

**INFORMATION HANDBOOK  
FOR  
EMPLOYEES**

**Of**

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NOTHING CONTAINED IN THIS HANDBOOK IS INTENDED TO CREATE (NOR SHALL BE CONSTRUED AS CREATING) A CONTRACT OF EMPLOYMENT (EXPRESS OR IMPLIED) OR GUARANTEE EMPLOYMENT FOR ANY TERM OR FOR ANY SPECIFIC PROCEDURES. THERE IS NO CONTRACT OF EMPLOYMENT BETWEEN **N.C. STURGEON, LP** AND ANY ONE OR ALL OF ITS EMPLOYEES. EMPLOYMENT SECURITY CANNOT BE GUARANTEED FOR OR BY ANY EMPLOYEE.

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## Foreword

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We believe in keeping employees fully informed about our policies, procedures, practices, benefits, what employees can expect from the company, and the obligations assumed as an employee for **N.C. Sturgeon, LP**. This practice is designed to provide fair treatment of employees. All employees are expected to become familiar with the policies, procedures, practices, and benefits of **N.C. STURGEON, LP**. This handbook is intended to provide employees with basic information. The policies and practices described in this handbook reflect a great deal of concern for the people who make it possible for **N.C. STURGEON, LP** to exist....its employees. Nothing contained in this handbook is intended to create a contract (express or implied), or otherwise to create legally enforceable obligations on the part of **N.C. STURGEON, LP** or its employees.

Because **N.C. STURGEON, LP** is growing changing organization, it reserves full discretion to add to, modify, or delete provisions of this of this handbook at any time without advance notice. For this reason, employees should check with Chuck Sturgeon, President (or his successor), The General Superintendent, or The Bookkeeper to obtain current information regarding the status of any particular policy, procedure or practice. No individual other than the President of **N.C. STURGEON, LP** has the authority to enter into an employment agreement or any agreement that modifies company policy. Any such modification must be in writing and must be signed by the President of **N.C. STURGEON, LP**.

All employment at **N.C. STURGEON, LP** is at will. At will means that both employees and **N.C. STURGEON, LP** have the right to terminate employment at any time, with or without advance notice, and with or without cause. No one other than the President of **N.C. STURGEON, LP** has the authority to alter this agreement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the President of **N.C. STURGEON, LP**.

Descriptions of various fringe benefits (such as group insurance) are summaries only. Should the descriptions in this handbook differ with any formal agreement or document involved, the formal agreement or document shall be considered correct. The policies, practices and its described replace all earlier written and unwritten ones.

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## **Management Philosophy**

N.C. STURGEON, LP pledges to its employees that as long as the affairs of this company are in our hands, the following principles will govern our actions with employees.

N.C. STURGEON, LP employees and their welfare are very important to the success of our company. Our long range objective is the continuous development of a growing and prospering business through which both the employees and the company will benefit. Every employee is considered a member of our company team. Our success as a company is built on the recognition of the skills and efforts made by each employee. It is our policy to work with all members of our team in a fair and friendly manner and to treat each team member with dignity and respect.

The management of N.C. STURGEON, LP will work continually for the benefit of our present and prospective customers as well as our employees to improve the competitive position of our company. This will enable us to provide excellent jobs for our team members.

General conditions such as safety, cleanliness, and employee accommodations will be evaluated periodically for possible improvement and will always compare favorably with good industry practice. We will be pleased to meet working conditions.

We will devote our best effort to conducting an expanding business within which will prevails an atmosphere of harmony with opportunity for all employees of N.C. STURGEON, LP.

Chuck Sturgeon, President  
N.C. Sturgeon, LP

## **SECTION 1 EMPLOYMENT**

### **APPLICATION FOR EMPLOYMENT**

All candidates for employment with N.C. Sturgeon, LP must fully complete, date and sign the company's standard employment application form. (A resume will not be accepted in lieu of a completed employment application.) The application form should be completed in detail and signed by the applicant to verify the accuracy and completeness of previous employment and personal information.

The company may investigate any portion of the requested information and may deny or later terminate the employment of anyone giving false, misleading, or incomplete information.

The completed employment application form will be made part of the personnel file of those applicants accepted for employment.

An employment application form completed by an applicant not selected for available openings will be maintained in an active file for a minimum of twelve (12) months and reviewed as suitable openings occur.

### **CONFIRMATION OF PREVIOUS EMPLOYMENT**

It is the policy of N.C. Sturgeon, LP to request information from a prospective employee's previous employer(s) in order to obtain the prospective employee's work record as it pertains to his/her application for employment.

### **COMPLIANCE INFORMATION**

In order for the company to comply with federal government regulations regarding its practice to employ people without discrimination, it is necessary for the company to compile and maintain detailed information on each formal candidate for employment and those who are hired.

This information will include the candidate's or employee's sex, race, and veteran's status including service in the Vietnam era.

## **IMMIGRATION LAW COMPLIANCE**

N.C. Sturgeon, LP is committed to employing U.S. citizens and aliens who are authorized to work in the United States and will not unlawfully discriminate on the basis of citizenship or national origin.

As a condition of employment and in compliance with the federal Immigration and Reform Control Act (IRCA) of 1986, each new employee must complete an Employment Eligibility Verification form (Form I-9) and present documents that establish identity and employment eligibility.

Identity can be established by providing documentation such as a current state-issued driver's license, a state issued identification card, or similar document such as a school I.D. with photograph, voter's registration card, or military service record.

An employment eligibility document is a Social Security card, a birth certificate, or an immigration document.

If proper identity and employment eligibility documents are not provided, an employee will not be allowed to continue employment.

An employee will not be allowed to continue employment without providing proper identification documents.
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## **MEDICAL EXAMINATION**

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

For certain positions or under certain circumstances and after an offer of employment, a medical examination may be required. When a medical examination is requested, the medical examination will be conducted by a company appointed physician at the company's expense. Employment and assignment will be conditional pending the receipt of a satisfactory physician's report.

Current employees may also be required to undergo medical examinations. When necessary, these exams will evaluate an employee's ability to perform the essential functions of the position or need for possible accommodation. Such examinations will be conducted for all employees in the same job category and will be scheduled at reasonable times and intervals. The exams will be conducted at the employer's expense.

## **DRUG TESTING**

N.C. Sturgeon, LP is committed to providing a safe, efficient, and productive environment for all employees; therefore, job applicants and current employees may be asked to provide body substance samples (such as urine and/or blood) to determine illegal use of drugs or alcohol. Any applicant who fails the drug test will not be accepted for employment. Any employee who refuses to submit to drug testing is subject to disciplinary action up to and including termination of employment.

Questions concerning this policy should be directed to Chuck Sturgeon (or his successor).

## **MOTOR VEHICLE RECORD (MVR) INQUIRY**

Employees may be expected to drive company vehicles and must provide the company with current and acceptable motor vehicle driving information. Employment and/or assignment will be conditional pending the receipt of a satisfactory report from the Department of Public Safety.

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

N.C. Sturgeon, LP was built upon teamwork and equal opportunity. We will continue to be successful when people are treated fairly and allowed to advance and achieve their full potential. We are proud of the fact that we extend equal employment opportunities to all qualified employees and applicants for employment without regard to race, color, religion, sex, age, national origin, or disability, which if needing accommodation, may be reasonably accommodated as required by law.

