



GERBER

Great people. Great projects.



Employee Handbook

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Section 1 – Introduction

Welcome

Welcome to Gerber Construction, Inc. and Millsite Enterprises, a subsidiary of Gerber Construction, Inc. You have been chosen because of your skills, abilities and potential. We hope you will take pride in your employment here and enjoy being a member of our team.

Gerber Construction and Millsite Enterprises are committed to doing their part to create a satisfying work experience. We extend our best wishes for your success and happiness at Gerber Construction, Inc. and Millsite Enterprises.

Function of this Handbook

Throughout the handbook, Gerber Construction, Inc and Millsite Enterprises will be referred to as the Company.

This employee handbook applies to all employees of the Company and is intended to provide guidelines and summary information about its personnel policies, procedures, benefits, and standards of conduct. It is important that you read, understand, and become familiar with this handbook and comply with the standards that have been established. This handbook contains general statements of Company policy and should not be read as including all of the details of each policy. In addition, other than the Employment-at-will section, this handbook should not be interpreted as forming an express or implied contract or promise that the policies described will be applied in all cases.

The health and safety policies of the Company are included in a separate Health and Safety Handbook.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. As a result, the Company reserves the right to modify, supplement, rescind, or revise any policy, benefit, or provision from time to time, with or without notice, as it deems necessary or appropriate.

Employees are expected to adhere to the policies and principles described herein and as modified from time to time. An employee's failure to adhere to any of these policies or principles may result in corrective action, up to and including termination.

This handbook supersedes any and all prior policies, procedures, and handbooks of the Company.

Section 2 – General Employment Policies

At-Will Employment

Employees who do not have an individualized written employment contract are employed at the will of the Company and are subject to termination at any time, for any reason, with or without cause or notice. At the same time, employees may terminate their employment at any time and for any reason.

Employees of the Company are employed "at-will", employed for no specific period of time, and that

employment may be terminated by the Company or the employee, with or without cause and with or without prior notice. This employment at-will status cannot be altered in any way by anything in this employee handbook and cannot be altered by any oral or written statements, policies or practices, except that it may be altered or modified by a written employment contract signed by the President of the Company.

Equal Employment Opportunity (EEO)

Gerber Construction Inc. & its Subsidiary provide equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Americans with Disability Act (ADA)

The Company does not discriminate against any qualified applicant or employee with a known physical or mental disability in any employment practice including hiring, promotion, job assignment, compensation, performance management, training and termination.

In accordance with the Americans with Disabilities Act, reasonable accommodations, as defined by the law, will be provided to qualified disabled applicants and employees in order to assist them in performing the essential functions of their positions. Please contact your immediate supervisor or a member of the management team if you have any questions regarding this policy.

Immigration Law Compliance

The Company is required to comply with the Immigration Reform and Control Act of 1986. We do not hire anyone who is not a citizen of the United States or is not authorized to work in the

U.S. As a condition of employment, all new and rehired employees must show valid proof that they are eligible to work in the United States.

Policy Against Harassment

The Company is committed to providing employees with a working environment free from intimidation, hostility or other offensive conduct. The Company strictly prohibits harassment by its employees, vendors and customers toward any person. Not only does it demonstrate a lack of respect towards others, but it can also violate the law.

Harassment can be illegal when it is directed at persons because of their race, color, national origin, sex (including sexual harassment), age (40 and older), religion, disability, veteran status or any other protected class. This policy prohibits harassment regardless of its form.

Harassment is defined as conduct that interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. This would include, but not be limited to, threatening, aggressive or offensive conduct directed toward a person's race, color, national origin, sex, age, religion, disability, veteran status or any other protected class.

Policy Against Sexual Harassment

Sexual harassment is any unwelcomed behavior that is sexual in nature and makes others feel uncomfortable, creates a hostile or intimidating work environment, or otherwise negatively impacts employment. This policy prohibits sexual harassment regardless of who is doing the harassing.

These policies apply wherever employees go when they are performing their job duties, including all workplace locations and facilities, business travel, travel from worksite to worksite and social activities sponsored by the Company (i.e., company parties).

Policy Against Retaliation

Retaliation against any applicant or employee who exercises his or her rights relating to any of the above-listed discrimination or accommodation issues is strictly prohibited.

Please see the "Complaint Reporting Procedure" below for instructions on how to make a complaint of discrimination, harassment and/or retaliation.

Complaint Reporting Procedures

If you feel that you have been subjected to discrimination, harassment, retaliation or other violations of the Company's General Employment Policies, you should follow the procedure outlined in this section. Complaints may be submitted verbally or in writing.

If you feel for any reason, you do not want to make contact with the person listed, or if the person is not available, feel free to contact the person listed next on the list.

Step 1: If you are offended by another employee's comments or behaviors, or if you believe you are the subject of discrimination, harassment or retaliation, you are encouraged but not required to tell the individual to stop the unwanted behavior. Letting the offending party know, in an appropriate and professional manner, that you are uncomfortable with his or her behavior and would like it to stop can often resolve issues quickly and quietly in their earliest stages. However, please be aware that this is only a suggestion--you are NOT required to confront the person causing the problem. The Company understands that there are many situations in which employees would feel uncomfortable or intimidated.

Step 2: Contact your immediate supervisor. If you do not get satisfactory results at this level within a period of two (2) working days or desire to take the complaint further, then, contact the project manager.

Step 3: If you do not get satisfactory results with the company within five (5) working days, then you may take the complaint further by contacting the Company EEO officer:

EEO Officer: Cariann Lieske

Mobile Phone: 801-380-9012 (24 Hours)

Work Address: 815 East 675 South, Lehi Utah 84043

Step 4: If you do not obtain satisfactory results after speaking with the parties above, then you may take the complaint further by contacting the Project Owner or Owner's EEO representative.

Step 5: OR, the final step to be taken if satisfactory resolution is not met above is to contact one of the agencies below:

USDOL

#10 W Broadway, Suite 307

Salt Lake City Utah 84101

Phone: (801) 524-5706

Utah Department of Transportation - Civil Rights Office UDOT/DPS Complex

4501 South 2700 West

Box 141520

Salt Lake City, Utah 84114-1520

Phone: (801) 965-4208

Federal Highway Administration

2520 West 4700 South, Suite 9A

Salt Lake City Utah 84118

Phone: (801) 963-0182

A thorough investigation into the complaint will be conducted. The Company will conduct all investigations as discreetly as possible; however, confidentiality cannot be guaranteed.

Any employee who has been found to have violated the Company's General Employment Policies may be required to go through corrective action up to and including termination of employment.

Section 3 – General Employment Practices

Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees with the opportunity to discuss job tasks, identify and improve performance or develop skills, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

A satisfactory performance evaluation does not guarantee a salary increase, nor does it alter, modify, or amend the at-will employment relationship.

Wage Increases

Wage increases are not automatic, nor do they relate to length of service. They will be given based on merit and performance.

Employment of Friends and Family

The Company permits members of the same family and close friends to work at the Company. Many of our best

employees have been referred to Gerber Construction by relatives and friends of current employees.

Relatives or any person with whom the employee has a close personal relationship such as a domestic partner, romantic partner, or co-habitant are required to report these relationships to management or HR Department if there is a direct or indirect reporting relationship regardless of when the relationship occurred (before or after employment started.) If you have a question regarding this policy, please contact a member of management or HR Department.

Employment of Minors

The Company is not opposed to the hiring of minors; however, because of the nature of our business opportunities for minors are limited. Consult with Human Resources in the event of wanting to hire a minor.

Employment Verification and References

From time to time, third parties contact the Company to make inquiries or verify information about present or past employees. No employee should give out any personal information about any other employee. This includes information related to title, wages, performance, dates of employment, and reference information about past or present Employees. It is important that we validate the authenticity of such calls and give out only limited information. For that reason, all inquiries of this nature should be forwarded to Human Resources.

Human Resources will confirm dates of employment and last position held. Employment verifications from third parties requesting salary information will only be given with a signed authorization form from the employee.

Personnel Files

The Company maintains files on each employee's employment. The contents of these records are confidential property of the Company and will only be released to authorized individuals as required by law.

Medical information is maintained as a separate record and treated as confidential information to protect an employee's privacy and remain in compliance with applicable laws.

Employee Information

Each employee is personally responsible for ensuring that his/her personnel data changes are submitted to the Human Resources Department. The Company assumes no liability for loss of coverage of benefits, or error, due to failure to notify the Company in a timely manner.

Personnel data changes may include, but are not limited to: legal name, home address, home telephone number, emergency contact, number of dependents, change of beneficiary, driving record or status of driver's license, authorization to operate a Company owned vehicle, military or draft status, W-4 exemptions, change in marital status, alien status, and/or work permit.

Non-Disclosure of Confidential Information

The protection of confidential business information and/or the Company trade secrets is vital to the interests and success of the Company. All information entrusted to or otherwise obtained by employees, relating to the Company's methods of doing business, is entrusted to the employee in confidence. Such information is solely in connection with and or for the purpose of employment with the Company.

Employees are required to sign a non-disclosure agreement as a condition of employment, or as a condition of continued employment.

Materials and/or forms, products, financial and/or employee information, material, overhead and/or labor costs, bid strategies, selling and marketing techniques, plans (including compensation), policies and procedures, ideas, data, client information and lists of The Company are the exclusive and proprietary property of The Company. Such information may not be released to any outside entity except as authorized in writing by the Company Executive Board. Any improper transfer of such material or disclosure of information not otherwise available publicly, whether or not such action infers direct or indirect benefit to the employee will result in corrective action, up to and including termination.

Ethics & Conflict of Interest

Since The Company serves the public and other organizations, it is essential that co-workers treat information about customers, internal operations, and internal records with absolute confidentiality. Additionally, co-worker's personal relationships should in no way compete with or compromise the Company's interests. The following guidelines, when strictly adhered to, will help employees avoid situations where a conflict of interests could occur:

- Do not accept gifts or other favors of value that are offered as a result of carrying out duties for the Company.
- Do not divulge internal information, statistics, records, or operating methods to any person outside the Company.
- Employees are to work together with management to resolve any possible conflict that may arise involving the employee or the employee's family.
- Referred

By observing these guidelines, employees protect themselves and the Company from difficulties and/or legal repercussions, which naturally result from conflict of interests. If you have any

questions or concerns about a possible conflict of interest or are unsure if there is a conflict of interest, please discuss it with your supervisor.

Report ethics violations, waste, fraud, abuse, or misconduct to the Director of Human Resources or through the company's hot line.

Section 4 – New Hire Information

Employee Supervision

Every employee is expected to understand their job responsibilities and work with their supervisor to review and clarify all work-related questions and concerns. For example, new employees should talk with their immediate supervisor about start times, attendance expectations and call-in procedures.

Employee Status and Classification

It is the intent of the Company to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Full-time employees are scheduled to work an average of thirty-two (32) hours per week on a regular and continuous basis, and part-time employment will be available at management's discretion. Notwithstanding these classifications, the employment relationship between you and the Company remains at all times at-will.

Each employee will be classified according to the following categories:

<u>Status</u>	<u>Location</u>
Exempt	Office
Non-Exempt	Shop
	Field

For payroll purposes, each employee is designated as either Nonexempt or Exempt based on federal and state wage and hour laws. At the time of hire, employees will be classified as one of the following:

- **Non-Exempt Employees** - are entitled to overtime pay under the specific provisions of federal and state laws.
- **Exempt Employees** - are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). This definition is based on job responsibilities and categories defined by the FLSA.

