



CONSTRUCTION | CONSULTING

## **POLICY MANUAL**

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## **PURPOSE AND INTENT**

This manual is intended to be used as a guideline and is for information only. Its provisions are not conditions for employment and may be modified, revoked, or changed at any time with or without notice. Nothing in this manual is intended to create, nor is to be construed to constitute a contract between JBR, Inc. ("JBR") and any of its employees. It establishes and describes company policies, benefits, procedures and guidelines to which all employees are entitled and expected to follow.

## **AT-WILL EMPLOYMENT, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT POLICY**

It is the policy of JBR to conduct its relations with employees on a fair and impartial basis. Individuals are employed at will. Either the employee or JBR can terminate the employment relationship at any time for any reason that is not illegal.

JBR strictly prohibits and does not tolerate discrimination against employees, applicants or any other covered persons because of race, color, religion, national origin, sex, age, mental or physical disability, or any other characteristic protected under applicable federal, state or local law. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, assignments, transfers, demotions, layoffs, and recalls, leaves of absence, compensation and training. JBR is an Equal Opportunity Employer.

JBR complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, and all applicable state or local law. Consistent with those requirements, JBR will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If you believe you need an accommodation, please contact your supervisor.

JBR expressly prohibits any form of unlawful employee harassment based on race, color, religion, national origin, sex, age, mental or physical disability, or any other characteristic protected by applicable law.

JBR expressly prohibits any form of harassment such as unwelcome sexual advances, requests for sexual favors and all other verbal or physical misconduct, of a sexual or otherwise offensive nature, especially where:

- Submission to such conduct is made, either explicitly or implicitly as a term or condition of employment;
- Submission to, or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose, or effect, of creating an intimidating, hostile, or offensive working environment.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual abuse or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

If you experience any harassment based on your sex, your race, or other factor, or if you believe you have been treated in an unlawful, discriminatory manner, promptly report the

incident to your supervisor, who will investigate the matter and take the appropriate action. If you believe it would be inappropriate to discuss the matter with your supervisor, report it directly to the office management who will undertake an investigation. Any complaint will be kept confidential to the maximum extent possible.

If the Company determines that an employee is guilty of discriminating against or harassing another employee, the appropriate disciplinary action will be taken against the offending employee. JBR prohibits any form of retaliation against any employee for filing a bona fide complain under this policy or for assisting in a complaint investigation.

## **HIRING PROCEDURES**

All potential job applicants will be given a brief interview by authorized personnel to help ascertain their ability, experience, physical condition and knowledge of the job for which they have applied. If it is deemed necessary, a prospective employee may be required to submit to medical examinations and/or tests in order to determine any health problems which would hinder their ability to perform the task required. If the nature of the job requires a background investigation, the President or his designate will conduct the proper investigation.

All applicants must fill out the Company Employment Application. No person is allowed to commence any work until all of the appropriate forms have been completed.

## **PERSONNEL RECORDS**

All employees have a personnel file, which may include a resume, Company Employment Application, employment offer letter, I-9 Form, personnel data records, performance evaluation forms, educational accomplishments, disciplinary information, insurance information, and any other personnel related documents.

In order to keep personnel records and any benefit packages up-to-date, any changes in any employee's address, telephone number, and number of dependents, withholding rates, educational accomplishments, or any other relevant personal data should be communicated to the office.

## **PROBATION PERIOD**

Unless a prior agreement is made by authorized management, all employees will be on a ninety (90) day probation period to assess work habits, attitude, ability, attendance, etc. to determine if any future employment or benefits are warranted.

This policy does not alter the at-will nature of employment outlined elsewhere in this Manual. The successful completion of the probationary period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a "just cause" termination standard.

## **DRUG AND ALCOHOL ABUSE POLICY**

### **Commitment to a Drug and Alcohol-Free Workplace**

JBR is committed to providing a safe, healthy and productive work environment. Consistent with this commitment, this policy establishes JBR's intent to maintain a drug and alcohol-free workplace. Being under the influence of alcohol or illegal drugs (as classified under federal, state or local laws, including marijuana), while on the job poses serious health and safety risks to employees and members of the public, which is not tolerated.

In furtherance of JBR's commitment to a drug-free workplace, JBR maintains a policy in which job applicants and current employees may be requested or required to submit to drug and alcohol testing in certain situations. This policy is intended to comply with applicable laws regarding drug and alcohol testing and current and prospective employee privacy rights.