All phases of employment including, but not limited to, recruiting, hiring, selection or training, promotion, demotion, discipline, rates of pay or other compensation, transfer, layoff, termination, recall use of all facilities, and participation in all company-sponsored activities, will be administered so as to further the principle of equal employment opportunity.



## **AFFIRMATIVE ACTION PLAN**

N.C. Sturgeon, LP shall continue to base decisions on employment so as to further the principles of equal employment opportunity by hiring and employing qualified, reliable, productive employees without regard to race, color, religion, sex, age, national origin, veteran's status, and mental or physical disability. In order to implement this policy, the company has adopted an affirmative action program.

N.C. Sturgeon, LP will cooperate with federal, state, or local government agencies that have the responsibility of observing our actual compliance with various laws relating to employment. The company will furnish such reports, records, and other matters as requested in order to foster the program of equal opportunity for all persons regardless of race, color, religion, sex, age national origin, disabled or Vietnam Era veteran status, or physical or mental disability.

The company has designated Patti Ares (or her successor) as its Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer is responsible for coordinating all aspects of the Equal Opportunity process to assure of non-discrimination and compliance with all applicable orders and guidelines. Questions and/or complaints concerning equal employment opportunity should be directed to the company's Equal Employment Opportunity Officer.

## **EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA)**

Title I of the Americans with Disabilities Act prohibits discrimination in any terms or conditions of employment for qualified individuals with a disability.

The Americans with Disabilities Act requires that employment decisions be based on the ability of a person to perform the essential functions of a job and not the person's disability or limitations.

Further, it requires management to reasonably accommodate individuals with disabilities when necessary.

To comply with the employment provisions of the Americans with Disabilities Act, N.C. Sturgeon, LP will:

- Identify the essential functions of a job
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties
- Determine whether a reasonable accommodation can be made for a qualified individual.

## **CATEGORIES OF EMPLOYEES**

Employees are designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws and do not receive overtime pay.

In addition to the non-exempt or exempt classification, employees are divided into the following categories for the purpose of compensation and benefit eligibility. Company policies apply to all categories of employees

### **FULL-TIME**

Employees hired full time (40 hours or more) on a full work week basis for a continuous and indefinite period of time are considered full-time employees for all compensation and benefit purposes.

### **PART-TIME**

Employees whose work schedule is less than full-time (less than 40 hours) on a full work week basis for a continuous and indefinite period are considered part-time employees for all compensation and benefit purposes. Part-time employees are eligible for some benefits by specific reference only.

### **TEMPORARY**

Employees hired as temporary replacement for full-time or part-time employees, or for short periods of employment such as summer months, peak periods, and vacations are considered temporary employees. Temporary employees are not eligible for benefits regardless of the number of hours or weeks worked.

## **BENEFIT ELIGIBILITY**

The term “eligible employee(s)” used in Section 3 Benefits of this handbook refers to full-time employee(s) unless otherwise designated. Each employee will be advised of the status of his/her position when he/she is hired.

- Full-time employees are entitled to the benefits stated in this handbook provided they qualify for each individual benefit.
- Part-time employees are entitled to those employee benefits specifically designated.
- Temporary employees are not eligible for benefits.

## **ORIENTATION**

Following the acceptance of employment, the Supervisor will discuss job duties and areas of responsibility with a new employee. Company policies and procedures will also be reviewed. A copy of the Information Handbook for Employees will be available for the new employee to read and review.

After reviewing the handbook, the employee must sign a statement acknowledging his/her understanding of the information contained in the Information Handbook for Employees. This statement must be witnessed by any salary employee of N.C. Sturgeon and must be returned to the Home Office within seven (7) days of commencement of employment. This signed/witnessed copy of the statement will become part of the employee's personnel file.

A copy of the Information Handbook for Employees will be available for future reference for all employees.

## **EVALUATION PERIOD**

During the first thirty (30) days of employment, N.C. Sturgeon, LP and each new employee are given an opportunity to evaluate whether the employment relationship should continue.

Before the end of this thirty (30) day period, the employee's performance will be evaluated. An employee who satisfactorily completes the evaluation period will be notified by his/her supervisor of his/her employment status.

During the evaluation period, an employee may voluntarily terminate employment without notice, or if the performance of the employee is not satisfactory as determined by N.C. Sturgeon, LP, the employee may be released with or without notice.

The completion of the evaluation period should not be considered as a guarantee of permanent employment. N.C. Sturgeon, LP evaluates employees on a continuing basis and reserves the right to terminate an employee at any time during or after the evaluation period.

## **PAYROLL INFORMATION**

Following the acceptance of employment, each new employee will be given federal and state tax forms (along with insurance forms) to complete. The completed forms, the employment application form, and information regarding starting pay, starting date and any other pay or benefit information will be forwarded to the Home Office.

## **CONTINUOUS SERVICE DATE**

So that the company can maintain a record of the benefits for each employee, a continuous service date will be established for each full-time employee. The continuous service date will be the employee's first day of employment and will continue uninterrupted as long as he/she remains a full-time employee of N.C. Sturgeon, LP.

## **IDENTIFICATION**

Some projects require special identification badges and/or cards for N.C. Sturgeon, LP employees. Employees will be provided with identification badges and/or cards when they are necessary.

## **EMPLOYMENT OF RELATIVES**

The company discourages the employment of close relatives because it is not considered sound business practice. However, under certain conditions, management may waive this policy in favor of employing close relatives within the organization.

For the purpose of this policy, a relative is any person who is related by blood or marriage or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

## **EMPLOYMENT OF MINORS**

The following provisions apply with respect to the company's employment age requirements:

- The company will fully comply with the Child Labor provisions of the Fair Labor Standards Act and applicable state statutes, which govern the employment of minors.
- For purpose of insurance risk, it is the company's policy to discourage the employment of individuals younger than age 18 in any position with the company. In any case involving the hire of a person under the age of 18, a written release must be secured from a parent/guardian in advance of the person's start date.
- Should the company have any reason to question whether an individual applicant is under age 18; the applicant may be required to furnish proof of birth date.

## **EMPLOYEE INFORMATION**

Employees are asked to help keep the company informed about any major change that may affect their employment status. Each employee is responsible for promptly notifying the company of important changes in personnel data. Personnel data should be current and accurate at all times and any change of the following should be reported to your supervisor.

- Name
- Address
- Home telephone number
- Marital status
- Number of dependents
- Emergency telephone numbers and whom to notify in case of emergency
- Change of beneficiary
- Driving record
- Authorized payroll deductions
- Additional education and special training courses

## **PERSONNEL FILES**

N.C. Sturgeon, LP will maintain a file on each employee. An employee's personnel file begins with his/her completed employment application form. From time to time various information will be added to this personnel file regarding an individual's employment status with the company. Personnel files are the property of N.C. Sturgeon, LP and will be treated the same as any other confidential company information.

- The following provisions apply with respect to the company's standards for establishing, maintaining, and handling employee personnel files.
- All official records concerning an employee will be kept up to date insofar as possible and all employees shall promptly report all pertinent personal information and data changes to the Home Office
- Employees will be permitted to review their personnel files as permitted by applicable laws.
- Information regarding the medical condition or history of an employee will be kept in a separate file with restricted access.
- The personnel file of an employee terminating employment will be maintained in accordance with applicable state and federal laws.

## **CONTENTS OF PERSONNEL FILES**

Employee personnel files may include the following:

- a) Original employment application
- b) Employment Eligibility Verification (Form I-9)
- c) Performing appraisal reports
- d) Disciplinary action notices
- e) Special Commendation information
- f) Educational achievement records
- g) Status changes affecting employee's work and salary history
- h) Employee's resume (if submitted)
- i) Signed/Witnessed copy of the Acknowledgement of Receipt and Understanding
- j) Other relevant documents as determined by the Personnel Department

## **EMPLOYEE'S REQUEST FOR REVIEW OF PERSONNEL FILE**

The following provisions apply with respect to an employee's request to review his/her personnel file:

- The Personnel Department will have the responsibility of coordinating the review of an employee's personnel file with the employee's immediate supervisor.
- A member of the Personnel department staff must be present while the employee reviews his/her personnel file.
- The employee may take notes, but may not remove, deface, or otherwise make notations on the documents in his/her personnel file.
- Upon request from the employee, the company may provide a copy of any item(s) in the employee's personnel file.

## **MANAGEMENT'S REVIEW OF PERSONNEL FILES**

All information in employee personnel files is considered confidential. This information will only be available to the Personnel Department, the employee, senior management personnel, and supervisors or managers who are responsible for the employee. Any violation of this policy is considered a very serious offense.

One exception will be in a transfer situation where the supervisor of the department to which an employee may be transferred will be allowed to review the employee's file with approval of the Personnel Department and the employee's immediate supervisor.

## SECTION 2 WORKING HOURS AND PAY

### WORKING HOURS

The company's normal work week begins at 8:00 a.m. Monday and ends at 5:00 p.m. Friday; (however, regular working hours may vary depending on the particular job, department, shift, or working conditions). Regular working hours are as follows:

**Office** 8:00 a.m. to 5:00 p.m. daily  
(Monday –Friday)  
With a 1 hour lunch break

**Field** 7:30 a.m. to 4:00 p.m. daily  
(Monday-Friday)  
With a ½ hour lunch break

**Other** \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. daily  
( \_\_\_\_\_ - \_\_\_\_\_ )  
With a \_\_\_\_\_ hour lunch/break

Each employee is expected to complete a normal workday and work week and work whatever reasonable additional hours are required to meet company needs.

Supervisors will inform employees of scheduled break and/or lunch periods. Employees are expected back at their work station ready to start work at the end of each scheduled break and/or lunch period. If overtime is required, employees will be expected to work any additional time necessary.

### OVERTIME

Employees may be scheduled to work overtime when operating requirements or other needs cannot be met during regular working hours. Whenever possible, advance notification will be provided. If determined necessary, overtime work will be authorized by management beyond an employee's standard work week. Non-exempt hourly-paid employees will be paid overtime compensation in accordance with federal and state wage and hour provisions. Overtime pay is based on actual hours worked. Time off for vacation leave, sick leave, a company-observed holiday or any leave of absence will not be considered as hours worked when computing overtime.

Any employee who fails to work scheduled overtime or works overtime without prior authorization from management will be subject to disciplinary action up to and including termination of employment.

### **PREMIUM TIME**

Hourly employees required to work on their regularly scheduled day(s) off will be paid one and one half (1 ½) their regular rate of pay regardless of the number of hours worked in the work week. Premium time must be approved by project superintendent prior to commencement of premium time. All premium time must be verified by “clocking in” on time clock.

### **REPORT-IN PAY**

In the event an employee is told to report for work and weather or other circumstances prevents work that day, the employee will be paid for one-hour short time.

### **PAY PERIOD AND PAYMENT**

The pay period is:

Hourly Employees-----Weekly

Salary Employees-----Semi-Monthly

1. Hourly personnel are normally paid on Thursday for work performed Monday through Sunday of the previous week.
2. Salary personnel are normally paid on the 15<sup>th</sup> of the month for work performed the 1<sup>st</sup> through the 15<sup>th</sup> of the current month and on the last for work performed the 16<sup>th</sup> through the last day of the current month.

### **PAY RATE SCHEDULE (NON-EXEMPT)**

The company has established certain pay rate schedules for non-exempt employees based upon the work classifications. The length of time in a classification is a general guideline only and being employed by the company for any particular period of time does not necessarily mean automatic promotion.

### **WORK CLASSIFICATIONS**

- A. As agreed in Interview

The company also uses general guidelines for levels of qualification. The rate schedule will be explained to a new employee at the time of hiring.



## **RECORDING TIME WORKED**

Government regulations require that the company keep an accurate record of time worked by employees in order to calculate pay benefits.

Non-exempt employees are required to punch in when they report to work and punch out when they finish. They must also punch in and punch out at lunchtime.

Time cards will be maintained by Supervisors for those employees under his/her responsibility.

It is the employee's responsibility to sign his/her time record to certify the accuracy of all time recorded before submitting it for processing. In addition, if corrections or modifications are made to the time record, both the employee and Supervisors must verify the accuracy of the change by initialing the time record.

It is a violation of company policy for one employee to punch another employee's timecard, to alter another employee's timecard or alter his/her own timecard without permission.

If an employee has a question concerning his/her timecard, he/she should discuss the matter with his/her Supervisor.

Premium time will not be considered unless verified by time clock (filled out by hand by employee will be denied).

## **ATTENDANCE**

Regular and on-time attendance is expected for efficient operations at N.C. Sturgeon, LP. Excessive absenteeism and tardiness is not only inconvenient but also causes costly problems. While it is recognized that an occasional illness or extenuating personal reason may cause unavoidable absence from work or tardiness, regular on-time attendance is required for continued employment.

Employees are expected to personally make the effort to notify the company of any absence or tardiness. Employees should contact his/her supervisor directly to report any absence or lateness prior to their starting time so that arrangements may be made to alter the distribution of work if necessary.

If the Supervisor is not available, then the employee should notify his/her Foreman of the absence or lateness.

Any employee who fails to maintain an acceptable attendance record will be subject to disciplinary action. Unexcused absence or tardiness will affect future promotions and/or raises.

If any employee is absent from work for two (2) consecutive days without informing his/her Supervisor, it will be assumed that the employee resigned and employment will be terminated as of the last day worked by the employee.

### **UNEXCUSED ABSENCE**

The Following are descriptions of disciplinary actions that will result from unexcused absence:

- 1<sup>st</sup> Offense-----Verbal reprimands with written notice to employee file
- 2<sup>nd</sup> Offense-----Written notice (copy to employee's personnel file)
- 3<sup>rd</sup> Offense-----Termination

### **TARDINESS**

Tardiness applies to returning from lunch and/or break periods as well as the beginning of the work day. The following describes the disciplinary actions that will result from tardiness.

- 1<sup>st</sup> Offense-----Verbal reprimands with written notice to employee file
- 2<sup>nd</sup> Offense-----Verbal reprimands with written notice to employee file
- 3<sup>rd</sup> Offense-----Suspension for up to 5 working days without pay
- 4<sup>th</sup> Offense-----Suspension for 10 working days without pay up to termination

### **FAMILY EMERGENCY**

In the event the Personnel Department or Home Office receives word of an emergency related to a member of an employee's family, the employee will be notified as soon as possible. Should the employee be at a location away from his/her normal workplace, arrangements will be made to contact the employee, and if necessary, arrange for the employee to return home immediately.

## **SEVERE WEATHER CONDITIONS**

Occasionally severe weather or emergency situations (such as fires, power failure, flooding or earthquakes) can disrupt company operations and circumstances may necessitate early closing, late opening, or cancellation of work. A determination on opening or closing will be made at the discretion of senior management. In the event an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing or late opening.

Unless otherwise notified, employees are expected to be at work on time. If an employee arrives late, leaves early, or otherwise alters his/her normal work schedule without prior approval from management, he/she will be expected to make up this time.

## **PERFORMANCE EVALUATIONS**

Performance of employees will be evaluated periodically by management. The evaluation consists of a personal interview during which an employee's strengths and weaknesses are discussed and evaluated and recommendations for improvements are made. These interviews also identify the short and long-range goals of employees and determine how they interrelate with the company's purpose and objective.

Any recommendations for promotion, a change of duties, or an increase in pay must be approved by the Personnel Department before any change take effect. A performance evaluation does not necessarily mean a change in pay or duties.

## **ADVANCEMENT**

N.C. Sturgeon, LP believes in promoting from within the company. We want employees to have the opportunity for promotion to higher paying positions within the company. A promotion will be based on such factors as quality and quantity of work, prior job performance, experience, educational background, attendance record, safety record, and the ability to work well with others.

We reserve the right to look outside the organization if we feel that an employee with the best qualifications cannot be found within the organization.

## **PAYROLL DEDUCTIONS FROM GROSS PAY**

The company will make arrangements for payroll deductions for the following:

- Federal, State, and Local income tax
- Social Security taxes
- Past due taxes
- Garnishments (including child support) or other court ordered wage deductions
- Employee's portion of group insurance premiums
- Employee's portion of group insurance premiums for coverage on eligible dependents
- Uniforms-if applicable
- Loss, damage, or destruction of company property
- 401 (K) Retirement Savings Plan contributions
- Charitable contributions

Any deductions (other than statutory deductions) must be authorized by the employee. No other deductions will be made unless specifically authorized in writing by the employee. All deductions will be itemized on the employee's paycheck stub. Questions regarding payroll deductions should be directed to his/her supervisor.

## **ERROR IN PAY**

The company takes precautions to ensure that employees are paid correctly; however, if an error does occur, the employee should notify the Payroll Clerk. The company will make every attempt to adjust the error no later than the employee's next regular pay period.

## **GARNISHMENT OF EMPLOYEE WAGES**

Garnishments are court orders requiring an employer to withhold specified amounts from an employee's wages for payment of a debt owned by the employee to a third party. State law requires the company to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs.

## **SEVERANCE PAY**

It is the policy of N.C. Sturgeon, LP to provide severance pay to full-time employees whose employment is terminated for reasons that are not unfavorable to N.C. Sturgeon, LP as determined by the company in its sole discretion.

Specifically excluded from benefits under this provision would be an employee who was hired as a temporary employee for a specified period of time or one who was offered but refused to accept another suitable position with the company.

## **ADVANCES AND LOANS**

It is acknowledged that emergency situations can arise that necessitate employee requests for pay advances or loans. Any employee requesting such assistance should submit a written request to his/her Supervisor indicating the nature of the emergency involved. The request will be evaluated and a determination will be made as to whether an advance or loan can be granted. No loan will be granted if a previous loan was made within 12 months. Interest will be charged on all loans.

## SECTION 3 BENEFITS

The company provides a well-balanced program of benefits designed to meet the needs of employees and provide protection from financial hardship. These benefits will be reviewed periodically to assure that they keep pace with area practice.

The information contained in this handbook regarding employee benefits is not a contract to provide these benefits to any employee. The eligibility requirements of these benefits are described in the summary plan, documents and/or benefit booklets. Full-time employees are eligible for benefits provided by the company if they meet specific requirements.

The terms of the benefit plans described are subject to change at any time by the insurer(s) or N.C. Sturgeon. LP.

### VACATION ELGIBILITY (SALARY)

The company recognizes that employees need a scheduled time away from normal work duties for their personal well-being. The company grants annual vacation with pay to salaried employees who meet the requirements. In addition to the following schedule, each employee shall receive one (1) shopping day in either November or December as additional vacation day.

<u>Length of Continuous Service</u>	<u>Eligible Vacation</u>
1 year.....	5 days
2 years.....	10 days
3 years.....	11 days
4 years.....	12 days
5 years.....	13 days
6 years.....	14 days
7-10 years.....	15 days
20 years or more.....	20 days

## **(HOURLY)**

Hourly employees are entitled to work and be compensated for overtime at a rate of 1.5 time's regular pay. Salaried employees do not have this privilege. Therefore, full-time hourly workers are entitled to a total of five (5) days of paid vacation after one full year of full-time employment. Years of service after the first year do not increase the amount of vacation time for hourly workers. Other than the above, all vacation benefits are the same for hourly workers as for salary workers.

### **VACATION SCHEDULES**

Vacation requests must be made at least **two weeks** prior to the desired vacation time. Vacation may be taken at any time during the year after eligibility with the following provisions:

- Employees are expected to take their paid vacation time as a means of rest and diversion for themselves and their families.
- Vacation must be approved in advance by Supervisor or Foreman.
- Unused vacation time may not be carried over into the next vacation year.
- If vacations are not taken by anniversary date each year, they are forfeited.
- Vacation time must be taken in minimum increments of one day.
- A holiday observed by the company that falls during the vacation period would be considered as a paid holiday and not vacation time. This day of vacation may be taken at another time as approved.
- An employee must work the regularly scheduled work days before and after the paid vacation period in order to be eligible to receive vacation pay.
- Job requirements will always have precedence over vacation schedule.
- Length of service will be considered in the event a conflict of vacation schedule arises.

### **VACATION PAY**

The following provisions apply with regard to vacation pay:

- Pay for vacation time will be at the employee's regular rate of pay.
- Paid vacation time will not be considered as time worked for the purpose of computing overtime.
- Pay in lieu of unused vacation will not be allowed.

## **OBSERVED HOLIDAYS**

The company normally recognized the following paid (Meaning Salaried Workers) holidays; however, the company may decide to work on a holiday depending upon job requirements.

New Year's Day  
Good Friday  
Memorial Day  
Independence Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Day

The following provisions apply with regard to holidays observed the company:

- A recognized holiday that falls on a Saturday will be observed on the proceeding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.
- When a recognized holiday falls on a Saturday or Sunday, its observance will be at management's discretion.
- An employee must also work the regularly scheduled workdays before and after a holiday to be eligible for holiday pay.
- Paid holiday time will not be considered as time worked for the purpose of computing overtime.

## **GROUP HEALTH INSURANCE**

Group health insurance is available to all full-time employees. Coverage will become effective on the first of the month following 30 days of continuous employment.

At the present time, the company pays 50% towards the cost of premiums or claims in the case of a semi-self insured policy for coverage on employees and 0.0% towards the cost of coverage on their eligible dependents. Employees who want to include coverage on their eligible dependents may do so by indicating this choice on the group health insurance enrollment form.

As health care costs continue to rise, the company will attempt to provide suitable health coverage to its employees. However, when necessary, the company reserves the right to change the portion paid by employees for health insurance premiums or to discontinue the health insurance program for a raise of equal value.



If an employee previously covered by the company's group health insurance plan is laid off because of temporary lack of work or illness and is rehired within (3) months of the layoff, the employee will become eligible to participate in the company's group health insurance carrier.

The insurance carrier will provide eligible employees with a detailed summary of the insurance coverage provided.

### **CONTINUATION OF GROUP HEALTH INSURANCE (COBRA)**

N.C. Sturgeon, LP will comply with federal regulations relating to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), which is designed to provide employees and eligible dependents with the opportunity to continue health insurance coverage at group rates in certain instances in which coverage would otherwise cease. The premium for this coverage is the sole responsibility of the employee or dependent. Further information may be obtained from Patti Ares (or her Successor).

### **GROUP LIFE INSURANCE**

Group life insurance is available to all full-time employees. The employee pays premiums for group life insurance. This coverage becomes effective at the same time as the group health insurance. Information will be provided together with the group health insurance booklet. Questions regarding group life insurance should be directed to the Patti Ares (or her successor).

## **401 (K) RETIREMENT SAVINGS PLAN**

This program enables employees to save for retirement on a pre-tax basis. Employees may elect to defer from 2% to 12% of their pay. Employees are eligible to participate in the 401 (K) Retirement Savings Plan following one year of continuous service and may enter the Plan in either January or June.

The company matches employee contributions in the first year of employment 50% up to \$1,000. After completing one year of service (at least 1900 hours worked) and beginning on the first month following their employment anniversary date, employees are eligible for matching company contributions.

Employee contributions are 100% vested immediately. All matching company contributions added to an employee's 401 (K) accounts are vested according to the following schedule:

<u>Years of Participation in the Plan</u>	<u>Vesting Schedule</u>
Less than 0-1 year.....	0%
At least 2 years.....	20%
At least 3 years.....	40%
At least 4 years.....	60%
At least 5 years.....	80%
6 or more years.....	100%

## **EDUCATIONAL ASSISTANCE**

The company encourages all full-time employees to be more effective on the job and to increase their career potential within the company by voluntary participation in job-related classes, continuing education programs and/or professional seminars outside regular working hours. The company feels employee development is advantageous to both the company and the employee.

With prior approval from management, the company will reimburse a percentage to eligible employees with one or more years of continuous service for the cost of job related classes/seminars (up to \$300.00 in a calendar year) upon successful completion according to the following schedule:

<u>Final Grade</u>	<u>Eligible Reimbursement</u>
A.....	100%
B.....	80%
C.....	60%
D.....	40%
F.....	0%

If an employee attends a job-related class/seminar that requires an overnight stay, reimbursement for lodging and/or meal expenses will be made according to previously established guidelines. Receipts along with a properly completed Expense Report are required at the time the reimbursement is requested.

Any cost to attend a seminar will be paid directly by the company before the employee attends. If the employee fails to attend a seminar, the cost to attend the seminar or any cancellation fee incurred will be at the expense of the employee.

Employees requesting educational assistance must comply with the following conditions:

- The employee must submit a written request for educational assistance to the President listing the name of the school, a description of the course, tuition cost, scheduled time, and whether or not the employee is working toward a degree.
- The employee must be employed full time by the company at the time the reimbursement is paid.
- Upon successful completion of the course, the employee must submit all receipts for books, tuition, student fees, etc., along with a copy of the final grade received to Personnel for review before reimbursement is paid.
- Reimbursement for educational assistance will not be made if the course is dropped, failed, or in any way not completed, or if the employee ceases to be employed by the company for any reason.
- Reimbursement will not be made by the company if the employee is receiving payment for course(s) grant or scholarship from other sources, for example, the G.I. bill.
- Final approval for all educational assistance will be given by Chuck Sturgeon (or his successor).
- Any special cases or situations not listed above will be at the discretion of Chuck Sturgeon (or his successor).

## **JURY/WITNESS DUTY**

When an employee is required to serve as a juror or is subpoenaed to serve as a witness (on company business), time off up to five days with pay will be granted as follows:

- The employee must notify the Personnel Department upon receipt of a summons or subpoena so that arrangements can be made to accommodate the employee's absence.
- A document from the court, which shows the time spent by the employee and the amount paid to the employee, must be submitted to the Personnel Department.
- The company will pay the difference between what the court pays the employee and the employee's regular rate of pay.
- Verification of an employee being seated on a jury, being detained in a jury pool, or subpoenaed as a witness is required.
- An employee who is subpoenaed to serve, as a witness for reasons not related to company business must use earned vacation time.
- If the court dismisses the jury early, the employee is expected to return to work as soon as possible (and complete a regular work day comprised of civic time and time on the job).
- Should the employee's work duties with the company be vital to its operation, the company may ask the court to excuse the employee from jury duty.

## **VOTING**

The company encourages its employees to vote in every election and up to one hour with pay will be provided for voting. Employees should request time off to vote from Personnel at least five (5) working days prior to the Election Day. Advance notice is required so that arrangements can be made to alter the distribution of work if necessary.

## FUNERAL LEAVE

In the event of a death in an employee's immediate family, the employee will be allowed up to five days off without pay in order to assist with arrangements or to attend the funeral according to the following schedule. Special consideration will also be given in the event of a death of any other person whose association with the employee was similar as close family friend, a foster child, or significant other.

<u>Family Member</u>	<u>Time Off Allowed</u>
Spouse.....	5 days
Parent/Stepparent.....	5 days
Child/Stepchild.....	5 days
Brother/Stepbrother/Sister/Stepsister.....	5 days
Grandparent.....	2 days
Grandchild.....	2 days
Mother-in-Law/Father-in-Law.....	1 day
Son-in-Law/Daughter-in-Law.....	1 day
Brother-in-Law/Sister-in-Law.....	1 day

If additional time is necessary, vacation time may be used provided the employee is eligible for vacation time.

Employees who must take time off due to the death of an immediate family member should notify the Personnel Department immediately. If proper notification is not given the employee will not be paid for the funeral leave.

Payment will not be made under this policy when a death occurs during an employee's vacation, leave of absence, and layoff or at a time when an employee receives holiday pay.

The company reserves the right to request substantiation of any death in an employee's immediate family and/or confirmation of an employee's attendance at a funeral.

## **SICK LEAVE**

The company allows employees five days unpaid sick leave per year. The following provisions apply:

- Upon completion of one year of continuous employment, eligible employees can request use of sick leave.
- Sick leave benefits are calculated on the basis of a benefit year (the twelve (12) month period that begins when the employee starts to earn sick leave benefits).
- Eligible employees will accrue sick leave at the rate of five (5) days per year.
- Sick leave will be calculated based on the employee's base rate of pay at the time of the absence and will not include any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
- Sick leave days may not be allowed to accumulate.
- Sick leave may only be used for an absence due to the eligible employee's own illness or injury.
- Sick leave benefits are intended to provide income in the event of illness or injury and may not be used for any other absence.
- Paid sick time will not be considered as time worked for the purpose of computing overtime.
- Unused sick leave will not be paid to employees while they are employed or upon termination of employment.
- The employee must contact his/her Supervisor when he/she cannot report to work before the start of his/her scheduled workday. Until medical certification is received, this should be done every day prior to the employee's normal start time so that necessary arrangements may be made to redistribute work.
- The company reserves the right to request an explanatory note from the employee's physician should an absence extend beyond three (3) consecutive working days due to a non-job-related illness or injury.

## **MEDICAL ABSENCES**

The company reserves the right to request an explanatory note from the employee's physician should an absence extends beyond three (3) consecutive working days due to a non-job-related illness or injury.

When an employee is absent from work for more than three (3) consecutive working days, management will review the situation to determine if there is a need to fill the position in the individual's absence.

Absence due to pregnancy, childbirth, and related medical conditions will be treated the same as any other non-job-related illness or disability.

Medical absences for periods in excess of weeks (three working days) are at the discretion of management and may be denied, approved on conditions which are necessary to the company's interest.

The status of an employee's position and benefits during and at the conclusion of any such extended medical absence will be determined by management and communicated to the employee before or at the time the absence is granted.

## **MATERNITY LEAVE**

It is the policy of N.C. Sturgeon, LP to allow maternity leave-without-pay up to two weeks with the following provisions:

- The determination of the beginning and closing dates of the employee's absence will be a joint decision between the employees; the employee's attending physician and the employee's supervisor.
- Before commencing maternity leave-without-pay, the employee must use all allowable sick leave and all earned annual leave.
- The employee may return to work within a specified period of time (up to 21 days) after commencement of maternity leave-without-pay providing that the employee has medical approval. This period of time can be extended upon medical recommendation if approved by the company and at its discretion.
- If the employee returns to work within the specified time period or as soon as medically approved thereafter, the employee will be reinstated to the position held prior to the leave or a position of equivalent status and pay.
- A medical release from the employee's attending physician is required upon return to work.
- If the employee does not return to work within the specified number of days or as soon as medically approved thereafter, the policies governing leave of absence without pay will apply.

## FAMILY/MEDICAL LEAVE

In general an employee who has completed at least twelve (12) months of continuous service with N.C. Sturgeon, LP and performed at least 1,250 hours of service in the prior 12 month period is eligible to receive an unpaid family/medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). The following provisions apply with regard to the family/medical leave policy for employees of N.C. Sturgeon, LP:

- Family/medical leave may be taken only if it is made necessary due to one of the following reasons.
  1. Within twelve (12) months of the birth of a child of the employee in order to take care of the child.
  2. Within twelve (12) months of the placement of a child with the employee in connection with adoption or foster care in order to care for the child.
  3. A serious health condition of the employee's child, parent, or spouse.
  4. A serious health condition of the employee which prevents him/her from performing the essential functions of his/her job.
- In no instance does the federal law require the company to grant more than a total of twelve (12) weeks of unpaid leave in any consecutive twelve (12) month period.
- If any employee and his/her spouse both work for N.C. Sturgeon, LP, they would be eligible for a single twelve (12) week period which they can split between them. However, if the need for leave is for their own serious health condition or that of their spouse or child, each would be eligible for a total of twelve (12) weeks.
- Any leave granted to an eligible employee under this law because of serious health condition of a family member may be taken consecutively or intermittently depending on the legitimate needs of the employee.
- The employee must make a reasonable effort to schedule such leave so as not to disrupt the company's business operations.
- Any leave granted due to the birth or adoption of a child must be taken consecutively unless otherwise agreed to by the company and must be completed within on (1) year of the adoption or birth.
- During the leave, the employer will maintain the employee's health care coverage under the same conditions as coverage would be provided if the employee were continuously employed during the entire leave period. Both the employer and the employee will be responsible for payment of their share of the premium during the leave period.
- Eligible employees must provide reasonable prior notice to the company when requesting a leave of absence under the law. The company may require an employee to provide certification issued by a licensed health care provider in order to ensure that the employee meets the eligibility requirements.
- The company is not required to comply with the FMLA to the extent an employee is among the highest paid 10% of employees of the company within a 75 mile radius of any worksite if the company can show that granting the leave would cause substantial and grievous economic injury to its operations.

For more information about family/medical leave contact the Personnel Department.



## **MILITARY LEAVE**

It is company policy to grant a leave of absence without pay to employees who participate in U.S. Armed Forces Reserve or National Guard training programs in accordance with the provisions of the Universal Military Training and Service Act.

## **SOCIAL SECURITY**

Social Security provides benefits for employees and their families as specified by law in the event of retirement, hospitalization after age 65 (**Medicare**), total and permanent disability before age 65, and death at any time.

The company matches the amount of Social Security taxes paid by each employee. Contact the local Social Security Office for details.

## **WORKERS' COMPENSATION**

Employees of N.C. Sturgeon, LP are covered by Workers' Compensation insurance that is purchased by the company in the state in which it operates. This insurance provides compensation to an employee for lost wages caused by illness, accidental injury, or death suffered in the course of or as a result of his/her employment with the company in accordance with the laws of the state of Texas.

### **Eligibility**

Eligibility for benefits under Workers' Compensation insurance is automatic and is effective on date of hire.

### **Reporting**

A report must be filed within 4 hours of the onset of illness or injury.

### **Benefits**

Workers' Compensation benefits provide weekly payments based upon a statutorily specified amount of the employee's regular earnings as well as payments for medical and hospital expenses arising out of an occupational illness or injury.

## **UNEMPLOYMENT COMPENSATION**

Unemployment compensation is another form of insurance that is paid for entirely by N.C. Sturgeon, LP. Unemployment compensation helps employees meet a loss of income resulting from unemployment beyond their control by paying certain benefits while they are out of work. This form of protection is in addition to group insurance, Social Security, and Workers' Compensation.

**SECTION 4  
TRANSFER OF EMPLOYEES  
SEPARATION FROM EMPLOYMENT  
AND LEAVE OF ABSENCE**

**TRANSFER OF EMPLOYEES**

Transfer of employees from one department to another or from one location to another for company's convenience may be made to meet company requirements. A request for transfer should be made in writing and submitted to the Personnel Department for consideration. A transfer may be made if management determines it is in the best interest of the company and the employee.

**SEPARATION FROM EMPLOYMENT**

An employee may be separated from employment voluntarily or involuntarily by retirement, voluntary resignation, lack of work, or termination. Usually, before an employee is terminated, he/she will be told the reason(s) and will be counseled by his/her supervisor. However, if any misconduct warranting discipline severe enough, the Supervisor has the authority to discharge the employee immediately.

The Supervisor will advise the Personnel Department immediately of the date and the reason for terminating an employee.

All company property in the employee's possession must be returned to the Personnel Department upon separation from employment before the final pay check is released.

**VOLUNTARY RESIGNATION**

Any employee who voluntarily resigns his/her position with N.C. Sturgeon, LP is expected to provide the company with advance written notice of at least two weeks.

If the employee does not provide advance notice as requested, the employee will not be eligible for rehire.

## **EXIT INTERVIEW**

An employee planning to leave the company may be asked to participate in an exit interview. In addition to discussing his/her decision to leave the company with his/her immediate supervisor, a member of the Personnel Department will meet with the employee prior to the termination. Discussions concerning the reasons for leaving will assist the company in evaluating the effectiveness of its personnel policies and practices. At the time of the exit interview matters relating to final pay and any other personal considerations will be arranged.

## **PAY AT TIME OF SEPARATION FROM EMPLOYMENT**

The company will determine if the terminating employee has any outstanding debt owed to the company and whether the individual has in his/her possession any company credit cards, uniforms, tools, keys, safety equipment manuals, vehicles, ID cards/badges, or other company property.

Upon completion of a full accounting of the employee's and the company's accounts (as determined by the company), a final pay check for time worked (less deductions) will be issued to the employee on the next regular pay day in accordance with applicable federal and state law.

The company will issue a check designated as the final payment for all services rendered. The final check will not reflect any time not actually worked except for an employee separated from employment with the company for any reason before he/she has taken part or all of his/her earned vacation. The employee will receive pay for his/her earned (unused) vacation time at the time of separation from employment.

Upon resignation or termination, the employee should contact the Personnel Department for possible conversion of group insurance and to address any financial issues.

Any employee terminating employment is expected to return any property in his/her possession.

## **LEAVE OF ABSENCE**

An employee with at least 12 months of service may ask for a leave of absence without pay from the company; however, no employee is guaranteed a leave of absence.

Any request for a leave of absence must be made in writing stating a definitive period of time and must be approved (in advance) by Chuck Sturgeon (or his successor). If the time period requested is longer than the position can be held open, then the employee will be advised at that time the job may not be available upon the employee's return to work.

Management may recommend either approval or denial of a leave of absence request based upon business considerations and/or circumstances of the request, (e.g. staffing needs, employee disability, military obligations, family crisis, unusual circumstances, etc.).

Due to lack of work, the company may require an employee to take an unpaid leave of absence. The length of the company-initiated leave of absence may vary.

During any approved leave of absence the following provisions apply:

- The employee is responsible for the payment of all insurance premiums for his/her individual coverage and dependent health insurance coverage (if applicable). This money should be paid to N. C. Sturgeon, LP by the first day of each month that the employee is on an approved leave of absence.
- The employee will retain his/her original employment date (continuous service date) showing no interruption in service.
- The employee will retain his/her membership in the company's 401 (K) Retirement Savings Plan up to the amount of time allowed in the plan.
- Credit for paid vacation leave cannot be accrued during an approved leave of absence.
- If an employee accepts other employment, all of his/her benefits with the company will be terminated.
- Any leave of absence is without pay.

## **REDUCTION OF WORKFORCE**

In the event that a reduction in the company's workforce becomes necessary, employees over and above the number determined by the company as needed to perform the available work will be terminated. In determining those employees to be retained, a consideration will be given to the quality of each employee's past performance, the need for the position held by the employee and, with all other factors being equal, the length of service of each employee.

If feasible, but not as a vested right, employees subject to termination will be given a notice prior to the anticipated termination. Upon such termination, all accrued (unused) vacation leave will be paid in full and any insurance benefits required to be offered will be brought to the employee's attention.

## **SECTION 5 WORK POLICIES AND REGULATIONS**

### **CARE OF EQUIPMENT AND FACILITIES**

Employees should be concerned with the care and safe use of company-owned equipment and facilities. Employees are expected to follow all operating instructions, safety standards and guidelines. Good housekeeping is expected of every employee.

If any equipment, machine, tools, vehicles, etc. appear to be damaged, defective, or in need of repair, notify your Supervisor or Dwayne Adcock (or his successor). Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

Unsafe, destructive, careless, negligent, or improper use or operation of equipment may result in disciplinary action up to and including termination of employment.

### **PERSONAL APPEARANCE/CLOTHING**

Personal appearance, proper hygiene and appropriate attire are important to our work practices. Our customers gauge the quality of our company by the attention we show to personal appearance and attire.

Each employee personally represents the company and is required to dress in an appropriate manner. Every employee of N.C. Sturgeon, LP contributes to the company's overall public image during work hours. Appropriate attire enhances an employee's effectiveness in providing superior service.

Employees are expected to report to work wearing clean clothing. A neat, well-groomed appearance is important to the employee, their fellow workers and to our customers.

The company does not object to employees having reasonably long hair if it is groomed. Nor, does it object to mustaches and/or beards if they are kept trimmed and do not hinder the employee's performance or safety on the job.

## **SMOKING POLICY**

N.C. Sturgeon, LP is dedicated to providing a healthy, comfortable, productive work environment for our employees as well as healthy, comfortable, environment for our customers. This goal can only be achieved through ongoing efforts to protect non-smokers and to help employees adjust to restrictions on smoking. Therefore, smoking is prohibited throughout company facilities except in designated smoking areas.

### **DESIGNATED SMOKING AREAS:**

- Outside Limit of Contracts at Jobsite
- Outside Building Area at Office

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees share in the responsibility of adhering to and enforcing this policy. Any conflict should be brought to the attention of the appropriate supervisory personnel.

## **PERSONAL BELONGINGS**

N.C. Sturgeon, LP recognizes an employee's desire to display mementos pertaining to his/her family or other personal items. While N.C. Sturgeon, LP can take no responsibility for the safekeeping of these items, it welcomes its employees to personalize their work areas for added comfort or pleasantness. However, several guidelines must be observed. They are as follows:

- **Safety Comes First**-No object can interfere with job safety as viewed by company management.
- Nothing can be displayed that (in the opinion of management) is derogatory to any person or system of beliefs.
- Objects that (in the opinion of management) are inappropriate or hinder work efforts will not be allowed and must be removed upon request.

## **SAFETY EQUIPMENT**

Employees will be provided with safety equipment if it is a requirement for a particular job. This equipment will be signed for by the employee and replaced at the employee's expense if the equipment is lost, damaged, or stolen. Replacement will be provided if the equipment is shown to be defective.

## **PERSONAL TOOLS**

Employees who work in certain trade positions are required to provide their own tools to perform job assignments. The Supervisor will advise employees of the tools required and will make sure that each employee obtains the required tools. The company discourages employees from lending or borrowing tools.

## **COMPANY TOOLS AND EQUIPMENT**

The company will furnish all necessary tools and equipment to complete job assignments. Each employee is reminded that all items purchased by the company are the property of N.C. Sturgeon, LP and represents a very valuable asset of the company. It is the responsibility of the employee to whom tools and equipment are assigned to maintain and safeguard these assets as if they were his/her personal property.

An inventory of tools and equipment will be made periodically. If it is determined that an employee is negligent in the proper storage of tools, material, or supplies or they are misplaced or stolen, the employee will be asked to replace same at fair market value or the cost of the item will be deducted from the employee's pay check.

When leaving a work area, it is required that all tools be placed back in designated storage areas or removed from the work area and secured in locked storage where available.

## **ENERGY PRESERVATION AND WASTE PREVENTION**

Waste of energy and materials is costly to the company and ultimately results in losses which must be paid for by other cost reduction actions. Employees are expected to:

- Conserve energy at every opportunity by keeping thermostats in moderate ranges; i.e., 73 degrees in summer and 73 degrees in winter.
- Change filters regularly.
- Drive within posted speed limits.
- Participate in the company's recycling program.

## **SOLICITATION AND/OR DISTRIBUTION**

To prevent disruption of business activities, to minimize distractions for all employees, and to preserve company security, solicitation and/or distribution of literature, materials, goods, contest promotions, requests for donations, or any other solicitation and/or distribution is prohibited during working time or in work areas.

## **SECURITY**

All doors, files, desks, gates, and any other equipment with locks must be kept locked securely when not in direct use and at the end of each day. Locks should be checked regularly. Company vehicles should be kept locked at all times when not in use. Lost keys must be reported to the Office immediately. Any concerns about security should be directed to the Personnel Department.

## **BULLETIN BOARD**

The company maintains a bulletin board to keep employees informed of current items of general interest. Employees should check the bulletin board regularly. Posting and/or removal of notices must have the approval of Job Superintendent.

## **OUTSIDE EMPLOYMENT**

N.C. Sturgeon, LP makes every effort to keep its employees as fully employed as possible and at a good rate of pay. When an employee is on the job, this means that 100% of his/her effort is required. If an employee chooses to work outside of his/her job and the outside employment competes with what is expected of him/her as an employee of N.C. Sturgeon, LP, and opportunities for promotion and advancement with N.C. Sturgeon, LP may be limited by his/her decision.

If management feels that outside employment prevents an employee from fulfilling his/her obligations to the company, the employee will be asked to resign from N.C. Sturgeon, LP or to leave his/her outside employment.

All management and supervisory personnel are expected to enforce this policy and, by example, refrain from conflicting outside employment.

## **USING THE TELEPHONE**

Each time an employee makes or receives a telephone call he/she represents N.C. Sturgeon, LP. The manner in which a call is handled determines how N.C. Sturgeon, LP is judged by our clients and vendors. We have a limited number of telephone lines at the company and it is essential that we keep those lines open for call pertaining to N.C. Sturgeon, LP business.

## **PERSONAL MAIL AT THE WORK PLACE**

The mail system is reserved for business purposes only. Employees will not be allowed to send or receive personal mail at the workplace.



## **TWO-WAY RADIOS**

Employees must use proper procedure and appropriate language when using company two-way radios.

## **ALCOHOL AND DRUGS**

Consumption of, possession of, or being under the influence of alcoholic beverages or illegal drugs on company property, in the office, or in any vehicle used for company business **is strictly prohibited**. Any employee who violates this policy will be subject to disciplinary action including immediate termination of employment. Any employee who reports for work or who is at work is subject to chemical screening and/or blood/alcohol testing to determine the presence of unauthorized drugs or alcohol in the body.

### **ALCOHOL**

Consumption of, possession of, or being under the influence of alcoholic beverages on company property, in the office or in any vehicle used for company business **is strictly prohibited**. Any employee who violates this policy will be subject to disciplinary action including immediate termination of employment. Any employee who reports for work or who is at work is subject to blood/alcohol testing to determine the presence of alcohol in the body.

### **DRUGS**

The company has to place a substance abuse policy, which incorporates the provisions of the Drug-Free Workplace Act of 1988. All employees must abide by all the terms and conditions of this policy while employed by N.C. Sturgeon, LP. In this regard, employees are required to read the policy and sign a statement acknowledging their understanding of the policy and intent to follow the policy. Any employee who reports for work or who is at work is subject to chemical screening and/or blood/alcohol testing to determine the presence of unauthorized drugs in their body.

- The Drug-Free Workplace Policy is fully described in Section 6.
- The Drug-Free Workplace Policy is fully described in a separate handbook provided to each employee.

## **POLICY ON HARASSMENT**

Consistent with our policy of equal employment opportunity, harassment in the workplace based on a person's race, sex, religion, national origin, age, height, weight, marital status, or disability will not be tolerated concerning employees or applicants for employment.

One aspect of our policy requiring some clarification is the prohibition of any form of sexual harassment in the workplace. The following describes the type of conduct that is prohibited as well as the complaint provisions to investigate and remedy any problems that may arise.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. No employee shall threaten or insinuate, either explicitly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status evaluation, wages, advancement, assigned duties, or any other condition of employment or career development. Similarly, no employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct.

Sexual Harassment also includes unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display of sexually suggestive objects or pictures in the workplace, sexually explicit or offensive jokes, or physical assault.

Any employee who feels that he/she is a victim of sexual harassment, including but not limited to, any of the conduct listed previously, by any supervisor, management official, other employee, customer, client or any other person in connection with employment at N.C. Sturgeon, LP should bring the matter to the immediate attention of their Supervisor or Chuck Sturgeon (or his successor).

If that would prove to be uncomfortable, an employee may directly contact any other member of management. Every effort will be made to promptly investigate all allegations of harassment in as confidential a manner as possible and appropriate corrective action taken if warranted.

After an investigation, any employee determined to have engaged in sexual harassment in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.

## **SECTION 6 CONFLICT OF INTEREST**

Employees shall avoid outside employment, activities, investments, and other interests that involve obligations which may compete with or be in conflict with the interest of the company. A conflict of interest can arise in dealings with anyone that N.C. Sturgeon, LP transacts business; i.e., customers, clients, owners, buyers, suppliers, banks, insurance companies, and people in other organizations with whom we contact and make arrangements.

Conflicts of interest should be avoided and may include the following examples:

- Working for any group mentioned above for personal gain.
- Engaging in a part-time activity for profit or gain in any field in which the company is engaged.
- Borrowing from, or lending money to, individuals representing organizations with which business dealings are conducted.

### **PERSONAL CONDUCT**

The company expects that all of its employees will conduct themselves with the pride and respect associated with their positions, fellow employees, customers and the company. Employees should always use good judgment and discretion in carrying out the company's business. The highest standards of ethical conduct should always be used by employees of N.C. Sturgeon, LP.

Improper conduct by and between employees and/or by and between employees and business associates on the company's premises or adversely affecting company work will not be tolerated. Any employee demonstrating improper conduct will be subject to disciplinary action including termination of employment.

### **CONFIDENTIALITY**

N.C. Sturgeon, LP is engaged in a business, which requires that a strict code of confidentiality of information be maintained. No employee will store information outside of the company (either in written or electronic form) about any matter pertaining to the conduct of the company's business which may compromise a customer or the company to outsiders. Any employee who compromises information may be subject to termination of employment.

## **BRIBES, KICK-BACKS AND OTHER ILLEGAL PAYMENTS**

Bribes, kick-backs and other illegal payments to or from any individual with which we conduct business (in any form and for any purpose) are prohibited.

Certain types of rebates to the company from suppliers (but not to or from an individual employee) are legitimate to correct commercial inequity if done within government trade regulations.

## **ACCEPTING GIFTS**

Normally a gift to an individual from an outside source is considered the property of the company unless management makes an exception. It is the policy of N.C. Sturgeon, LP that no employee shall receive any gift, excessive or unusual entertainment, loan, or other favor (valued in excess of \$25.00) from any outside source (including customers and suppliers) without approval from management. Any employee who fails to abide by this policy will be subject to disciplinary action including immediate termination of employment.

## **SECTION 7 RULES TO HELP US ALL**

It is the policy of N.C. Sturgeon, LP to expect all employees to abide by certain work rules of general conduct and performance at all times. The regulations governing employee conduct and responsibilities have been established in the best interest of the company, its employees, and its clients and vendors.

Accordingly, a violation of these regulations constitutes misconduct on the part of the employee and appropriate disciplinary action will be initiated. These rules are guidelines only and are not all-inclusive. Disciplinary action may include, but is not limited to, verbal reprimand, written notice, suspension from work without pay, and immediate termination of employment. Management reserves the right to terminate or discipline any employee as the company, in its discretion, considers necessary in individual circumstances.

In the event an employee is suspended from work for disciplinary reasons, benefits will not accrue nor will benefits be recoverable during the suspension period.

### **EXAMPLES OF MISCONDUCT**

The following are only examples of misconduct for which an employee may be subject to discipline and these examples do not constitute a complete list of the circumstances for which discipline will be warranted.

- Falsification of any records or reports pertaining to absence from work, claims pertaining to injuries occurring on company premises, claims for any benefits provided by the company, communications or records including personnel and production records.
- Disclosing confidential information to outsiders.
- Gambling or righting on job sites or company property.
- Unethical conduct or serious conflicts of interest.
- Concealing defective work.
- Stealing the company's property, a customer's property or the property of any employee; hiding, concealing or misappropriation of company property or the property of other employees or customers; sabotage or willful damage to company property, or the property of other employees or customers.
- Unauthorized use or sale of any company-owned property, salvage material or equipment.
- Reporting to work under the influence of alcohol or illegal drugs; possession, sale or use of marijuana or illegal drugs or chemicals or consumption of alcohol while working on job sites, in the office or in company vehicles.

- