal SOW. All the above charges will be subject to sales tax (or any other applicable tax or duty) which Subscriber will pay upon invoice.

3 Benefits Services

3.1 Benefits Services Defined

Benefit Insurance	
Insurance Brokerage Services	Fourth will assist with the identification and selection of a Benefits Insurance Policy Fourth to act as broker for insurance policy purchase and renewal.

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	Fourth provides this service through Fourth Benefits

Benefit Plan Management

Benefit Plan Administration & Eligibility Notification	Configure benefit plan rules and eligibility criteria to track and notify employees of eligibility status Properly track and calculate variable hourly employee requirements Calculate imputed income and automatically process payroll deductions Enable Subscriber with access and training to modify employee benefit elections as needed Does not include census reporting to Carriers unless EDI file is configured
Online Benefit Enrollment	Online benefit enrollment portal enables new and recently qualifying employees to select plans or request benefit plan changes during open enrollment or for qualifying life events Employee records are automatically updated with benefit elections and payroll deductions are automatically calculated and withdrawn from pay
Benefit Plan Reporting	Automated delivery of standard benefits reporting including census reports based on enrollments in the system Does not include census reporting to Carriers unless EDI file is configured
Affordable Care Act Management	Track and monitor ACA qualification and create and file 1095 and 1094 forms annually
EDI File	EDI file feed to automate the transfer of Benefit plan census reporting to carrier Requires that the Benefits provider supports EDI file feeds from our system

Cobra Management

Cobra Administration & Eligibility Notification	Track employee eligibility and provide required initial and exiting employee Cobra notifications Directly manage the employee election process, including premium payment collection Requires Benefit Plan management Does not include census reporting or premium payment remittance to the third-party provider
EDI File	EDI file feed to Subscriber's external Cobra Administrator, if not using Fourths Cobra administration service This is an add-on service with additional fees Ability to provide COBRA data to an external Cobra administrator requires that the vendor supports EDI transfer

Retirement Plan (401K)

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Management	
Retirement Plan Setup & Payroll Deductions	Configure IRS compliant plan rules and deduct payroll contributions based on reported election changes from 401K provider, including access to standard reporting Does not include 401K plan
EDI File	EDI File Feed to automate the transfer of retirement plan reporting from plan provider Availability to provide service is dependent on carrier availability

Health Savings and Flexible Spending Account (FSA) Management	
HAS/FSA Plan Setup & Payroll Deductions	Configure HSA/FSA plan rules, set up account selection within benefits online enrollment platform, migrate existing plan and configure automated payroll deductions Includes access to standard reporting Does not include HAS/FSA accounts
EDI File	EDI File Feed to automate the transfer of Benefit plan census reporting to carrier

3.2 Fourth's Responsibilities

- Benefit plan management Fourth will configure benefit plans, rates, eligibility and employer contributions for plan management. Set up employee deductions related to 401k, FSA, HSA, benefit plans
- Fourth will set up online benefit enrollment for employees to enroll and manage their benefit enrollment electronically. This would include open enrollment and life events.
- Fourth will assure standard reports are available for Subscriber to assist in carrier updates and maintenance.
- If purchased Fourth will coordinate EDI file feed to participating carriers this could include FSA, COBRA, 401k along with any related benefit plans
- If COBRA add on is purchased Fourth will Track employee eligibility and provide required initial and exiting employee Cobra notifications. Directly manage the employee election process, including premium payment collection.
- ACA - Track and monitor ACA qualification and create and file 1095 and 1094 forms annually.

3.3 Subscriber Responsibilities

3.3.1 Benefit Plan Management

- Review employee data and approve final data setup
- Provide plan summaries and YTD Totals for Group term life for each employee
- Access system reports to audit plan enrollments and changes
- Access system to adjust employee records and benefit plans as needed
- Subscriber responsible for delivering Census reporting to carrier/benefits providers for change notifications unless EDI Files are configured.
- Subscriber responsible for remitting premium payment to Carrier
- Provide enrollment notification portal messaging
- Run reports to audit plan enrollments as needed

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- Run ACA reporting as needed
- Subscriber responsible for monitoring ACA qualification
- Complete Applicable Larger Employer Form
- Subscriber responsible for confirming Carrier's ability to accept EDI File
- Subscriber responsible for delivering census reporting to Carrier