### **Prohibited Conduct**

JBR expressly prohibits the following activities at any time that employees are either (1) on duty or conducting JBR business (either on or away from JBR's premises), or (2) on JBR's premises (whether or not the employee is working):

- The use, abuse or being under the influence of alcohol, illegal drugs or other impairing substances.
- The possession, sale, purchase, transfer or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the employee or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisors if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation **before** reporting to work while under the influence of that medication.

A violation of any of the above is subject to disciplinary action, up to and including immediate termination of employment.

### **Workplace Searches and Inspections**

In order to achieve the goals of this policy and maintain a safe, healthy and productive work environment, JBR reserves the right at all times to inspect employees, as well as their surroundings and possessions, for substances or materials in violation of this policy. This right extends to the search or inspection of clothing, desks, lockers, bags, briefcases, containers, packages, boxes, tools and tool boxes, lunch boxes and employer-owned or leased vehicles and any vehicles on company property where prohibited items may be concealed. Employees should have no expectation of privacy while on JBR premises, except in restrooms.

### **Criminal Convictions**

Any employee convicted of a criminal drug violation in the workplace or that is related to JBR's business must notify JBR within five calendar days of the conviction.

### **Pre-employment Testing**

All job applicants are subject to drug and alcohol testing. All offers of employment with JBR are conditioned on the applicant submitting to and successfully completing and passing a drug and alcohol test in accordance with the testing procedures described in this policy.

### **Testing Based on Reasonable Suspicion**

Employees may be asked to submit to a drug and alcohol test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior or other conduct and facts, that the employee possesses or is under the influence of unlawful drugs, such as marijuana, or alcohol, or both.

### **Random Testing**

Employees in safety or security-sensitive positions are subject to drug and alcohol testing on a random basis.

### **Post-incident Testing**

Employees involved in any work-related accident or incident involving the violation of any safety or security procedures may be required to submit to drug and alcohol testing. This applies even if the incident did not result in injury to any person or any property damage.

### **Testing Procedures**

All drug and alcohol testing under this policy will be conducted by an independent testing facility, which will obtain the individual's written consent prior to testing. JBR will pay for the full cost of the test. Employees will be compensated at their regular rate of pay for time spent submitting to a drug and alcohol test required by JBR.

Employees suspected of working while under the influence of illegal drugs or alcohol will be suspended without pay until JBR receives the results of a drug and alcohol test from the testing facility and any other information JBR may require to make an appropriate determination.

### **Confidentiality**

All records relating to an employee or applicant's drug and alcohol test results will be kept confidential and maintained separately from the individual's personnel file.

### **Consequences of a Positive Test**

Employees who test positive will be subject to discipline, up to and including immediate termination of employment. Job applicants who test positive will have their conditional job offers withdrawn.

### **Consequences for Refusing to Submit to Testing or Failing to Complete the Test**

Employees who refuse to submit to testing as required by JBR or who fail to complete the test will be subject to discipline, up to and including immediate termination of employment. Job applicants who refuse to submit to drug and alcohol testing will be deemed to have withdrawn themselves from the application process and will no longer be considered for employment.

### **Testing of Commercial Drivers**

To the extent JBR's commercial drivers are subject to the regulations applicable to employers of commercial drivers promulgated by the Federal Motor Carrier Safety Administration (49 C.F.R. Part 382) and the U.S. Department of Transportation (49 C.F.R. Part 40) (collectively, the "DOT Regulations"), JBR will conduct pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing of its commercial drivers in accordance with the DOT Regulations. Commercial drivers subject to the DOT Regulations may be subject to additional or different requirements than those set forth in this policy. Your supervisor will provide you with any applicable policies addressing such different requirements, which policies shall control in the event of a conflict with this policy.

### **Counseling and Rehabilitation**

Employees who are experiencing work related problems resulting from drug, narcotic or alcohol abuse or dependency may request, or be required to seek, counseling help. Counseling required by JBR is to be kept confidential and is to have no influence on performance appraisals unless such counseling is so involved as to affect job performance in the sole discretion of JBR. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.

Any employee who is abusing drugs or alcohol may, in management's sole discretion, be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to JBR that the employee is capable of performing his job. Failure to cooperate with an agreed upon treatment may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other Company policies. The costs of continuing or long-term rehabilitation services, whether covered by the employee's medical plan or not, are the ultimate responsibility of the employee.