Location refers to where an employee's primary duties take place. Each employee will receive a Location designation.

Tools

The Company requires field employees to have the following tools to perform daily tasks based on the following timeline:

- **New Hire:** tool pouches, tape measure, hammer, bull-nosed pliers
- **Two (2) weeks:** Torpedo level, speed square, diagonal pliers, 18" nail bar, 12" crescent wrench
 - **One (1) month:** 16" Wood, 16" Mag trowel, 16" Pool trowel, ½" edger, chamfer edger, wet brush, 5-gallon bucket, 24" level

Other tools may be required as determined by each job and may be purchased through the office. Personal tools should remain in good working condition. It is your responsibility to label and keep track of your personal tools and/or equipment. The Company is not responsible for lost, stolen or damaged employee property.

Company Bulletin Boards

Posted information on Company bulletin boards is for the benefit of all employees. You will find posters that explain state and federal law, as well as updated information about Company policies and procedures. You are responsible for checking Company bulletin boards on a regular basis and for reading all posted materials. Employees may not post, remove, or alter materials on Company bulletin boards at any time, without prior written management approval.

Section 5 – Pay Checks, Breaks & Attendance

Pay Period and Paydays

The Company's pay period begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 pm. Paychecks are issued on a weekly basis. Payday is Friday. Therefore, each Friday, you will receive a paycheck for all hours worked in the pay period ending the previous Saturday night.

Deductions

The Company also offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs (e.g., insurance premium contributions and/or 401(k) deferral amounts).

It is the employee's responsibility to review each paycheck to confirm its accuracy. If you have any questions concerning paycheck deductions or calculations, contact the payroll office.

The law requires that the Company make certain deductions from every employee's compensation. Among these are applicable federal and state income tax deductions, as well as Medicare and Social Security. The Company also must deduct Social Security taxes on each employee's earnings up to a specified limit. The Company matches the amount of Social Security taxes paid by each employee. Other deductions may be made for insurance or other purposes. Statements are provided to employees showing the amount earned for each pay period (gross pay), the deductions taken for taxes, insurance, etc., and the amount of take-home pay. Employees should retain these statements for their records.

By law, the Company is required to honor legal garnishments of employees' compensation. The amount withheld from employees' paychecks pursuant to a valid garnishment shall be in accordance with applicable law. If an employee's wages are garnished, he or she will be notified by the Company's Human Resources Director or payroll clerk.

The final paycheck for an employee who voluntarily terminates or is discharged by the Company will be paid on the next regularly scheduled payday following the date of separation, unless otherwise required by applicable law.

Discrepancy In Pay

If you believe that an improper deduction or calculation has been made to your pay, you should immediately contact the payroll office. Reports of improper deductions or calculations will be promptly investigated. If it is determined that an improper deduction or calculation has occurred you will either be promptly reimbursed for any improper deduction made or the following week's paycheck will be adjusted to correct it.

Timecards & Recording Hours Worked

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the Company to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the correct job number, the time they begin and end their work, and the beginning and ending of each meal period. They should also record the beginning and ending of

any split shift or departure from work for personal reasons.

Overtime work must always be approved before it is performed. Failure to obtain approval before working overtime may result in corrective action.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in corrective action, up to and including termination of employment.

It is the employee's responsibility to submit their time, as required, to their direct supervisor to maintain accuracy of all time recorded. The supervisor will review, code and then submit the time record for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the correction, and the supervisor will initiate the changes through payroll.

When employees have planned PTO in accordance with the PTO policy, payroll will pay available PTO hours for those days requested. If this procedure is not followed employees will not be paid the PTO on that pay period in question.

Timecards must be signed and turned in at the end of each pay period.

Meal Breaks

The Company provides employees with daily meal breaks. Meal breaks are scheduled by each supervisor. Meal breaks are unpaid. Employees must clock-out at the start of the meal break and clock-in at the end of the meal break. Office employees may take a 1-hour meal break.

Field and Shop employees may take a 30-minute meal break. Longer or shorter meal break periods may be accommodated from time to time, provided the employee obtains approval from his or her supervisor.

Overtime

When operating requirements or other needs cannot be met during normal working hours, employees may be given the opportunity for overtime. Sometimes, however, overtime is mandatory. Whether voluntary or mandatory, all overtime work must receive the supervisor's prior authorization.

Hourly employees will receive overtime pay at a rate of one-and-one-half times their regular hourly rate for all hours worked in excess of 40 in a workweek. Overtime pay is based on actual hours worked; time off including vacation, holidays, personal leave or other paid and unpaid days off are not considered hours worked for purposes of performing overtime calculations.

Attendance and Reporting to Work

Each employee is important to the overall success of our operation. When you are not here, someone else must do your job. Consequently, you are expected to report to work on time at the scheduled start of the workday. Reporting to work on time means that you are ready to start work, not just arriving at work, at your scheduled starting time and staying for the duration of the shift unless given permission to leave early. The work schedule for employees will vary depending on the positions they hold and the needs of the Company. Business needs may necessitate changes in the work schedule. Employees are responsible to be aware of the work schedule and any changes to the work schedule.

If an employee becomes ill at work or must leave work for some other reason before the end of the shift, the employee must inform their direct supervisor.

If you expect to be absent from the job for any reason, you should notify your supervisor of your upcoming absence as far in advance as possible and no later than 30 min. prior to the beginning of the determined shift start time. **If you arrive more than 2 hours late without prior notice, it will be counted as an unexcused absence.**

In the absence of an accident, injury or other extenuating circumstances, an employee's failure to report to work as scheduled without prior authorization from the employee's direct supervisor shall constitute grounds for disciplinary action, up to and including immediate termination of employment. Employees who are late to work or leave work early, or who falsely claim to be absent due to illness or otherwise abuse the Company's attendance policy, also may be subject to disciplinary action, up to and including termination of employment.

All employees are required to notify their supervisor prior to the start of your scheduled workday and provide the reason for any absence or tardiness. This can be initiated through a phone call or text message. If using text messaging, be sure your message is sent and not rejected. If your supervisor is not available, you must then call the company's main office. If the office staff is not available, you must also leave a message on the office's voicemail system. Messages left with co-workers are unacceptable.

Excessive absenteeism and/or tardiness as well as not properly notifying the absence will lead to corrective action, up to and including termination. The determination of excessive absenteeism will be made at the discretion of management.

Absence from work for three consecutive days without properly notifying your supervisor or an absence which would not ordinarily be excused under Company policy will be considered a voluntary resignation / job abandonment. Employees missing three or more consecutive workdays may be required to provide written validation supporting a tardy occurrence or absence. Documentation may include a doctor's note, a doctor's release for duty, receipts, tickets, summons and other official notices.

Section 6 – Personal Purchases and Additional Compensation

Personal Purchases

Whenever an employee makes purchases using the Company's purchasing power, the employee will pay for it either with a personal check or through payroll deduction. The payroll deduction can be done in a one-time deduction or over a period of weeks, depending on the amount of the purchase. At the end of the calendar year any and all purchases are to be cleared; exceptions can be made at management's discretion. If an employee terminates employment before purchases are fully paid, the balance will be taken from his/her final check.

Business Expenses

Employees may occasionally incur expenses on behalf of the Company. The Company will reimburse employees for usual and customary business expenses, and certain job-related supplies and/or materials. However, all purchases must have prior approval by your supervisor.

In the event you incur any expenses on behalf of the Company you will need to fill out a reimbursement request form, attach all receipts and turn it into accounts payable in order to be reimbursed.

Reimbursements will not be made without a receipt. You will receive reimbursement in approximately 15 days from the day you turn in your reimbursement request.

Travel Time

The Company expects field employees to report to work at their assigned jobsite. Non-Exempt (hourly) employees will be paid for travel time in accordance with the FLSA, as follows:

1. Normal commute/travel time to work (assigned jobsite) is not compensated.

Example: If you are assigned to a worksite in SLC and you live in Provo, the commute time in either direction is not compensated.

2. Single-day out-of-town travel is considered compensable time, excluding commute home-to-work travel time (this includes alternate work sites).

If an employee is asked to travel out-of-town for a single day, and it is outside of their assigned jobsite, the round-trip travel time is compensated minus their normal commute time.

Example: An employee is assigned to a water tank project in Kearns and his/her regular round trip travel time from home to this job site is 1.5 hours. If the employee is requested to travel to Cedar City for one day to help with a pour, the round-trip travel time to Cedar, minus the round-trip travel time to the assigned worksite, is compensated.

3. Round trip travel to Cedar from home = 7 hours

Round trip travel to regular assigned worksite = 1.5 hours (7 - 1.5 = 5.5 hours compensated)

4. Overnight out-of-town travel (employees assigned to an out-of-town job site for multiple days) time is compensated when it is within the employee's regular workday. This is true for hours worked on regular working days during normal working hours and during the corresponding hours on non-working days.

Note: Employees are required to report to the assigned jobsite before the regular workday begins, so in most circumstances the overnight out-of-town commute is not compensated.

If an employee must commute/travel to a location outside of their normal place of work to fulfill work requirements, that actual travel time may or may not be compensated as outlined below:

1. If the travel is within normal work hours it is compensated.

Example: This applies to employees being asked to leave their assigned jobsite and travel to another site to fulfill work requirements during regular working hours (mid-shift adjustments).

2. If the travel is outside of normal work hours and is on a common carrier (company vehicle) or the employee is a passenger in a vehicle other than a common carrier AND work is performed, the travel time is compensated.

Example: If an employee is asked to perform any work, such as: Material take-off, studying drawings, employee time keeping, etc. while as a passenger in either a company vehicle or in a personal vehicle, that employee is compensated for only the time of work performed.

3. If the travel time is outside of normal work hours and the employee is a passenger in a vehicle (company or private) and NO work is performed, the travel time is not compensated.

4. If travel time is outside of normal working hours and the employee is required to drive an authorized vehicle, the time is compensated. Example: This will apply only to those assigned as designated drivers of company vehicles in the transporting of trailers and/or equipment. Otherwise, the travel is considered commute time.

The Company reserves the right to compensate employees for additional travel time in special circumstances, in accordance with State and Federal laws, at its sole discretion.

Lodging

When out of town jobs are required, in the event that the Company will pay for housing, the Company makes every effort to find suitable accommodations for our employees. In return, The Company expects our employees to be respectful of these accommodations during their stay by taking extra care not to damage the housing or any property contained therein. The Company also expects all employees to report any instances of abused, damaged, misplaced or stolen or lost property to their supervisor immediately.

If it is determined that, due to an employee's negligence or intentional misconduct, property was damaged or lost, the Company will hold the employee(s) accountable for reimbursing the Company for the replacement costs of the property.

Out-of-town Compensation

When an employee works on a job that is deemed out-of-town by management, they may be eligible for a per diem for each full day spent on that job. The amount of the per diem will be determined at the sole discretion of management.

Mileage Reimbursement

If an employee uses his or her personal vehicle for authorized work-related travel, they may be reimbursed for mileage. Reimbursement will be made based upon actual miles driven multiplied by the rate established by the Company.

In order to receive reimbursement, a mileage reimbursement log must be turned in to accounts payable. Gasoline, mileage, wear and tear, and insurance costs associated with the approved business use of a personal vehicle are all included in the mileage reimbursement amount.

If an employee uses his or her personal vehicle for work-related travel, it is the employee's responsibility to make sure that the office has a current copy of his or her driver's license on file and provide proof of insurance.

Personal Protective Equipment Allowances

Clothing/Boot Allowance - The allowance accrues at a rate of \$10.00 per month for each month of employment. The allowance accrual starts on the first day of employment. Only steel/composite-toed boots & construction related clothing items are eligible for reimbursement. A maximum of \$400 can be accrued over the course of employment and will continue to accrue as funds are used periodically. To find your available balance please reach out to Payroll at 801.407.2007, email or through the employee portal. Once the boots have been purchased the employee must email the receipt and a picture of the boots to payroll@1gerber.com.

Prescription Safety Glasses Allowance – The Company will pay a \$150 allowance for one pair of prescription safety glasses each calendar year. This allowance is available for anyone with a valid prescription for corrective lenses. The corrective lenses and frames must meet the ANSI standard for safety glasses. Which is ANSI/ISEA Z87.1, the current version being Z87.1-2020, which outlines requirements for impact resistance, optical clarity, and protection from various hazards like splashes and dust, with markings like Z87+ (high-impact) indicating the level of protection, ensuring eyewear performs reliably in hazardous environments.

To receive the allowance, please send the receipt to Payroll to payroll@1gerber.com with the subject line: Prescription Safety Glasses Allowance. In the body of the email, please indicate your name, worksite location

and the type of glasses purchased.

PPE Upgrades – The Company will provide the required PPE, as specified in the Health and Safety Handbook, at reasonable intervals to adequately meet employee safety needs. Should an employee choose to upgrade their PPE to a more advanced model, it is the employee’s responsibility to pay the difference between the provided equipment and the upgraded equipment.

At the time of termination, an employee may choose to purchase equipment that they have upgraded from the Company by paying the difference of the upgrade cost to the Company, or they can return the upgraded equipment for a refund. Refunds are contingent on the condition of the equipment at the time of return.

Equipment that was provided by the company, but not upgraded, must be returned to the company at the time of termination to avoid asset charge offs.

Section 7 – Time Off Benefits

Standard Paid Time Off (PTO)

To provide work life balance for employees, Gerber Construction provides paid time off for full-time employees. Full-time employees are immediately eligible for PTO. Employees can put banked PTO hours toward vacation, illness, personal matters, volunteerism, or all of these options. PTO can be taken in increments as low as one hour for hourly employees and 8 hour-increments for salaried employees. PTO Benefits will begin to accrue as follows:

Number of years of service completed as a full-time employee	Monthly accrual rate (based on 40-hour work week)	Number of PTO hours accrued per year	Number of PTO Weeks accrued per year
0-1.99	3.34	40	1
2-5.99	6.67	80	2
6-11.99	10.0	120	3
12-17.99	13.33	160	4
18+	16.67	200	5

Requesting PTO: Employees should submit their requests as early as possible in order to allow management time to prepare for their absence. Generally, the longer the PTO, the more notice that should be given with a minimum of two weeks’ notice for most PTO leaves.

Please be aware of the following policies regarding PTO leave:

- All PTO time must be approved and scheduled in advance with the appropriate management personnel (your direct report).

- All PTO time will be paid at the regular hourly rate of pay at the time PTO is taken.
- PTO can be taken as it is earned and can be taken one day at a time or over several days.
- Advances on PTO time are not permitted.
- PTO scheduling conflicts will be resolved in order of request and then based on length of service.
- Any unused PTO will be cashed out at time of termination.
- We encourage all employees earning 120+ hours of PTO each year to take one full week (five consecutive days) off per year.
- All PTO & Unpaid Time Off needs to be requested after obtaining supervisor approval by contacting the Payroll Dept.
- Time for which an employee is paid but for which no work is performed, such as paid Company holidays or absences covered by PTO leave, will not be considered hours worked for purposes of calculating overtime compensation.
- PTO may be used to complete a standard work week for exempt and non-exempt employees. Hourly employees may not exceed 45 hours in any one pay period while using PTO.

The Company will attempt to accommodate employees' timely request for PTO leave whenever possible based on the needs of the business. However, the Company reserves the right to delay or deny employees' PTO leave requests when business conditions require.

PTO Maximum Accumulation: Employees will be **allowed to accrue PTO up to a maximum of 240 hours**. This encourages you to use your PTO and allows the company to manage its financial obligations responsibly. Once an employee hits their maximum of 240 hours, PTO accrual will suspend until the employee uses PTO and drops below the threshold. After your balance goes below the maximum accumulation, you begin accruing PTO again.

Pay in Lieu of PTO (Cash Out): We encourage all employees to fully use their PTO each year. Cashing out banked PTO requires Department Head approval. Potential reasons for approved cash-out may include family medical emergencies, a death in the family or other extenuating circumstances.

PTO and Disciplinary Action:

Abuse of this PTO policy can result in additional disciplinary actions. Abuse of PTO includes, but is not limited to, unauthorized use, falsification of records, or excessive and patterned absenteeism without valid reasons. Employees found to be engaging in PTO abuse will be subject to disciplinary action, which may include verbal or written warnings, suspension, or termination, depending on the severity and frequency of the offense.

Exempt (Salaried) Employees: Exempt employees accrue PTO at the same rate as non-exempt employees. Exempt employees are paid a fixed amount each week, regardless of how many hours are worked. Exempt employees are required to use PTO hours (in 8-hour increments) for any full regularly scheduled workday(s) missed. For partial workday(s), exempt employees must discuss the specifics with their manager and if approved, do not need to use PTO for un-worked hours. However, the exempt employee must ensure that the needs of their position, worksite, or department are being handled/delegated in their absence.

If an exempt employee has exhausted all available PTO and chooses to take additional time off, the company will deduct applicable wages from the employee's established salary.

Holidays

All new employees become eligible on the first of the month following 60 days of continuous full-time employment. Office, Field & Shop employees will be paid for the following Holidays: (8 Hours of pay is issued per each Holiday)

- New Year's Day

- Floating Holiday*
- Memorial Day
- Independence Day (July 4th)
- Pioneer Day (July 24th)
- Labor Day
- Thanksgiving
- Christmas Day

Holiday pay does not count as regular hours for the purposes of calculating overtime. If a paid holiday falls within an employee's approved vacation period, the holiday will not be counted as a vacation day.

*The "Floating Holiday" is any day of your choice & is subject to all of the same regulations & restrictions as the other listed Holidays. The use of the "Floating Holiday" is treated the same a PTO request. Approved by your supervisor first then contacting Payroll to have it paid & added to the company calendar. Unused "Floating Holiday" will not be paid out at the end of the calendar year without exception.

All holidays are to be taken, as those hours will not be eligible for carry over or payout at termination. Employees on leave of absence, layoff, or otherwise not scheduled for work during the holiday week are not eligible for holiday pay.

The Company expectation is, for all Holiday's to be taken off allowing time to relax & enjoy. Should it be necessary to work on a Holiday, those hours are then added as regular hours to your week.

Holiday pay is non-transferable.

Bereavement

Gerber Construction recognizes the importance of supporting employees during times of personal loss. We provide up to 3 unpaid days off (24 hours) for the death, funeral, or estate settlement for an immediate family member.

For the purpose of this policy, "immediate family" includes:

1. Spouse or domestic partner
2. Parent or legal guardian
3. Child (including stepchild, foster child, or adopted child)

If your position is eligible for the quarterly bonus, you will receive a 24-hour credit that will not impact your quarterly bonus calculation for the required 40-hour work week. You must notify the HR Department of the bereavement leave as soon as possible but no later than the next scheduled pay date to ensure the leave is documented properly.

Jury/Witness Duty

The Company provides unpaid time off for employees to serve on a jury or testify as a subpoenaed witness in a judicial proceeding. Employees may be required to provide verification for the absence. These absences must be pre-approved by the employee's supervisor.

Military Leave

Any regular full-time or regular part-time employee who is a member of the National Disaster Medical System, U.S. National Guard, or any U.S. Military Reserve and requests a leave for military service shall receive such leave of absence in accordance with applicable state and federal laws. The employee may be required to present documentation supporting the request for leave of absence. A regular full-time employee who leaves his or her employment to enter active duty in the Armed Forces of the United States is entitled to re-employment upon compliance with the Uniformed Services Employment and Re-employment Rights Act (USERRA).

Family and Medical Leave of Absence

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active-duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service- member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

**The FMLA definition of "serious injury or illness" for current service members and veterans is distinct from the FMLA definition of "serious health condition" **

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of

service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying requirements may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

The Company requires the use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

The Company requires that an employee returning from leave for their own serious health condition submit a certification that they are able to resume work. If reasonable safety concerns exist, the Company may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the foregoing text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

Section 8 – Employment Benefits

Group Insurance

Full-time employees become eligible for enrollment in the Company’s Group Health, Dental and Life Insurance Plans based on their employment classification as listed below:

Location	Experience	Eligible for Health Benefits
Field	General	First day of the month following 60 days of continuous employment
Field	Foreman	First day of the month following 30 days of continuous employment
Field	Superintendent	Day 1 of employment
Shop	General	First day of the month following 60 days of continuous employment
Shop	Managers	Day 1 of employment
Office	General	First day of the month following 60 days of employment
Manager	Management	Day 1 of employment

Employees must average a minimum of 30 hours per week to maintain benefit eligibility. If any employee drops below 30 hours per week for two consecutive weeks, the employee risks losing benefits coverage, except where benefit coverage is protected (e.g. FMLA, Worker’s Compensation, etc.)

The Company currently contributes approximately 70% of the employee’s health insurance premiums for eligible employees who enroll in the group health insurance plan. Employee’s dependents may also be insured under the group health insurance plan; the employee is responsible for the difference of the premium for dependent

coverage.

Employees are encouraged to carefully review the summary plan descriptions provided by the carrier for further information about these valuable benefits. Premiums vary depending on coverage, and are adjusted annually. Detailed information about the Company’s group insurance plans will be made available at the time an employee becomes eligible for enrollment. The Company reserves the right to alter its benefits and contributions at any time.

Eligible employees will be covered under the applicable insurance plans upon successfully completing the new hire benefit waiting period and once the appropriate paperwork is completed and returned to Benefit Administration. Failure to turn in the completed paperwork within the required time frame will result in no coverage until open enrollment.

If you have a qualifying event, please remember that changes such as adding a newly eligible dependent must be made within 30 days of the date of the event. Also, dependents that lose their eligibility (e.g. divorce or a child who has reached the age limit) should be removed from coverage within 30 days. Notifying your employer will allow for COBRA benefits information to be sent out.

Contact Benefit Administration with any questions you may have regarding the Company's group insurance plan.

Employee contribution classification: (Effective 10/1/2023)

Class	Titles and Positions	Benefit Level
Class 1	Officers (Executives), Project Managers (all), Operations Manager (Department Head), Financial Controller (Department Head), Human Resource Manager (Department head), Safety Manager (Department Head), Chief Estimator (Department Head), Senior Estimator, Estimator, General Support Department Head, General Superintendents and Superintendents	1) Tier 1 Medical and Dental Premiums paid by the Company (must participate in Wellness and be Tobacco Free or pay the related discounts) 2) All Dental Premiums
Class 2	Culture and Engagement Manager, Safety Specialist, Project Engineers, Junior Estimator, Assistant Superintendent, General Foreman, Assistant Controller, Fabrication Manager and Equipment Manager/Dispatch	1) Tier 2 Medical Premiums paid by the Company. Employees have the option to buy up to Tier 1 benefits if desired. (must participate in Wellness and be Tobacco Free or pay the related discounts) See rates in Benefit Summary Book 2) All Dental Premiums

Class 3	All other employees	As detailed in the Benefit Summary Book
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All employees are eligible to earn premium discounts by participating in the company wellness programs (employee \$50.00 per month and spouse \$50.00 if coverage includes Employee + Spouse coverage or Family Level Plans).

Employees that do not take the medical plan are still eligible to participate in the Wellness Plan and are encouraged to participate for their overall wellbeing.

The company also provides tobacco free discount of \$50.00 for employee and an additional \$50 for spouse on Employee + Spouse Coverage and Family Level Plans.

Cafeteria Plan (Flex Spending Account)

Enrolling in our Flexible Spending Account offers a pre-tax deduction for your monthly premium deductions for medical and dental coverage. In addition to the pre-tax premium deduction, two special accounts are offered that can help you plan for certain health care and/or dependent care expenses, while at the same time possibly reducing your income taxes.

Each calendar year during your new hire eligibility period or during this plan's open enrollment period, you may open a Health Care and/or Dependent Care Reimbursement Account. The election you make will remain in effect for the year, unless you have a qualifying event or change in family status (i.e., marriage, birth of a child, placement of a child, adoption, losing a dependent through divorce or death, or if your child passes the maximum age for coverage; or a change in your or your spouse's employment status, which includes a corresponding change in eligibility benefits.)

Eligibility for this benefit is the same as Group Health Insurance. Questions regarding this benefit should be directed to Human Resources.

Long-Term Disability Insurance

The Company offers long-term disability insurance for full-time employees. The cost of this coverage is paid 100% by the Company. For corporate officers, estimators, project managers, job and shop foremen, controller, safety director and other highly skilled employees, benefits are effective on the first day of employment. For office employees, and other skilled employee classes, benefits are effective the first day of the month following 30 days of employment. For semi-skilled classes and laborers, benefits are effective the first of the month following one year of employment. Questions regarding this benefit should be directed to Human Resources.

Group Life Insurance

Group Term Life insurance is available to all full-time employees. Premiums for group life insurance are paid by the Company. Up to \$25,000 of coverage is provided for the employee and \$5,000 for each dependent. For corporate officers, estimators, project managers, job and shop foremen, controller, safety director and other highly skilled employees, benefits are effective on the first day of employment. For office employees, and other skilled employee classes, benefits are effective the first day of the month following 30 days of employment. For semi-skilled classes and laborers, benefits are effective the first of the month following 60 days of employment. Questions regarding this benefit should be directed to Human Resources.

401(k) Plan

Employees who are 21 years of age or older, have been employed for at least one calendar year, of at least 1,000 hours, are eligible to participate in the Company's 401(k) plan. This plan allows employees to direct pre-tax and post-tax (ROTH) earnings into a 401(k)-investment account. Eligible employees will be sent a letter prior to the auto-enrollment periods of January and July of each year. If you do not opt out, you will be auto-enrolled at a rate of 3% pre-tax and a company match of 3%. Please contact the office if you have any questions.

The Company does not guarantee any contribution to the plan; however, the Company will match \$1.00 per \$1.00 up to 3% plus \$0.50 per \$1.00 of next 2% of pay. Our 401(k) is safe harbored so all employee and Company contributions are vested at 100% upon entering the plan. Other details will be made available to eligible employees at enrollment periods or upon request by the employee.

Section 9 – Health and Safety

Safety Overview

The Company is committed to the continual improvement of health and safety in all of its operations and to provide a safe and healthful workplace that is free from recognized and potential hazards.

The Company's Health and Safety Policies are explained in greater detail in the Company's Health and Safety Handbook.

Section 10 – Company Property

Company Property

The Company has gone through great expense to secure the necessary equipment and facilities to be successful in our industry. All employees are expected to take care of all equipment and supplies provided to them. All equipment must be kept in proper working conditions and employees must promptly report any unsafe or defective equipment to their supervisor.

Employees are responsible for safeguarding the equipment they use. Lock up any portable office/field equipment each night. If a secure place is not available, speak with your supervisor about appropriate storage.

Any deliberate misuse or damage to company property is considered a serious violation of policy and will result in corrective action up to and including termination of employment.

Neglect, theft, and/or destruction of Company tools, equipment and materials are grounds for corrective action, up to and including termination.

Using Company Equipment for Personal Use

Employees are not authorized to remove Company equipment at any time without the consent of a supervisor or member of management. Employees are responsible for the proper care and return of all Company property and equipment.

Employees requesting the use of Company equipment for personal (non-commercial) use must sign an Equipment Usage Agreement.

Employees may use copy and fax machines and other office equipment for personal business on a limited basis with prior management approval.

Section 11 – Driving Policy

11.1 Fleet Vehicles

Certain employees may, from time to time, be required to drive a Company-owned vehicle (a ***Fleet Vehicle***). Prior to driving a Fleet Vehicle, the employee must be authorized to drive such vehicle by the General Manager or the Director of Human Resources.

11.2 Minimum Requirements

Employees will not be allowed to drive a Fleet Vehicle or drive a personal vehicle on Company business without first meeting the following minimum requirements:

11.2.1 The employee maintains a current and valid driver's license in the applicable state. A CDL license is required for most vehicles.

11.2.2 The employee maintains a current Medical Card.

11.2.3 Upon hire and annually thereafter the company requests a Motor Vehicle Report ("MVR") for each employee that drives for the company. The Company reserves the right to determine, in its sole discretion, on severity, may choose any of the following disciplinary actions ranging from a warning, to suspension of driving privileges, up to and including termination. This may also include a probationary period allowing the employee to improve driving behavior and show an MVT with no violations during the probationary period. It may also be necessary to reassign the employee and remove driving privileges. This disciplinary process is at the sole discretion of the company. (A, 1-4)

11.2.4 The employee is required to complete a documented drivers road test before they can drive for the company.

11.2.5 The employee complies with this driving policy.

11.3 Safety

Any employee driving a Fleet Vehicle or driving a personal vehicle on Company business must observe all safety, traffic, and criminal laws.

11.3.1 Employee is required to complete a defensive driving class upon hire. Then annually attend a company defensive training. (A6,19-30)

11.3.2 The company requires employees to use a hands-free device or voice commands while they are using a cell phone while driving (A27)

11.3.3 During the employees' annual review a portion will be dedicated to evaluating their driving performance.

11.3.4 Employee is required within 30 days of receiving a driving violation to report it to the company.

11.4 Seat belts

Each of the foregoing requirements is subject to the discretion of: (i) the General Manager or Director of Human Resources, and (ii) the Chief Operating Officer. If driving a Fleet Vehicle is an essential function of an employee's job, the failure to meet any of the foregoing requirements may result in the employee's immediate termination.

11.5 Driving Distractions

Employees shall not engage in any of the following behavior while driving a Fleet Vehicle or personal vehicle on Company business: (i) eating or drinking; (ii) talking on a cellular phone; (iii) checking or sending emails or text messages or using electronic devices; (iv) taking notes; or (v) using radar detectors.

11.6 No Personal Use of Fleet Vehicles

Employees must use the Fleet Vehicle solely for business-related activities as required by their employment duties with the Company.

11.7 No Granting Permission to Drive a Fleet Vehicle

An employee may not grant permission to any other person to drive a Fleet Vehicle. The employee's spouse and children are not authorized to drive the Fleet Vehicle. An employee will be financially responsible for all damage to the Fleet Vehicle caused by a person to whom the employee granted permission to drive the Fleet Vehicle without Company authorization.

11.8 Prohibited Conduct

To maintain the value of Fleet Vehicles, an employee may not do any of the following:

- smoke in the Fleet Vehicle, or within 25 feet of a Fleet Vehicle;
- alterations of any kind to the Fleet Vehicle.

11.9 Unauthorized Use of Fuel Key

Employees must use a Company fuel key to fuel only their assigned Fleet Vehicle. Any misuse of the fuel key will not be tolerated.

11.10 Incident Reports

Employees are required to immediately report to the General Manager and Human Resources Director any violations, convictions, accidents or incidents which occur in a Fleet Vehicle or a personal vehicle while performing any services for the Company.

11.11 Maintenance of Fleet Vehicles

11.11.1 Appearance and Cleanliness. Employees must keep the Fleet Vehicle clean and tidy. Fleet Vehicles should be washed and cleaned inside and out at least twice a month or more frequently as needed to maintain the professional appearance of the Fleet Vehicle.

11.11.2 Maintenance and Warranty. Employees must keep the Fleet Vehicle in a safe operating condition and

preserve the Fleet Vehicle's warranty by maintaining the Fleet Vehicle in accordance with the owner's manual and the Health and Safety Plan. Any preventable damage incurred due to delayed repair may be charged to the employee.

11.11.3 Disabled Vehicles. If a Fleet Vehicle becomes disabled, the employee must obtain assistance from the Company's Fleet Vehicle management. The employee shall contact the General Manager and, to the extent possible, remain with the Fleet Vehicle until roadside assistance arrives.

11.11.4 Return of Vehicle. Upon the return and inspection of the Fleet Vehicle, the General Manager will determine whether the Fleet Vehicle has incurred any damage beyond normal wear and tear. Employees may be responsible for any repair costs beyond normal wear and tear or caused by improper use of the Fleet Vehicle, to the extent permitted by applicable law.

11.12 Collisions Involving Fleet Vehicles

If a Fleet Vehicle is involved in a collision, accident, or similar incident, the employee shall do each of the following as appropriate:

11.12.1 Call the local police and report any injuries requiring immediate medical attention.

11.12.2 Investigate the damage to the vehicle and take photos, if possible.

11.12.3 If other drivers are involved, write down the names and addresses of the owner(s) and driver(s), the license number and registration number of the vehicle(s) involved, and the names and addresses of any passengers in the vehicles.

11.12.4 Write down the insurance company and insurance policy number for all parties involved in the accident.

11.12.5 Write down the names and addresses of witnesses, if any.

11.12.6 If law enforcement officers are present at the scene, write down their names, badge and precinct numbers.

11.12.7 Do not express an opinion as to who caused the accident.

11.12.8 Provide truthful information regarding what happened to law enforcement officers investigating the accident.

11.12.9 Do not sign any statements except as requested by the General Manager, Human Resources Manager, or other officers of the Company.

11.12.10 Immediately notify (i) the General Manager or the Human Resources Manager.

11.12.11 Keep a copy of Company's authorized accident reporting form for your records.

11.12.12 Complete all reports required by local law enforcement and state motor vehicle authorities. If you need help in completing these reports, request help from your local police department, state motor vehicle office, or the Company's human resources department.

11.12.13 If the collision involves an unattended vehicle, you must attempt to notify the owner. If that is not directly possible, attach a note to the vehicle asking the owner to contact you. Notify the local police immediately and report that you have attempted to make contact with the owner.

11.12.14 Complete and submit an accident reporting form as quickly as possible for submission to the General Manager, and Director of Human Resources.

11.12.15 If it is deemed that the employee is not fulfilling the basic requirements of the position as a driver, management has the right to end employment due to the severity or frequency of collisions.

11.13 Theft or Break-in of Fleet Vehicle

If a Fleet Vehicle is stolen, or if a Fleet Vehicle is broken into, the employee shall:

- 11.13.1 Report the break-in or theft immediately to the local police and to the General Manager.
- 11.13.2 Obtain a copy of the police report filed. Maintain one copy for your personal files and submit another to the General Manager and the Director of Human Resources. The employee should obtain and provide the following information to the General Manager and the Director of Human Resources:
 - 11.13.3 The name, badge and precinct number of the police officers responding.
 - 11.13.4 A list of the model and serial numbers of any stolen equipment.
 - 11.13.5 The date and location of the theft.

11.14 Insurance Coverage and Liability

- 11.14.1 Insurance Coverage for Fleet Vehicles. The Company will obtain insurance coverage for employees who drive Fleet Vehicles against third-party automobile liability claims, including uninsured motorist and underinsured motorist policies, unless such protection is provided by another policy. Subject to applicable state law, employees who are injured in an accident on Company business will be covered by the Company's workers' compensation policy. Personal injury protection or no-fault coverage will be provided in accordance with the applicable state laws at the minimum limits, unless such protection is provided by another policy. Employees should evaluate whether to purchase additional insurance coverage, which will be obtained at the employee's expense.
- 11.14.2 Insurance Coverage for Personal Vehicles. If an employee is required to drive a personal vehicle for business purposes, then such person shall maintain insurance no less than required by applicable state law and shall also maintain the following minimum insurance policies:
 - 11.14.3 \$50,000 per person for bodily injury
 - 11.14.4 \$100,000 per accident for bodily injury
 - 11.14.5 \$100,000 per accident for property
 - 11.14.6 \$15,000 per accident for personal injury protection
 - 11.14.7 Uninsured and Underinsured Motorist as required by state law
- 11.14.8 Liability. To the fullest extent permitted by applicable law, employees shall be responsible for (i) any liability costs incurred by the Company for violations of this policy or violations of applicable law, and (ii) any damage caused to a Fleet Vehicle by employee's improper or negligent use.
- 11.14.9 Disciplinary Action. An employee's failure to strictly follow this policy while driving a Fleet Vehicle or while driving a personal vehicle on Company business may (i) affect bonus and compensation, and (ii) result in disciplinary action, up to and including immediate termination of employment.

Section 12 – Inspection of Personal and Company Property

The Company reserves the right to search any company property (e.g., personal computers, desks, or other storage areas) at any time. The Company also reserves the right to inspect personal property (e.g., tool boxes, purses) during the workday or as employees leave their worksites. Employees should have no expectation of privacy while at work or on Company property. Refusal to allow inspection may lead to corrective action, up to and including termination.

Employees are expected to exercise reasonable care to safeguard personal items brought to work. The Company is not responsible for the loss, damage or theft of personal belongings. Employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

Electronic, Internet and Communications Systems

The Company has expended significant resources to provide computers, telephones, internet, voicemail, cell phones, and other electronic devices and systems for promoting its legitimate business interests. In order to ensure that all individuals who use the Company's electronic, internet, and communications resources do so in a lawful, ethical, and proper manner, the Company has established this "*Electronic, Internet and Communications Systems Policy*".

This policy sets forth the rules and regulations governing the utilization of the Company's electronic, internet and communications systems and devices.

Computer Software

The Company licenses computer software for its employees' use from a variety of outside companies. All software used by the Company shall be done in accordance with the publisher's license agreement. Employees may not give software licenses from other companies to anyone outside the Company including customers or others.

Employees may not use unlicensed software on Company-owned computers, devices, networks, or systems. The Company will purchase or provide any software that is necessary for the performance of an employee's job. Employees must provide the Company with the license information for any licensed software that they bring in from a personal device to use on a Company device. The Company reserves the right to audit Company computers and other devices in order to ensure compliance with this policy.

The Company values the confidentiality and integrity of its software and computer systems and respects the rights of other companies in its software and computer systems.

Consequently, unauthorized or unlicensed use or pirating of the software or computer systems of the Company or of another company is strictly prohibited. Company employees should monitor the use of software with their operations.

Employees who become aware of any misuse of software or computer systems by a co-worker, client or other person should immediately notify (i) the Operations Manager or the Department Head, and (ii) the Human Resources Director.

The Company prohibits the unauthorized duplication of software. Any employee who knowingly makes,

acquires, or uses unauthorized copies of the Company's proprietary software or computer software licensed to the Company or who places or uses unauthorized software on Company equipment shall be subject to disciplinary action, up to and including immediate termination of employment.

Company Communications Systems

This policy applies to the entire network of the Company's electronic communications systems. The term "*Communications Systems*" is intended to apply broadly to all of the various forms of electronic communication used by or in the Company. For example, it includes desktop computers, laptops, tablets, printers, software, network applications, modems, internet, e-mail, pagers, copiers, fax machines, handheld devices, smartphones, PDAs, internal or external networks, data storage devices, video conferencing, telephones, cellular phones, voicemail as well as any other form of electronic communication used at or by the Company either now or in the future. The Communications Systems are the sole and exclusive property of the Company. They are provided or made accessible by the Company solely for use in conducting the Company's business. Employees should understand that the Company reserves its property interest in all information, data, and communications that are stored in, transmitted by, or received from or on the Communications Systems. Furthermore, no one in the Company, without the consent of its Chief Operations Officer and the General Counsel, has the ability to convey, license, assign, sell, limit, impair or alter this property interest.

The Company's Communications Systems are for use in conducting Company business. Use of the Communications Systems is subject to a number of rules that are designed to ensure compliance with the Company's legal obligations and the protection of its business interests. In keeping with the purpose of the Communications Systems and the objectives of this policy, any individual who uses the Communications Systems must do so in a professional and appropriate manner that promotes the Company's business interests. Individuals must therefore engage in and conduct all activities involving the use of the Communications Systems with the utmost care. Their actions should reflect the same sound judgments and level of responsibility that they would exercise when sending letters or memoranda that are written on the Company's letterhead.

Particular attention should be given to issues involving the use of the Internet and awareness that information posted on commercial on-line systems or the Internet creates the potential for broad distribution of and access to such information. Employees should also understand that it is not possible to guarantee complete security of electronic communications either within or outside the Company. It is therefore important that employees exercise care when sending or receiving sensitive, privileged, proprietary or confidential information electronically.

Employees using a cellular telephone should keep in mind that certain electronic equipment can receive the technology used by cellular telephones. As such, employees should take care in communicating Company confidential information while using a cellular phone. Likewise, Company confidential data should not be communicated through text message.

Personal Use of The Communications Systems

The Company's Communications Systems are made available to employees to assist them in the performance of their duties for the Company, and should be used primarily for business purposes. During their work breaks and lunch breaks, employees may use the Company's electronic devices and internet systems for personal matters, such as sending or receiving personal emails or monitoring social networking sites, so long as the employee's personal use does not interfere with the employee's job responsibilities and otherwise complies with the Company's Internet, Electronic and Communications Systems Policy, the Social Networking Policy, and other applicable policies in this manual or issued by the Company from time to time.

The Company understands that personal telephone calls might be required during the work day and is willing to accommodate limited and responsible personal use of the system to make local calls. Personal calls should be made during work breaks or lunch breaks. An employee should not use the Company's telephones to make personal long-distance telephone calls. Personal use of the telephone system that interferes with work performance or violates Company policy will not be tolerated.

Inspection And Monitoring.

The Company's Communications Systems are provided for the sole purpose of conducting the Company's business and its email system, computers, computer networks, computer files, software programs, telephones, voicemail, and all communications received by, stored on, or transmitted through the Communications Systems are the sole and exclusive property of the Company. Records, data, files, software, and all electronic communications contained in these systems likewise are the property of the Company.

Employees using the Communications Systems should not have any expectation of privacy, either personal or otherwise, with respect to any information, materials, data, or matters stored in, created with or on, received by, delivered by, or sent over or to the Communications Systems. The Company has the right to gain access to all information and materials stored in, created by, or transmitted by or to any component of the Communications Systems. The Company reserves the right to gain access to all information in or on the Communications Systems, as well as information material, data, and matters that have been transmitted or received with the aid of the Communication Systems. The Company may do so for any purpose, including but not limited to, its desire to protect the integrity of the Communications Systems from unauthorized or improper use and to monitor and enforce this policy. This can occur with or without prior notice to any employee, either before, during or after work.

The Company has the right to delegate the authority to any individual to retrieve, monitor, access, copy, download, listen to or delete anything stored in, created or received by, delivered with the aid of, or sent over its Communications Systems without the permission or prior notice of any individual. The Company reserves the right to use and disclose any electronic communications and any information or material it obtains from its electronic communications and any information or material it obtains from its Communication Systems without the permission of, and without providing advance notice to any individual. This right includes the right to make disclosures to law enforcement officials or other government authorities.

Because the Company may monitor its voicemail systems to monitor compliance with this policy and to protect its business interests, employees must not indicate to a caller that his or her incoming message will be confidential or private.

Passwords

Passwords are intended to prevent unauthorized access to email, computer files or voice mail. The Company reserves the right to allow authorized Company personnel to access messages and files on the Company's Communications Systems at any time.

Employees may not use a username or password other than his/her own username and password to access the Company's Communications Systems unless authorized by the Company.

Specific Prohibitions Applicable to All Communications Systems

Any unlawful or otherwise inappropriate use of the Communications Systems is strictly prohibited and may result in disciplinary action, up to and including immediate termination of employment. While it is not possible to

provide an exhaustive list of every type of inappropriate use of the Communications Systems, the following examples are designed to offer employees guidance:

Prohibitions against Harassment and Discrimination. The Company maintains strict policies against unlawful discrimination and harassment based on any characteristic protected by state or federal law. These anti-discrimination and anti-harassment policies apply to all employee conduct and extend to the use of the Communications Systems. For example, the Company strictly prohibits the use of the Communications Systems to create, send or deliver a message or information that is either harassing or offensive on the basis of any legally protected characteristic, such as age, race, color, religion, gender, gender identity, sexual orientation, national origin, marital status, veteran status or disability. This includes off-color, sexual or offensive information that involves or relates to such legally protected characteristics.

Prohibitions against Offensive, Defamatory, and Fraudulent Conduct. Employees are strictly prohibited from using the Communications Systems to create, send, transmit, deliver, disseminate, view, read, download, store, or access over the Internet any fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, immoral, offensive, intimidating, defamatory, or other unlawful or inappropriate material, or any messages with any derogatory or inflammatory remarks or pictures.

Prohibitions against Gambling. The use of the Communications Systems to participate or engage, directly or indirectly, in any gambling activities or participate in games of chance or risk is strictly prohibited.

Trademark, Copyrights and Licenses. Individuals who use the Communications Systems must honor, respect, and comply with all laws and standards applicable to trademarks, copyrights, patents, and licenses to software and other on-line information. No individual may download, upload or copy software or other copyrighted or legally protected information through the Communications Systems without prior authorization of the Chief Executive Officer of the Company.

Proprietary, Confidential and Trade Secret Information. Individuals who use the Communications Systems are strictly prohibited from altering, transmitting, copying, downloading, or removing any proprietary, confidential, trade secret or other information of any Company, proprietary software, or other files without proper and legally binding authorization.

Improper Purposes. Employees may not use or allow the Communications Systems to be used for any purpose that is either damaging to or competitive with the Company, detrimental to its interests, or that creates an actual, potential or apparent conflict of interest.

Personal Use. The use by employees of Company computers for personal or non-Company related matters must not interfere with the performance of the employee's job responsibilities and such personal use of the computers and other Communications Systems should occur during work breaks and lunch breaks only. Employees may not use Company computers or other technology resources for personal business or gain or for advancement of individual views or opinions without the prior written consent of the Company's President.

Unintended Recipients. No individual may read, record, copy or listen to messages and information delivered to another person's email or voice mail mailboxes without proper authorization from a vice-president, the Chief Operations Officer or the Chief Executive Officer. If an individual receives an electronic communication and it is evident that the individual is not the intended recipient, the individual must immediately inform the sender of the fact and delete the message from his or her email or voice mail mailbox.

Unauthorized Dissemination. Employees shall not send, transmit or otherwise disseminate non-public data or other confidential information of the Company to an unauthorized person or entity or in an unauthorized manner.

Security Software. The Company installs anti-virus, firewall, and other security software on all computers provided by the Company. Employees must not disable or circumvent this software. Employees should not insert any CD or USB device from an outside source into their computers without first checking for viruses.

Violation Of Communications Systems Policy

Every individual who is provided access to the Company's Communications Systems must comply fully with this policy. Individuals who have any questions about this policy should direct those questions to the Company's Human Resources Director. Employees are responsible to read, understand, and comply fully with all provisions of this policy. Violation of this policy may result in disciplinary action, up to and including immediate termination.

Employees who become aware of any violation of this policy should notify the Operations Manager or the Department Head, and (ii) the Human Resources Director so that appropriate action can be taken to protect the integrity of the Communications Systems and to protect the business interests of the Company.

Section 13 – Social Media

Purpose

The Company encourages the development of business and professional relationships through social networks and other online activities, and recognizes that employees also develop personal relationships through the use of social media. Employees should be aware that their use of social media can pose legal risks to the Company, its employees, customer, shareholders, and vendors. Social networking and online activities can also jeopardize the Company's reputation and goodwill and the Company's compliance with applicable rules and laws.

Scope

This policy governs all Company-Related (as such term is defined below) online and internet activities, including but not limited to blogs, Facebook, Instagram, Twitter, LinkedIn and any other social media platforms (hereinafter "*Social Media*").

A Social Media activity is "*Company-Related*" if it: (1) is created or maintained at the Company; (2) is created using Company-owned computers or networks; (3) contains the Company's name, address, contact information, or logo; (4) contains a Company email suffix or is linked to a Company email address; (5) contains a link to the Company's website; (6) contains pictures or images of persons identified as working for the Company or at Company functions; (7) references the Company; or (8) makes comments to or about the Company or Company employees.

This policy does not apply to employees' Social Media activities done during non-working hours while using equipment or networks that are not owned or maintained by the Company, unless such activity is Company-Related.

Risks Of Use of Social Media

Communications made by the employee over social media may be seen by others as a reflection and representation of the employee's character, judgment, and values. Such communications may reflect upon the reputation and goodwill of the Company, regardless of the employee's intent.

Employees should be aware that communications made through social media— whether Company-Related or personal social media—should be presumed public and permanent. Once an employee posts a communication through social media, that employee no longer has control over how that communication is disseminated. Information shared online may be seen by wide and unexpected or unintended audiences, may be shared or forwarded by others, and may be impossible to retrieve or eradicate. Thus, posts made to Social Media sites by employees may be seen by Company management, by other employees, or by the Company’s customers, vendors, and others even if the employee does not intend the post to be disseminated to those persons.

Personal Use of Social Media at Work or With Work Equipment

The Company recognizes that employees may occasionally use social media for personal activities while at work or while using the Company’s computers, networks, Communications Systems, or other information technology resources. The Company requires that such use be limited to lunch and work breaks. However, the Company does not prohibit such personal use so long as the use;

- does not violate the terms of this policy or any other company policy;
- does not involve any unprofessional, unethical, or inappropriate conduct; and
- the use does not interfere with the employee’s employment responsibilities or activities.

All contents of the Company’s computers, networks, communications systems, and other information technology resources are Company property. Employees have no expectation of privacy in any message, file data, conversation, comment, post or other Social Media activity transmitted to, received, or printed from Company’s resources.

The Company reserves the right to monitor, intercept, and review every employee’s activity using the Company’s information technology resources and Communications Systems, including but not limited to Social Media activities, without notice to the employee and without the employee’s consent. This may include the monitoring, intercepting, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing of transactions, messages, communications, postings, log-ins, recordings, and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

Personal Responsibility for Social Media Activities

Employees are personally responsible for all Company-Related Social Media activities engaged in by them. Although this policy does not specifically apply to Social Media activities that are strictly personal, employees should be aware that online professional and personal lives are often ultimately linked, whether or not the employee intends them to be. An employee may be personally responsible for a Social Media activity even if the employee intended or believed the post to be personal.

Guidelines For Responsible Use of SocialMedia

Employees should comply with the guidelines listed in this section when using social media. Violation of these guidelines may subject an employee to discipline, up to and including termination of employment. Employees should be aware that social media is a constantly evolving medium, and no list can cover all conduct which is not allowed or which may subject an employee or the Company to liability. Accordingly, there may be activities not referenced in these guidelines that may subject an employee to liability or discipline, up to an including

immediate termination. When in doubt, employees should ask the Human Resources Manager for guidance before engaging in that activity.

Social Media activities should not interfere with an employee's job responsibilities or commitments. An employee's work and job responsibilities must always take precedence over Social Media activities.

Under no circumstances should employees disclose on social media or elsewhere any information concerning the Company's finances, costs, expenses, performance, or other confidential information.

Employees must respect copyright, trademark and other intellectual property rights while using social media.

Employees must respect co-workers while using social media. Employees shall not make comments or statements that demean, disparage, insult, or harass other employees based on their sex, race, color, religion, national origin, age, sexual orientation, disability, veteran's status, or any other protected classification. Employees must also respect the privacy of their co-workers and should not share or post private or sensitive information about their co-workers.

Employees should not make comments or statements that demean, disparage, or insult the Company, its customers or their fellow employees.

Employees should not disclose any information concerning the Company's customers, their homes, products purchased, or any other personal or sensitive information.

Employees should not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace while using social media. Employees should show proper respect for the privacy rights of others and should avoid topics that may be considered objectionable or inflammatory.

When appropriate, employees should make it clear that they are expressing their own point of view and not the point of view of the Company or of its owners or management. An example of such a disclaimer is, "The postings on this site are my own and do not necessarily reflect the views or opinions of the Company or its owners or management."

The Company logo may not be used without the permission of the Company's General Counsel and the Chief Executive Officer.

Employees should protect the contact information of co-workers, customers, and vendors. Employees should not, under any circumstance, share contact information online. This means employees should not upload the Company contact list to a Social Media site because doing so may expose the employee's contacts and their information to outside view.

Employees should avoid deceptive behavior and misrepresentations online. This includes engaging in online activity, such as communicating electronically or creating websites or accounts, while employing a misleading alias or suggesting the employee is someone else.

Employees must, always, obey the law and the terms of the website on which they are posting information.

Employees should not endorse the Company on any blog, post, or Social Media site unless the relationship with the Company is disclosed.

Employees should not give professional or job references about any employee or former employee on social networking sites. Only the Human Resources Director or his or her designee is authorized to respond to inquiries or provide reference information about Company employees.

Employees may not post, publish, or otherwise disclose Company trade secrets or other confidential or

proprietary information on social networking sites. Employees may not share information concerning the Company, its employees, or customers on social networking sites without permission from the Company's Public Relations Department or Chief Executive Officer.

Employees should address all work-related complaints with (i) their supervisor or the Company's Human Resources Director, and not voice those complaints on a social networking site.

Section 14 – Standards of Conduct

Standards of Conduct

The Company has established an unparalleled reputation for excellence in our industry through our character, dedication, and competence. Employees of the Company receive the benefit of all the effort and professionalism that has gone before them. Therefore, all employees are charged with the responsibility to preserve and enhance this position with their efforts and professionalism. This includes adherence to all federal and state laws, as well as compliance with the high standards of business and personal ethics. Any behavior that deviates from this policy will serve to detract from the reputation of the Company, and may result in corrective action, up to and including termination.

Drug and Alcohol Policy

Purpose

The Company is committed to a safe, productive, and drug-free work environment while promoting the general health and well-being of all its employees. These values, however, are jeopardized when employees use illegal drugs or alcohol on the job or come to work under their influence. The abuse of drugs and/or alcohol creates a variety of workplace problems including, but not limited to, work related injuries, increased absenteeism, increased work place theft, diminished employee morale, decreased productivity, increased financial burdens on health and benefit programs, and a decline in the quality of products and services. In order to achieve the objectives of safety, productivity, health, and well-being in the workplace the Company has adopted this plan to specify the circumstances under which testing may be required, and the procedures for conducting such testing.

This policy applies to all people including owners, officers, and management whom the Company employs and all applicants who seek employment with the Company. Employees or applicants who are required to have a Commercial Driver's License (CDL) to perform their work responsibilities are also subject to the additional requirements of the Drug and Alcohol Policy for commercial drivers.

General Policy

Each employee has a responsibility to co-workers and the public to deliver services in a safe and conscientious manner. Continuing research and practical experience have proven that even limited quantities of illicit drugs, abused prescription drugs, or alcohol can impair reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic results, as in the case of employees engaged in driving, operating equipment, involved in hazardous work conditions or the use of hazardous materials. It is, therefore, the Company's intent to limit, as much as possible, the serious effects of drugs and alcohol in the workplace by terminating any employee that violates the terms of this program.

Definitions

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols

including methyl and isopropyl alcohol.

Controlled Substances: Means the following six drugs or classes of drugs: marijuana, cocaine, opiates, amphetamines, methamphetamine (MAMP) and phencyclidines and/or their metabolites. The Company reserves the right to expand this definition to include other substances.

Drug: Any substance which is controlled under Federal or State law, and/or which is recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, or supplement to any of those compendia. This includes without limitation narcotics, hallucinogens, depressants, stimulants, intoxicants, and other controlled substances.

Drug Testing or Drug Test: Scientific analysis for the presence of drugs or their metabolites in the human body.

Employee: Any person who is in the service of the Company for compensation.

Employer: Any person who is the owner of the Company. The term includes agents, officers, or representatives of the Company.

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results generated by an employer drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual confirmed positive test result together with his or her medical history and any other relevant biomedical information.

On-Call Employee: Any individual who may be expected to respond to a workplace situation after regular work hours has concluded to conduct business for the company.

Prospective Employee: Any individual who has made a written or verbal application to become an employee of the Company.

Sample: Any collection of urine, blood, breath, or saliva used for drug and/or alcohol testing.

Refusal: Any time an employee:

- Fails to show up for any test within a reasonable time after being directed to do so by the Company or to remain at the testing site until the testing process is complete.
- Fails to provide a specimen for any drug or alcohol test required.
- Fails to provide enough urine when directed, unless it has been determined through a required medical evaluation, that there was an adequate medical explanation for the failure.
- Fails to cooperate with any part of the testing process.
- Fails or declines to take a second test the employer has directed following a negative dilute result.

Prohibited Behavior

Drug Use/Distribution/Impairment/Possession

The presence in the body (including the presence as a metabolite), possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs is not condoned while conducting business for the Company, or while in work areas or company vehicles on or off the company premises. No employee will work under the influence of prohibited drugs.

Furthermore.

- No employee shall be on duty, if the employee uses any controlled substance, except for prescribed drugs as provided for in this policy.
- No employee shall be on duty, if the employee tests positive for use of controlled substances, except for

prescribed drugs as provided for in this policy.

- A person who refuses to be tested under the provisions of this policy shall be treated as if a positive test result has been received.

Alcohol Use/Possession/Reasonable Suspicion

The presence in the body, possession, use, distribution, dispensing, and/or unlawful manufacture of alcohol or alcoholic products is not allowed while conducting business for the Company, or while in work areas or in company vehicles on or off company premises. No employee will work under the influence of alcohol. Further.

- No employee shall be on duty if the employee tests positive for use of alcohol.
- No employee shall use alcohol while on duty.
- No employee who is required to take a post-accident test in accordance with this policy shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever comes first.
- No employee may have a Breath-Alcohol Content (Br-AC) greater than 0.02 while working for the Company. An employee who tests above this level will have their employment terminated.

Substance Testing

Substances tested by the Company may include but not be limited to the following:

- Amphetamine (AMP)
- Methamphetamine (MAMP)
- Marijuana (THC)
- Phencyclidine (PCP)
- Cocaine (COC)
- Opiates (OPI)

Refusal to Submit to a Required Alcohol or Controlled Substances Test

No employee shall refuse to submit to a post-accident alcohol or controlled substance test, a random controlled substance test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substance test. For the purpose of this paragraph, refusal is defined above.

Off Duty Conduct

Off-the-job use of illegal drugs, alcohol, or other controlled substances which result in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or which can be expected to cause harm to the Company's employee safety, image or relationship with co-workers or the public is prohibited.

Prescription Drugs

The proper use of prescription medication prescribed by a physician is not prohibited. The Company, however, does prohibit the misuse of prescribed medication. In addition, an employee should report to the medical review officer (MRO) when queried, the use of prescription or nonprescription drugs which may affect drug test results. It is the employee's responsibility to determine from his or her physician whether a prescribed drug may affect job performance. An employee using drugs at the direction of a physician is required to notify his or her supervisor in the event these drugs may affect his or her job performance, such as causing dizziness or drowsiness according to the following procedure:

- Employees have knowledge that a prescription drug may affect his/her job performance.
- Employees notify supervisors of this knowledge.
- Supervisor decides whether non-safety sensitive work is available for the employee (consultation with the safety director is recommended)
- If no non-safety sensitive work is available, the employee will be sent home for the day. The supervisor along with the safety director will arrange for the employee to be transported home if he/she is not supposed to drive according to the prescribing physician. If the employee refuses transportation assistance, 911 will be notified.
- If a non-safety sensitive position is available, the employee can continue working in this capacity. The supervisor along with the safety director will arrange for the employee to be transported home at the end of the shift if he/she is not supposed to drive according to the prescribing physician and is under the influence of the prescription at the end of the day. If the employee refuses transportation assistance, 911 will be notified.

On-call Employees

An on-call employee that has been called to work and is under the influence of a controlled substance must notify their supervisor that they are unable to perform their on-call responsibilities. The supervisor can make other arrangements to fulfill the on-call company responsibilities without consequence to the on-call employee. Under no circumstances should an employee who is under the influence of controlled substance transport themselves represent the company or otherwise respond to an on-call situation.

Alcohol Storage in Vehicles

Controlled substances and alcohol storage shall always be prohibited from company vehicles. Employees without company vehicles shall not have controlled substances or alcohol in their vehicles while on duty.

Notification of Reasonable Suspicion

It shall be the responsibility of each employee to report promptly to his/her immediate supervisor any observation or knowledge that another employee is in a condition that limits the employee's work performance. This may include, but is not limited to, absenteeism, tardiness, poor work products, or presenting a hazard to the safety and welfare of others, or to cause harm to the Company's image or relationship with co-workers or the public or is otherwise in violation of this policy. No supervisor/manager who has personal knowledge of an employee being under the influence of a controlled substance or alcohol will permit that employee to remain on duty.

Supervisors will report employees whom they have a reasonable suspicion to the safety director. If there is sufficient evidence to support the reasonable suspicion, a reasonable suspicion drug test will be coordinated by the safety director. Employees refusing to be tested, or that have a non-negative test for controlled substances or alcohol will be terminated. The supervisor along with the safety director will arrange for the employee to be transported home. If the employee refuses transportation assistance and leaves in their vehicle, 911 will be notified.

Controlled Substance and Alcohol Testing

The Company has adopted testing practices to identify employees who illegally use drugs on or off the job or who are under the influence of alcohol on the job. The Company adheres to the following general testing guidelines:

- Employees will be required to present a picture ID to the person collecting samples.
- Testing of employees shall occur during or immediately before or after regular work periods and shall be deemed work time for the purposes of compensation and benefits.
- Samples shall be collected under reasonable and sanitary conditions and will be collected in a professional manner which precludes samples from being substituted, mislabeled, or mishandled.
- If a "quick test" is used for drug testing and a non-negative result is received, the employee will be transported to a clinic to have confirmation testing conducted.
- Employees awaiting "pending" test results will not be permitted to work until the results are received. If pending results are confirmed as positive, the employee will be terminated immediately, if results are confirmed negative, the employee is then permitted to return to work and will be compensated for lost time on the next possible payroll cycle.
- Employees with non-negative test results or results that require lab or MRO verification shall have transportation home arranged for them through the coordination of the site supervisor and the safety director. If an employee refuses transportation assistance and leaves in their vehicle, 911 will be notified.

The Company may require employees to submit to testing under the following circumstances:

Pre-Employment Testing

All new hires will be drug tested as a qualification condition for employment with the Company. Pre-employment testing will be conducted during the new hire orientation process. New hires will not be permitted to begin working for the Company until testing results are received.

Reasonable Suspicion Testing

An employee will be required to submit to controlled substance and/or alcohol testing whenever a reasonable suspicion exists that the employee is working or attempting to work under the influence of alcohol, or drugs.

Reasonable suspicion must be based on recordable specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of the employee.

These observations must be made by at least one and preferably two supervisors trained in the specific identification of actions, appearances, behaviors, or conduct of an individual under the influence of alcohol or drugs. Documentation of the observations will be made by the person trained in the identification of reasonable suspicion and will be filed in the employee's personnel file. The following apply to employees tested for cause:

- Transportation will be arranged by the supervisor or safety director to a testing site or the employee will be required to remain at the work site in a non-safety sensitive area until testing is performed. Transportation away from the job will be arranged for the employee by the supervisor or the safety director if non-negative tests are received, or if the test requires time for verification. If an employee refuses assistance with transportation and drives his/her own vehicle, 911 will be called.
- Employees that have a non-negative test results or that are waiting for test confirmation will not be permitted to return to work until the results are received.
- If test results are determined to be positive, the employee will be terminated.
- If drugs are identified to be in the possession of an employee that is under reasonable suspicion, law enforcement authorities will be contacted. Any confiscation of controlled substances or alcohol will be performed by legal authority.

Post-Accident/Near Miss Testing

All employees involved in an accident or near miss situation will be required to submit to a controlled substance and/or alcohol test. The following applies:

- Employees must be tested for alcohol as soon as possible after an accident or near miss, but not later than eight (8) hours following. A test for controlled substances must be conducted as soon as possible, but at least within 24 hours following an accident or near miss.
- An employee who is subject to post-accident or near miss testing must remain readily available for such testing within the time limits above or may be deemed by the Company to have refused to submit to testing.
- Nothing in this paragraph, however, should be construed to require a delay in seeking necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident to obtain necessary emergency medical care.
- The Company will provide employees with training on the requirements of this section and all other parts of this policy during the new hire orientation.
- If test results are deemed positive the employee will be terminated.
- Transportation will be arranged by the supervisor or safety director to a testing site, or the employee will be required to remain at the work site in a non-safety sensitive area until testing is performed after an accident or near miss. Transportation away from the job will be arranged for the employee by the supervisor or the safety director if non-negative tests are received, or if the test requires time for verification. If an employee refuses assistance with transportation and drives his/her own vehicle, 911 will be called.

Random Testing

The Company will test employees for controlled substances and alcohol on a random basis to ensure that the employees follow this program. The Company will utilize a scientifically valid method for randomly selecting the employees to be tested. Under this method, each employee will have an equal chance of being tested each time selections are made. An employee who is notified that he or she has been selected for random testing must report to the collection site immediately. If an employee refuses to be tested or leaves the scene upon notification will be terminated.

Return-to-Duty Testing

Should the Company decide to allow an employee to return to duty following engagement in illegal substance or alcohol-related conduct prohibited by this program the employee must undergo a return-to-duty drug or alcohol test.

The employee must produce a negative drug test result for a confirmed positive drug test, or a negative alcohol test with the result indicating a breath alcohol concentration of less than 0.02.

Follow-up Testing

Employees who have been determined to need assistance with resolving problems associated with alcohol or controlled substances will be subject to unannounced follow-up testing for alcohol and /or controlled substances as directed by a substance abuse professional or upon occasion as determined by the Company until they have completed their substance abuse treatment.

Introductory Period Testing

Within an employee's first 90 days of employment, the employer may at any time, without notice, test the employee for drug or alcohol use.

Discipline and Corrective Action

An employee who violates the prohibitions set forth in this policy will be terminated. In summary of the corrective actions described above:

- An employee that tests positive will be terminated.
- An employee who refuses to participate in the testing program will be terminated.
- Failure to provide a sample is considered a refusal of the drug testing.
- An employee who provides a fake sample will be terminated.
- The Company reserves the right to conditionally re-hire employees that are found to violate the terms of this program. Details of re-hire will be documented in a signed contract specific to the employee, situation and company approved substance abuse treatment program.
- Upon successful completion or enrollment of a company-approved treatment program, the Company may allow the employee to return to work on a conditional basis.

Full documentation of any corrective action under this program will be maintained in the employee's personnel file.

Testing Procedures

The Company will monitor all testing procedures to ensure compliance with all federal and local regulations. The Company will use only employees, collection agents, laboratories, third party administrators, and Medical Review Officers (MROs) who conduct all aspects of the testing process by strict adherence to the highest ethical standards and in accordance with all applicable laws.

Dilute Specimens

If the Company receives a test, which is negative and dilute, the employee will be re-tested (one time). The employee will be instructed to report to a collector and will be given minimal notice of the need for recollection. Employees that encounter difficulties producing a "quick test" sample will be sent to a clinic to be tested. Transportation to the clinic will be arranged by a company supervisor or the safety director. An employee that refuses transportation assistance will be terminated in accordance with the terms of this program and 911 will be notified.

Confidentiality

The MRO will make known the drug or alcohol test results only to authorized members of the Company management. All information received by the Company through drug and alcohol testing will remain confidential, except as otherwise provided by law or when the following conditions exist authorized by an employee or prospective employee; or an employee or prospective employee makes a claim or initiates proceedings concerning his/her employment with the Company. In such cases, the Company will deem that the confidentiality of any test or its results has been waived for purposes of the claim or proceeding. Additionally, any information, interviews, reports, statements, memoranda, or test results received by the Company pursuant to its drug and alcohol testing policy will not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in any proceeding related to an action taken by the Company or as required by the law.

Challenge of Test Results

An employee will have 24 hours from the time a positive drug test result is reported to contest the result. Employees will have eight (8) hours to contest positive alcohol test results.

Questions about the Policy

Employees who may have questions regarding this policy or its implementation should contact their supervisor or the Director of Human Resources.

Prevention of Workplace Violence

The Company believes in maintaining a safe and healthy workplace, in part by promoting open, friendly, and supportive working relationships among all employees. Violence or threats of violence have no place in our business. Violence is not an effective solution to any problem.

The Company does not tolerate workplace violence committed by or against employees. Any potentially dangerous situations must be reported immediately to your supervisor or a member of the management team. Reports of this nature will be disclosed to others on a need-to-know basis and will be promptly investigated.

Any employee who is determined to have committed such acts will be subject to corrective action up to and including termination as well as the possibility of prosecution. Non-employees engaged in violent acts on Company premises will be reported to the proper law enforcement authorities.

Work Rules and Performance Standards

To ensure orderly operations and provide the best possible work environment, the Company expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including immediate termination of employment. This list of examples does not change the Company's at-will policy as previously set forth:

- Below average work quality or quantity
- Incompetence to perform job duties.
- Insubordination or poor attitude, including rudeness, or lack of cooperation.
- Unsafe driving
- Safety policies violations
- Excessive absenteeism, tardiness, or abuse of break and meal privileges; failure to give proper advance notice whenever unable to work or report on time. Unauthorized tardiness or early departure from work, unexcused absences, or failure to report to work at the end of a leave of absence.
- Failure to follow instructions or Company policies and procedures.
- Abuse, misuse, theft, or the unauthorized possession or removal of Company property or the personal property of others
- Falsifying or making a material omission on Company records, reports, or other documents, including payroll, personnel, and employment records
- Violation of any law adversely affecting the Company, or conviction of any crime, which may cause the employee to be regarded as unsuitable for continued employment as determined by the Company.
- Failure to report to supervisors suspicious, threatening, potentially violent, unethical, or illegal conduct by co-workers, customers, or suppliers.
- Divulging confidential information to unauthorized persons
- Failing to comply with all Company safety and security regulations.
- Failing to conduct yourself in a positive manner or failure to promote the best interests of the Company.
- Failing to treat all customers, visitors, and co-workers in a courteous manner.

- Smoking while on duty and smoking outside of the designated areas.
- Possessing, using, or selling of illegal drugs or alcohol on Company premises or on any site where the employee is representing the Company, or working while under the influence of illegal drugs or while impaired using alcohol, or otherwise violating the Company's drug and alcohol policy.
- Disorderly conduct on Company property or while on Company business, including fighting or attempted bodily injury, or the use of profane, abusive, or threatening language toward others.
- The use of offensive or inappropriate images and language including any material used or displayed within the employee's work area and computer.
- Failing to comply with a reasonable work request, refusal to follow the instructions of any supervisor or management representative or other established authority, or other insubordinate conduct.
- Inefficient, careless, or unsatisfactory job performance, including failure to perform duties in an acceptable manner.
- Neglecting or abandoning duties.
- Involvement in the creation, publication, or dissemination of any derogatory, denigrating, defamatory or threatening communication, either written or oral, regarding the Company, any of its employees, members of management, customers, vendors or others, or the services that the Company provides.
- Damaging, defacing, destroying, wasting, abusing or unauthorized taking or use of property, equipment, or supplies belonging to the Company, a co-worker, a client, a vendor or any other person or entity.
- Unauthorized or improper use of any Company-owned telephone, cell phone, pager, paging system, computer, or computer network, or any violation of the Company's Communications Systems policy.
- Violating the Company's social networking policy.
- Engaging in horseplay, practical jokes, or other unsafe or disruptive conduct in the workplace.
- Engaging in immoral or indecent conduct.
- Engaging in the use, possession, or distribution of sexually explicit or pornographic materials, or using Company telephones, cell phones, or computers to visit sexually explicit or pornographic sites.
- Violating of the Company's policy prohibiting discrimination, harassment, and retaliation.
- Gambling on Company property or while representing the Company at other locations.
- Personal use of Company equipment, time, materials, facilities, without express Company approval, whether the use is for the employee's direct benefit or not.
- Sleeping on the job.
- Failing to maintain an acceptable level of dependability.
- Engaging in acts posing a security risk for the Company, including allowing or assisting unauthorized access to the Company premises.
- Abuse or violation of the Company's policy regarding vacation, jury duty or witness leave, military leave, FMLA leave, medical leave, or any other Company provided benefit program.
- Failing to promptly report work-related accidents or property damage.
- Engaging in activities that create a conflict of interest or that jeopardize the Company's reputation.
- Conviction of, or pleading nolo contendere to, a felony or misdemeanor.
- Giving or taking bribes in connection with Company business.
- Working unauthorized overtime, or failure to report overtime hours worked.
- Clocking in or out on behalf of another employee or allowing another employee to clock in or out for the employee.
- Violating obligations under any agreements the employee has with the Company.
- Violating the Company's dress code policy.
- Other conduct that in the Company's judgment renders the employee unable to satisfy the Company's performance or conduct expectations.
- Violating any federal, state, or local law, rule, or regulation.

Dress Code Policy

It is the policy of Gerber Construction to expect all employees to always abide by a certain dress code to represent The Company properly and to create a professional business environment and attitude.

It is Gerber Construction's intent that work attire should complement an environment that reflects an efficient, orderly, and professionally operated organization. This policy is intended to define appropriate "business attire" during normal business operations.

The Company recognizes the growing popularity of casual business dress and the positive effects of this shift to boost employee morale, improve quality, encourage more open communication and increased productivity; consequently, creating a more comfortable work environment. Therefore, casual business attire will be permitted. The Company reserves the right to continue, extend, revise, or revoke this policy at its discretion.

Enforcement of this guideline is the responsibility of Company management and supervisory personnel.

The key point to sustaining an appropriate casual business attire program is the use of common sense and good judgment, and applying a dress practice that the Company deems conducive to our business environment. If you question the appropriateness of the attire, it probably isn't appropriate.

Requests for advice and assistance in administrating or interpreting this guideline should be directed to the Director of Human Resources.

Appropriate Casual Business Attire

Casual business attire should be worn each day of the week; exceptions apply when an employee has a meeting or a bid opening, or when representing the company. Examples of appropriate casual business attire for employees include the following but are not limited to:

Office employees:

- Collared polo shirts
- Button-up dress shirts
- Nice blouses
- Sweaters or cardigans
- Dress pants or slacks
- Dockers or similar work-casual pants
- Jeans in good shape (no holes, rips, or heavy wear)
- Skirts or dresses that are work-appropriate length
- Sport coats or blazers
- Dress shoes like loafers, flats, or heels
- Clean tennis shoes

Field employees:

- Work pants
- Jeans in good condition
- Polo shirts
- T-shirts

- Sweaters
- Hoodies
- Overalls
- Steel/Composite toe boots

Unacceptable Attire

- Cutoffs
- T-shirts with offensive logos
- Athletic wear
- Sandals of any kind (This includes Flip-flops)
- Spandex or Lycra such as biker shorts
- Tank tops, tube tops, halter tops with spaghetti straps, sleeveless shirt/tops
- Underwear as outerwear
- Beach wear
- Midriff length tops
- Provocative attire
- Off-the-shoulder tops
- Workout clothes
- Sagging pants
- Evening wear
- Obscene clothing adorned with foul language, images, or advertisements promoting alcohol, drugs, tobacco, gambling, or violence.
- Illustrations that demean or negatively represent any gender, race, color, ethnicity, religion, national origin, disability, or sexual orientation.
- Loose jewelry, dangling necklaces or any articles of clothing may pose a safety hazard for the work environment.

Clothing, hairstyles, or personal hygiene should not pose a safety hazard or create an unacceptable appearance. Long Hair must be tied back, and field employees should not wear dangling jewelry.

To maintain the professional image associated with Gerber Construction and in accordance with Company safety policies, jewelry and other decorative items are not to be worn while working, traveling or performing any type of service on behalf of Gerber Construction, unless your position allows. Visible piercings, necklaces, rings (other than a simple band) and other loose decorative items may not be appropriate for your position. If you have questions regarding the dress standards for your position, please speak with the Director of Human Resources. Continually wearing unacceptable attire may lead to corrective action up to and including termination.

Enforcement

Department managers and supervisors are responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps:

- If questionable attire is worn in the office, the respective department supervisor/manager will hold a personal, private discussion with the employee to advise/counsel the employee regarding the inappropriateness of the attire.
- If an obvious policy violation occurs, the department supervisor/manager will hold a private discussion with the employee and ask the employee to go home and change his/her attire immediately.

- Employees may receive corrective action at this time, up to and including termination of employment.
- Repeated policy violations will result in corrective action, up to and including termination of employment.

Distribution

All employees will be provided with a copy of this policy.

Review and Revision

The Company reserves the right to rescind and/or amend this and all Company policies, at any time.

Smoking / Vaping at the Workplace

The Company provides a smoke/vape -free work environment for its employees, customers, and the public. Smoking / Vaping of any kind is prohibited inside our offices, on our job sites and within 25' of any building.

Employees may smoke/vape on jobsites, if expressly permitted, during meal periods or before and after an assigned work shift in designated areas or in their personal vehicle. However, because of the nature of our work not all jobsites will have designated smoking areas. All tobacco products must be disposed of appropriately.

Employees are responsible for informing all others working on our job sites of this smoke/vape-free policy, and to report to their supervisor any violation of this policy. Employees found not in compliance with the smoking policy will undergo corrective action up to and including termination of employment.

Corrective Action and Performance Improvement

The Company and the management team will do their best to help employees be successful at their job. Correcting behaviors and actions that are not in line with Company policies and procedures is a critical part of creating an environment where all employees can be successful. If at any time you are asked verbally or in writing to make changes to your performance, you will be expected to make immediate and sustained improvement. It is the employee's ultimate responsibility to function appropriately in his/her job performance and to conform to all Company policies.

Violation of any policy in this Employee Handbook may result in corrective action, up to and including termination. It is important for employees to understand that violating any policy, procedure or guideline has consequences. Corrective action is determined at the sole discretion of management on a case-by-case basis.

Open-Door Policy

All employees have the right and are encouraged to speak freely with management about their job-related concerns. We urge you to go directly to your supervisor to discuss your job-related ideas, recommendations, concerns, and other issues which are important to you. If, after talking with your supervisor, you feel the need for additional discussion, you are encouraged to speak with a member of the company management.

Section 15 - Separation Policies

Separation of Employment

The Company will separate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason and the Company reserves the right to separate employment at any time and for any reason. The Company supervisors can administer corrective action as well as suspend an employee; Supervisors do not have the authority of separating an employee's employment without the approval from the HR Department or Management.

Employees are requested to give written notice of their intent to resign along with a reasonable amount of time to transition out of their position. Failure to give written notice may result in forfeiture of unvested Company benefits and ineligibility for reemployment.

Job Abandonment

Employees absent without notifying management constitute job abandonment and corrective action may result in termination. At the end of 3 consecutive days of not calling in or showing up for work the Company will consider the employee to have voluntarily resigned and will process the termination paperwork.

Final Wages

The Company will process all final wages within the normal payroll schedule or in accordance with local and state laws. The employee's final paycheck and W-2 Form will be sent to the employee's last known mailing address. It is the employee's responsibility to update the Company's records with respect to current mailing address information.

Return of Company Property

When an employee leaves the Company for any reason, they are required to return all Company property in their possession. To the extent permitted by law, the Company may withhold the cost of any non-returned Company items from the employee's last paycheck and may take additional action to recover or protect its property.

COBRA (Continuing Health Insurance Coverage)

Under federal law, employees who lose their benefit eligibility because of a "qualifying event" (e.g., termination of employment, reduction of hours to part-time status, etc.) can continue their health insurance coverage for 18 months (or more in some instances).

Under COBRA, employees pay for the coverage at their own expense but at the Company's "group rate" (plus 2% administrative fee). For more information, please refer to the COBRA notifications sent to each employee upon becoming eligible to participate in the Company health plans or contact Human Resources.