3.3.2 Subscriber Maintained Cobra Management - (None Fourth Administered)

- Subscriber responsible for notifying carrier of Cobra election per employee
- Subscriber responsible for remitting premium payment to carrier
- Subscriber responsible for Cobra notifications, employee election and premium payment management, and carrier notifications

3.3.3 Retirement Plan (401K) Management

- Subscriber responsible for contracting with 401K provider
- Provide 401K plan and contribution information
- Subscriber responsible to provide Fourth with employee contribution election changes
- Subscriber responsible for confirming plan provider's ability to send EDI File

3.3.4 Health Savings and Flexible Spending Account (FSA) Management

- Provide account details including annual election and YTD deduction amounts
- Subscriber responsible for confirming carrier's ability to accept EDI file
- Subscriber responsible for delivering on going census reporting to Carrier

3.4 Additional Charges

Additional charges will be incurred in order to configure additional EDI file feeds. The fee from Fourth is $1250 per file. Additionally, there could be fees to the Subscriber connected with annual renewal/open enrollment or carrier changes.

3.5 Benefits Support

Inquiries and issues related to the Benefits services described herein should be directed to

If the online Payroll application or some of its features are inaccessible, the Subscriber should contact Fourth's Customer Support team as described below. A ticket can be opened which will be directed to the benefits team.

- Standard support: 24 Hours, Monday-Sunday,Including weekends and public holidays
- http://help.fourth.com
- 1 855 664 8234

4 ASO Plus Human Resource Services (not included for ASO Basic)

4.1 ASO Plus HR Service Definition

HR Administration	
HR Assessment	• Review HR Assessment/Evaluation
HR Advisor Access	• Subscriber is able to consult with an HR advisor to assist with HR related questions, including employee related matters, HR

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	documentation review, policy & procedure review.
HR Policy Development	• Assist in the development and documentation of company policies and provide state compliant handbook per applicable state • Workplace posters may be provided for an additional fee
Employee Compliance Training Assessment	• Fourth provides guidance for fulfilling legally required employee compliance training
HR Forms library	• Access to an online library of best practice HR forms
Custom Training Development & Delivery	• Assistance with the development and delivery of Leadership and Employee development training. Available as an add-on service
Unemployment Administration	• Managed by a third party and included with ASO Plus services • Resources and training video can be provided

Unemployment Risk Mitigation & Claims Management

Claim Mitigation Consultation and Training	• Deliver leadership training and provide ongoing consultation to mitigate unemployment claims
Claim Administration & Appeals Representation	• Respond, investigate and represent Subscriber for all unemployment claims file • Respond to inquiries, review determinations for accuracy and request corrections • Collect all relevant facts and interview witnesses, present case to the state and advocate on the Subscribers behalf • Audit quarterly tax forms for accuracy.

Workers Compensation Risk Mitigation

Risk & Safety Consultation	• Conduct risk and safety consultation session to review recommended safety protocols and procedures to comply with, OSHA and other regulations to mitigate risk exposure
Workers Compensation Report	• Access to standard workers compensation reporting through payroll software
Site Assessment	• Onsite survey to inspect and advise on site specific risk & safety protocols • Available as an add-on service to be quoted separately

Workers Compensation Insurance and Claims Management

Insurance: Workers Compensation	• Assist with the identification and selection of a Workers Compensation Insurance Policy • Available as on add-on and requires Fourth to be designated as Broker of Record for policy purchase and renewal

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Claims Management	• Assist Subscriber with procuring Claims Kit from Insurance Carrier • Claims kit includes: claim submission process, claim forms, employee claim information posters • Available as on add-on and requires Fourth to be designated as Broker of Record
Site Assessment	• Onsite or virtual site tour to inspect and advise on site specific risk & safety protocols • Available as on add-on and requires Fourth to be designated as Broker of Record
Injury Loss Reporting & Analysis	• Analyze workers compensation claim and injury loss data to identify trends and develop benchmarks to manage claims costs • Available as on add-on and requires Fourth to be designated as Broker of Record

4.2 Subscriber Requirements and Responsibilities

4.2.1 HR Administration

Subscriber is responsible to:

- Submit requests for HR guidance as needed
- Provide personnel to assist with documentation development and approval
- Deliver and track training for all existing/new employees
- Request custom training development services if needed

4.2.2 Unemployment Risk Mitigation and Claims Management

Subscriber is responsible to:

- Participate in Fourth's Unemployment training
- Involve Fourth HR Advisor before terminating employee
- Notify Fourth if additional new manager training is required
- Sign power of attorney form(s)
- Send unemployment claims notices to Fourth
- Attend any appeals meetings that are scheduled
- Provide quarterly tax notices for Fourth to review for accuracy

4.2.3 Workers Compensation Risk Mitigation

Subscriber is responsible to:

- Participate in risk & safety consultation
- Participate in Worker's Compensation training
- Submit risk & safety questions as needed
- Submit additional Worker's Compensation training requests as needed
- Run standard report as needed
- Participate in onsite/virtual survey

4.2.4 Workers Compensation Insurance and Claims Management

Subscriber is responsible to:

- Request policy changes as needed
- Participate in annual coverage review

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- Notify Fourth if new claims kit is required
- Participate in onsite/virtual survey
- Request additional site surveys as needed
- Provide historical benchmarking data for injury loss reporting and analysis
- Participate in loss analysis review

4.3 ASO Plus HR Support.

Subscribers with HR administration, unemployment, or workers' compensation requests for help can submit a request to HR_OnDemand@Fourth.com. A Fourth HR generalist or someone else from the Fourth ASO Plus HR team will respond within one business day.

5 Supplemental Legal Terms

5.1 Affiliates

The ASO Plus and ASO Basic Services may be offered by any affiliate of Fourth Enterprises, LLC, including without limitation Choice Employer Solutions II, Inc. (CES). Invoices for the Services may be provided to Subscriber by Fourth, CES or any of their affiliates.

5.2 Customer Responsibilities and Payment Obligations

Subscriber assumes sole and exclusive responsibility for the consequences of supplying erroneous or late information to Fourth. Where Subscriber contracts for tax filing services, Subscriber shall ensure sufficient good funds to cover Subscriber's tax deposits and other payments are in the account from which Fourth shall make withdrawals, including but not limited to payments to Fourth for its service fee, no later than the day prior to the date the payroll checks are dated, for the applicable payroll. If sufficient good funds to cover Subscriber's tax deposits and payments are not present in the account, Fourth may, at its sole discretion, immediately cease providing Subscriber with tax filing services and/or payroll services, whereupon Subscriber will immediately become responsible for preparation of all payroll checks and for all tax deposits and filings then and thereafter due and related penalties and interest. Notwithstanding anything to the contrary, Fourth shall have no obligation to make any payment to any governmental authority or to any other person, unless good and negotiable funds are first deposited by Subscriber in the account from which Fourth makes its withdrawals.

Any payments received from Subscriber returned for non-sufficient funds or for any other reason will be charge a one-time fee of:

1st Return = $75
2nd Return = $125
3rd Return = $175*
* Wire payments will be required after 3 returned payments.

A late payment charge of one and one-half percent (1.5%) will be added to all accounts not paid when due. Checks returned unpaid from Subscriber's bank will be subject to the late payment charge plus any additional costs incurred by Fourth. An unpaid balance will also be subject to periodic charge of one and one-half percent (1.5%) per calendar month (or such maximum lesser interest amount if set by applicable law at a lower amount) until paid in full. Fourth reserves the right to, in its sole discretion, to change the payment method and timing by Subscriber, or terminate this Agreement if full payment is not made when due.

Should Fourth be forced to seek reimbursement from Subscriber for any wages, payroll Service Fees, administrative fees, or other monies due and owing Fourth, Subscriber shall further be responsible for any and all costs of collection, including attorney's fees and costs. Fourth may charge additional fees for any re-filings, amendments, or corrections of initial data sent to us.

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5.3 Indemnification

Subscriber will, at its sole expense, defend Fourth from and settle any claim, fine, fees, or penalties claimed or levied against Fourth to the extent arising from or relating to its breach of the General Terms and Conditions or these Solution Terms including without limitation Subscriber not providing required information in a complete, accurate, and timely manner, and will indemnify Fourth from all damages, costs, fines, fees, penalties, and attorneys' fees finally awarded and unappealable against Fourth as a result of such Claim, including without limitation any penalties and fines from a government entity for any late, incomplete, incorrect, data including any required refiling or amendments to initial filings.

5.4 Disclaimer

Fourth is not engaged in the practice of law or the provision of legal services. Subscriber is completely and independently responsible for its own legal rights and obligations.

Subscriber understands that Fourth is not in any way acting as an employer, co-employer, joint employer, or as an employment agency with regard to any of Subscriber's employees.

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