Substance abuse prevention is everyone's responsibility. JBR expects all of its employees to recognize and accept this and to do their part in assuring that, working together, we can achieve and maintain a drug-free working environment for all employees.

Except as specified above with respect to commercial drivers, this policy applies equally to all JBR personnel, no matter the position or employment status, including all management employees, contract employees, and part time employees. Any violation of this policy shall result in adverse employment action up to and including dismissal and referral for criminal prosecution.

## **CLASSIFICATIONS OF EMPLOYMENT**

For purposes of salary and wage administration, eligibility for overtime pay and employee benefits, JBR classifies its employees as follows:

**FULL TIME REGULAR EMPLOYEES-** Employees hired to work the Company's normal full time forty hour work week on a regular basis. Such employees may be exempt or nonexempt as defined herein.



**PART TIME REGULAR EMPLOYEES-** Employees hired to work fewer than forty hours per week on a regular basis. Such employees may be exempt or nonexempt as defined herein.

**TEMPORARY EMPLOYEES-** Employees engaged to work full time or part time with the understanding that their employment will be terminated upon completion of a specific assignment. A temporary employee may be offered and may accept a new temporary assignment with the Company and thus still retain temporary status. Such employees may be exempt or nonexempt as defined herein. Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of the Company.

**NONEXEMPT EMPLOYEES-** Employees who are required to be paid overtime at the rate of time and one half their regular rate of pay for all hours worked beyond forty hours in a work week, in accordance with applicable federal wage and hour laws.

**EXEMPT EMPLOYEES-** Employees who are not required to be paid overtime in accordance with applicable federal wage and hour laws for work performed beyond forty hours in a work week. Executives, professional employees, and certain employees in administrative positions are typically exempt.

## **SAFETY PROGRAM**

A copy of the Company's safety program and policies will be made available for your review. It is the responsibility of all employees to read and follow all company guidelines. All employees must comply with applicable safety and health standards. If you are uncertain about the rules and regulations concerning your job or jobsite, contact the office. Most of the standards are law.

Employees must be familiar with acceptable safety practices, Company, state and federal regulations. Supervisors are responsible for implementation and enforcement of all policies. In the event that JBR is cited for a violation due to negligence of the employee, that person will be subject to disciplinary action which may include verbal warning with notice in the personnel file, written warning with a copy to be placed in the personnel file, time off from work without pay, reduction in accrued leave, or termination of employment.

### **GENERAL SAFETY RULES**

1. Learn and follow all safety rules and regulations
2. Know that employee violation of safety rules or regulations are subject to disciplinary measures.
3. Know your job, the hazards involved with it, the job site and your equipment.
4. Obey all traffic laws.
5. Report any unsafe equipment or vehicle operation to your supervisor immediately.
6. Report all accidents, injuries or illnesses immediately.
7. Get prompt first aid for injuries.
8. Wear protective equipment as directed by the Company, the client, state or federal regulations.
9. No employee shall ride on any equipment except in the seat.

10. Keep project sites neat and clean. Good housekeeping is everyone's job.
11. Consult the office or your supervisor if you are unsure.

## **PERSONAL SAFETY EQUIPMENT**

**HARD HATS-** Hard hats must be worn by all personnel while not operating equipment or in a vehicle. JBR shall supply hard hats to all employees free of charge. If a hard hat is lost or damaged due to neglect, the employee may be disciplined. Upon termination the hard hat does not need to be turned in.

**SHOES-** All field personnel and shop personnel, including supervisors, are required to wear leather work boots or shoes. Under no circumstances will low quarter shoes, tennis shoes, etc. be permitted on any jobsites or in the shop area.

**GLASSES/GOGGLES-** Approved safety glasses or goggles are available through your supervisor or the office and must be worn by personnel engaged in such work as jack hammer operations, power sawing, chipping, grinding, etc. Employees involved in welding operations shall use glasses/goggles with filtered lenses, or plates of at least the proper shade number. In the event these glasses or goggles are worn out or damaged, they will be replaced by the appropriate personnel immediately. If they are lost or damaged due to neglect, the employee may be disciplined. It is the responsibility of each supervisor to make sure that the proper personal protective equipment is available for his job and that it is worn where required.

**HEARING PROTECTION-** Hearing protection shall be used anytime an employee is exposed to excessive noise. If an employee is exposed to excessive noise JBR shall supply ear protection devices at no expense to the employee. The replacement procedure is the same as for glasses/goggles.

**RESPIRATORY DEVICES-** Use respiratory devices when spray painting, burning, operating a pipe saw, or when exposed to dust or other hazardous atmospheres. These devices are available from the office or your supervisor.

**SAFETY BELTS-** Safety belts are required while operating Company motor vehicles, earth moving equipment and where there is the possibility of falling off high places. Attach a life line to separate suspension. If your safety belt is inoperable, inform your supervisor so that it can be repaired.

**PROPER DRESS-** Dress properly in protective clothing, taking into consideration weather, job assignment and jobsite characteristics such as insects, brush, snakes, poisonous vegetation, animals and exposure to sunburn or sparks. Wear gloves, aprons, or other skin protection suitable for the work being performed.

**VESTS-** **JBR considers the welfare and safety of its employees of primary concern. Therefore, safety vests are mandatory at all times on the jobsite.** If the construction operation is adjacent to traffic, the required flagman and signs will be used to warn the public of our operation and to protect our workmen. **Flagmen ARE TO BE CERTIFIED IN ACCORDANCE WITH VDOT regulations.** They must be equipped with and wear hard hats, approved vests, have current certification in their possession and be instructed on the proper procedures for flagging and controlling the traffic. The job

supervisor will be responsible for making sure all guidelines contained herein are followed.

**FIRST AID KITS-** All job trailers and all field pickups are to be equipped with a fully stocked and OSHA approved first aid kit. The supervisor over each crew has the responsibility to check the kit at least every two weeks to see that it is properly stocked. Supplies to keep each kit stocked will be secured by the office.

**FIRE EXTINGUISHERS-** All job trailers, all Company vehicles and each piece of equipment shall be equipped with a properly functional fire extinguisher. Employees may be assigned one or more and it is their responsibility to check its ability to function and if need be have it replaced from inventory at the shop. Loss or damage due to negligence may result in discipline.

## **DRIVING AND VEHICULAR SAFETY**

Only those persons employed by the Company possessing a valid driver's license in the proper class shall operate any Company owned vehicles. Under no condition shall a person whose privileges to operate a vehicle have been suspended, revoked or otherwise terminated be allowed to operate Company owned vehicles.

JBR will pay for one-half ( $\frac{1}{2}$ ) of the DOT physical examination. All other fees required to obtain a Commercial Driver's License (CDL) will be the responsibility of the employee.

Driving records of all employees operating Company vehicles will be obtained from the DMV and these records will be reviewed annually to insure that all operators of all Company vehicles are driving in a safe and law abiding manner. Any employee with a poor driving record may lose the privilege of driving Company vehicles or may be discharged.

It is the responsibility of the operator of any Company vehicle involved in an accident to make sure a full and complete report of any such accident with all information required by the insurance company is completed. This includes minor accidents even when no other vehicle is involved and damage is slight. This report should be made in writing to the office immediately, and in no case should the information reach the office later than the end of the next work day after the accident. In case of a major accident a radio or phone call should be made to the office immediately.

All accidents shall be reviewed on a case by case basis. If the resulting damage is determined to be the result of willful misconduct, the employee may be held liable for the total repair or a portion thereof.

An ongoing program of preventive maintenance is essential to extended vehicle life. It is the responsibility of the employee to alert the shop of any problems that exist with his/her vehicle. Once notified that service is due it shall be the responsibility of the vehicle operator to coordinate a time to service the vehicle.

State vehicle inspections and registration are paid for by the Company. Vehicles are not to be operated with expired inspection or registration stickers. If an employee assigned to a particular vehicle has failed to notify the shop at least thirty (30) days in advance that either is about to expire and receives a violation for the above, the employee shall be responsible for the fine assessed.

All Company vehicles shall be kept as clean as possible, inside and out, at all times. Under no circumstances should a vehicle remain unsightly for more than a few days. If any vehicle remains unsightly or stays unsightly as a common occurrence, the employee assigned to that vehicle may lose the privilege to drive it and will be responsible for the costs of cleaning that vehicle.

Any driver cited for failure to secure a load, failure to use the proper chains, failure to use a tarp, debris on a trailer or moving violations in which the driver has complete control over, e.g. speeding, reckless driving, failure to obey highway signs, etc., shall be responsible for all fines and penalties associated with such violations.

## **MISS UTILITY**

It is federal law that before any excavations are made, local utility companies are contacted at least 48, and in some cases, 72 hours in advance. These companies are bound by law to make arrangements to have their service located. If they do not respond, any damages they incur will be their own responsibility. When JBR starts a new project the supervisor in charge of the excavation operation has the responsibility to contact the office so that Miss Utility can be placed on notice.

When working on a jobsite that may be affected by Miss Utility and the steps outlined above have been taken and there is no evidence that the utilities have been located, federal law requires that Miss Utility be recalled and work must be held up an additional 3 hours for location of utilities.

If an emergency situation exists, such as danger to the public, contact the office so that Miss Utility can be alerted. An emergency overrides the 3 hour statute.

## **OVERHEAD HIGH VOLTAGE SAFETY**

In the event that excavations require work to be performed within 10 feet of any overhead power line having more than 600 volts while operating any equipment or part of any equipment or part of any equipment that could be moved within 10 feet of these lines (not the pole) or any individual that is using any tool within 6 feet of the power lines the following steps shall be taken:

- Owners or operators of the high voltage lines must be notified within 72 hours, in writing, of the intent to perform work closer than permitted. Saturdays, Sundays and holidays are excluded from the notification period. In emergency situations such as possible danger to the public, notice is to be made as soon as possible.
- Work is not to commence until arrangements have been made between the Owner/operator of the high voltage line and JBR.
- The job supervisor is responsible to see that all aspects of the agreement between JBR and the owner/ operator of the high voltage lines are carried out.
- The jobsite supervisor is responsible to see that all equipment has the proper warning decals. They are available at the shop.

## **HAZARDOUS COMMUNICATION POLICY**

JBR has a written policy on hazardous communication. We have devised a series of material safety data sheet notebooks that include all materials relating to the hazardous communication regulations.

All supervisors are responsible for the maintenance and upkeep of their manuals. Should any employee have any questions on any materials used in the execution of the work, the supervisor should use the material safety data sheets supplied in the notebook for information the employee is requesting. The supervisor shall direct the employee to the office if any further assistance is needed.

Supervisors are responsible to see that labels are on all containers with hazardous materials and only approved type containers are used on the job.

JBR shall conduct ongoing training programs to comply with the hazardous communication regulations.

## **SAFETY RECORD KEEPING & ACCIDENT REPORTS**

JBR is committed to keeping all proper records concerning accidents and the safety program. This includes but is not limited to the filing and maintenance of all OSHA records.

Routine jobsite inspections, including the shop, shall be performed and violations of safety practices shall be documented on the proper forms. Safety talks that are given in the field shall be documented by signatures on the safety talk form. This shall include the date and location that the training was given.

Any employee involved in an accident shall immediately report this accident to his or her supervisor on site or to the office. This includes incidents and illnesses that occur while working on Company property or at Company functions. If reported on site in the field, the field supervisor must report the accident to the office as soon as possible to ensure that an investigation can be conducted in a timely manner. The employee's supervisor shall also investigate incidents that occur on their job to aid this investigation. In addition the supervisor shall complete the Company accident report and deliver it to the office within 24 hours of the accident.

If any accident involves personal injury and the employee fails to report the injury to his or her supervisor before the close of business on the day of the incident, the employee may lose eligibility for worker's compensation benefits.

Any employee who knowingly conceals or makes false statements about job related accidents or injuries shall be subjected to disciplinary action, which may include time off from work without pay or termination of employment.

## **SHOP RULES AND PROCEDURES**

The Shop Foreman has responsibility of the shop facility, its mechanics, field mechanics, parts runners, and lube/fuel trucks. The Shop Foreman is responsible for daily upkeep of the shop and any yard areas including cleanup.

### **GENERAL SHOP RULES**

1. The shop area will be kept neat, clean and safe at all times.

2. All shop personnel shall use personal protective equipment as needed or required.
3. Never use defective tools or tools in bad condition.
4. Before inspecting, repairing or servicing equipment, lock out operating levers, block bodies, set brakes, lower all hydraulic parts, remove keys, etc. to prevent starting or movement of equipment that may endanger anyone.
5. Use caution when moving equipment into or out of the shop.
6. Bay doors are to be completely open or closed.

# CONSTRUCTION EQUIPMENT

## TRAILERS

- All trailers must be properly blocked and anchored.
- A properly constructed set of steps and hand rails will be installed at the doorway to all trailers.
- All trailers shall be equipped with an operable fire extinguisher.
- Waste paper, empty boxes, etc. are to be thrown out, daily.
- If the trailer is to be used as temporary office space, emergency information such as location and telephone numbers of first aid, hospital, police and fire departments will be listed and prominently displayed. The upkeep of the office space will be the responsibility of the jobsite supervisor.
- Upkeep of pipe crew trailers will be the responsibility of the pipe foreman

## HEAVY EQUIPMENT

- All equipment must be parked at least twenty (20') feet from an existing roadway and secured at the end of the day so that, without a great degree of effort, it cannot be moved, stolen, started or vandalized. The equipment shall be de-energized so that all buckets, booms, bowls, etc. are on the ground to prevent movement. Power switches are to be cut off and dash panels locked. It is the responsibility of each operator to see that this is done and the crew supervisor is responsible to see this requirement is enforced. Equipment, where possible, is to be parked close to the entrance of a job, in a straight line, making servicing easier, with greater visibility to watch for vandals.
- Backup alarms will be installed on all vehicles and equipment as required by OSHA regulations. It is the responsibility of the driver/operator of any equipment to report any defective alarms to a supervisor or mechanic for immediate repair. If any person is found to have tampered with any backup alarm to muffle or cause it to be inoperable, they will be subject to disciplinary action up to and including termination of employment.
- Any equipment that is towed must be equipped with a safety chain and in use before you tow it. If the equipment to be towed is rented and is not equipped with a safety chain, do not tow it until a safety chain has been installed.
- Before starting any machinery, make a walk around inspection looking for such items as tampering, leaks, loose or missing parts, signs of unusual or excessive wear, cracks, and track or tire problems.
- Check water levels, fuel and oil levels each morning.
- Constantly check gauges for equipment conditions.
- Report excessive oil consumption, noises, leaks or malfunctioning gauges.

- Use the right piece of equipment for the job at hand.
- Allow proper warm up time for your machine. Normal warm up time is 5 minutes. In extreme cold weather allow 10-15 minutes. It should be operated at a slower rate of speed than normal at first. This allows proper lubrication of bearings, pumps, final drives, etc.
- Tracks are to be cleaned every day. All operators are expected to help clean tracks.
- Check overhead clearance before operating equipment.
- Do not travel with bucket, boom, blade or load raised high enough to obstruct your view, unless guided by an authorized signal person.
- Always look behind you when changing direction.
- Remember that loaded equipment ALWAYS has the right of way.
- Do not back up track equipment at high speeds. This causes excessive track wear.
- In rock or hard ground, operate at a slower speed than normal.
- Care should be taken to never spin tires. One second of tire spin is equal to one hundred hours of normal wear.
- Never push or pull any type of equipment that does not have its engine running. Internal damage will occur.
- Equipment without signal devices shall not back up without an authorized signal person watching.
- Never park or leave your machine on a steep grade.
- Always let any machine idle for at least 3 minutes before shutting down.

## **EXCAVATIONS**

Excavations and trenching pose one of our greater dangers. While there are many regulations to control actions in this area, and JBR is committed to training its employees in these areas, we need to be mindful of hazards seen as well as unforeseen and use a common sense approach to avoid any accidents.

- Make sure that the person in charge of the trenching operation has received training as an OSHA approved “competent person” prior to entering a trench. This includes a complete review of the site conditions including soil types and the trenching operation.
- Never enter a trench without a hard hat and someone present on the surface.
- Always have an approved ladder, ramp or steps within 25 feet of the operation while in the trench. If a ladder is used it must extend from the floor of the trench



to 3 feet above the top of the excavation and be secured at the top.

- Spoils and other material, including pipe, pipe saws, approved fuel cans, etc. are not to be within 2 feet of the edge of the trench.
- All excavations, over 5 feet in depth, must be sloped, shored, sheeted, braced or otherwise supported. Check periodically for evidence of possible cave-ins or slides and changing ground conditions, particularly after rainfall. If a potential problem exists, all personnel are to exit the excavation and the problem must be corrected.
- Watch equipment working near the trench, particularly if lowering or dumping is being done into the trench. Watch the swing area of all equipment. Do not work or walk under loads.
- Only authorized persons will signal backhoe or loader operators.
- Any excavation that is left open, especially overnight, must be marked, barricaded or otherwise secured to prevent injury or loss of property.
- If any confined space is entered, it must first be tested with the use of a hazardous gas detector. These detectors are kept in the office and are to be checked out by qualified users, only.
- No trench is to exceed 20 feet in depth without the approval of a registered professional engineer.
- Trench boxes or shields must extend 18 inches above the top of the vertical side and no excavation beyond 2 feet is allowed below the bottom of any support system.

## **HOURS OF WORK AND TIME SHEETS FOR EMPLOYEES**

Daily and weekly work schedules may be changed from time to time at the discretion of the Company in order to meet the varying conditions of our business. Changes in the work schedule will be announced as far in advance as possible.

The normal work day during peak construction periods (May through November) is a 10 hour shift (7:00am-5:30pm) including a ½ hour lunch break. The work week is Monday through Saturday, however weather and work load may alter this.

Each employee's time is kept by his supervisor. In the event there is not a supervisor on your job, it is the supervisor's responsibility to obtain the employee's time. Your supervisor will review your time records and ask you to verify them at the end of each day.

If you believe there are any errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay or that your pay does not accurately reflect all hours worked, including overtime, you must report your concerns to your supervisor immediately. JBR will promptly investigate all reported complaints and, if appropriate, take corrective action. JBR prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy.

The normal work hours for office employees are from 8:00am to 5:00pm including a 1 hour lunch break Monday through Friday. Management requests that office employees be available for Saturday during the peak construction periods (May through November).

## **REPORTING FOR WORK**

JBR expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illnesses and injuries may occur, each employee must notify the office, or supervisor by 6:30 a.m. on each day of the absence, unless an extended medical leave has been granted. Failure to properly notify the Company results in an unexcused absence. If you are absent for more than three (3) consecutive days without notice to the office, a statement from a physician is required. In such instances, JBR reserves the right to require the employee to submit to an examination by a physician designated by the Company.

Absenteeism, or tardiness, that is unexcused or excessive in the judgment of JBR is grounds for disciplinary action, up to and including dismissal.

In the event of adverse weather conditions such as rain, snow, sleet, etc. it is the responsibility of each employee to contact his supervisor, the office, or shop by 7:00am to find out whether or not that person should show up for work. If adverse weather is predicted, consult your supervisor to find out if he/she wishes for you to report to work the evening beforehand.

Should any employee be selected for jury duty he/she will be excused from their job to serve if called. Any employee serving in the National Guard will be excused from work to participate in reserve training. No compensation will be given during either jury duty or National Guard reserve training, unless and only to the extent required by applicable law.

Under normal conditions each employee is expected to report to work 10 to 15 minutes early. This will allow proper time to conduct machine inspections, warm up the equipment and receive the daily instructions from the field supervisor. Excessive tardiness may be grounds for disciplinary action which may include termination of employment.

When an employee knows that he/she will need to be off for a day, give notice to your supervisor or the office. This allows for that individuals work to be assigned to someone else. Otherwise everyone is expected to be present, on time, every day.

## **LAYOFFS AND REHIRING**

In the event that layoffs become necessary, the Company may lay off employees for any time period. If possible, the Company will explain the conditions of, and how long the layoff period will last. When the Company cannot specify the layoff period, employees will be called back to work as needed.

JBR will not routinely rehire any employee who quits without sufficient notice to the Company or any employee who leaves under circumstances that are unprofessional. Employees who give notice of intent to leave employment (minimum of two weeks) or discuss work problems causing the separation will be considered for reemployment.

## **PAY ADVANCES**

Pay advances will only be considered in cases of extreme emergency. We are not a bank. Requests for advances must be approved by an employee's immediate supervisor before being submitted to the office.

Under no circumstances will loans be given to employees for any reason.

## **EMPLOYEE BENEFITS**

**HEALTH INSURANCE-** Employees are eligible to enroll into the Company sponsored health insurance program at the beginning of the 3<sup>rd</sup> month following commencement of employment. Additionally, it is the employee's responsibility to pay for family members should they be enrolled into the plan. If, upon eligibility, the employee chooses not to participate into the Company sponsored plan, the open enrollment period will not be offered until October 1st of that or any subsequent year.

In addition to the health plan offered by the Company, there are options for dental, vision, life and disability insurance which are the responsibility of the employee to pay for.

Payroll deductions commence on the first pay period of any given month, one month prior to enrollment. Should the employee, for whatever reason, choose to leave the Company the policy shall be offered under the COBRA statutes with the employee assuming the full cost of the policy.

**GUARANTEED HOURS-** JBR's guaranteed hour program is designed to make a minimal amount of work time available to those hourly employees, who have been given the benefit. If for any reason an employee is not available for work in any given week that person will not receive hours for that time period.

Employees who receive guaranteed hours must be available for work each day, including Saturday. It is the responsibility of each employee participating in the guaranteed hour program who has not worked their guarantee by Friday to notify their supervisor that he/she is still lacking hours. Failure to do so may result in the loss of the guarantee.

The guarantee must be approved by the President of the Company and may be changed at any time, without notice.

**FLEX TIME-** All employees will begin to accumulate flex time upon the commencement of work for JBR. This time can be used, as it accumulates, for either vacation or sick leave. The amount of flex hours will accumulate in the following manner:

**Hourly employees:** Upon commencement of work for JBR, the accumulation rate will be .033 hours for every hour of work. After 5 years of continued service, the accumulation rate will be .040 hour for every hour of work.

**Salaried employees:** Upon commencement of work for JBR, the accumulation rate will be .040 for every hour of work. After 5 years of continued service, the accumulation rate will be .050 hour for every hour of work.

Flex time shall not accrue for non-working days, rain days, snow days (with the exception of those employees that work snow removal duty), company mandated meetings, paid holidays, vacation or sick days.

All vacation requests must be authorized by an employee's immediate supervisor at least 30 days prior to the vacation being taken.

Accumulated flex time used for vacation will be limited to a maximum of 40 hours between the months of May and November, unless approval is given by higher management.

It is the intent of JBR to close the week between Christmas and New Year's. This will be an unpaid holiday break for all hourly employees. In order to be compensated for this week an employee may elect to use his/her accumulated flex time.

Accumulated flex time shall be carried forward from one calendar year to the next. However the number of accumulated hours shall not exceed 120 hours of flex time. Upon termination of employment for any reason, employees forfeit any accrued but unused flex time.

**RETIREMENT PLAN-** All employees are eligible to participate in JBR's retirement plan after one full year's continuous service. The office will notify an employee when they are entitled to join. At that time it is the employee's responsibility to schedule an appointment with the office so that the benefits of the plan can be explained.

## **EXCUSED ABSENCES**

Should an absence occur due to the death in an employee's immediate family, JBR will grant one day off with pay equal to 8 hours regular time. Immediate family is defined as spouse, children, parents, step-parents, legal guardian, brother or sister, step-brother or step-sister, grandparents, grandchildren, mother or father-in-law and brother or sister-in-law.

## **HOLIDAYS**

At the present time, JBR observes the following holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

These days are paid holidays, equal to one 8-hour day at regular hour pay. This shall only occur when the holiday occurs during a weekday, which is Monday thru Friday. When the paid holiday occurs during a weekday, the employee must be available for work the day before and the day after in order to qualify for the paid holiday.

## **WORKPLACE VIOLENCE POLICY**

JBR is committed to preventing workplace violence and to maintaining a safe work environment. JBR has adopted the following policy to deal with intimidation or other threats of (or actual) violence that may occur on its premises.

Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on Company premises without proper authorization from the President.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including during off-duty periods, will not be tolerated. All threats of (or actual) violence, both direct or indirect, as well as suspicious individuals or activities, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees as well as threats by customers, vendors, solicitors, or other members of the public.

JBR will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees as well as threats by customers, vendors, solicitors, or other members of the public.

JBR will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical.

## ACKNOWLEDGEMENT

I, \_\_\_\_\_ (employee name), acknowledge that on \_\_\_\_\_ (date), I received a copy of the Policy Manual ("Manual") of JBR Construction, Inc. ("JBR") and that I read it, understood it and agree to comply with it. I understand that JBR has the maximum discretion permitted by law to interpret, administer, change, modify or delete the rules, regulations, procedures and benefits contained in the Manual at any time with or without notice. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this Manual. Changes can only be made if approved in writing by the President of JBR. I also understand that any delay or failure by JBR to enforce any rule, regulation, procedure contained in the Manual will not constitute a waiver of JBR's right to do so in the future.

I understand that neither this Manual nor any other communication by a management representative or any other employee, whether oral or written, is intended in any way to create a contract of employment. I understand that, unless I have a written employment agreement signed by an authorized JBR representative, **I am employed at will and this Manual does not modify my at-will employment status.** If I have a written employment agreement signed by an authorized JBR representative and this Manual conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will control.

Print Name: \_\_\_\_\_

Sign Name: \_\_\_\_\_

Date: \_\_\_\_\_

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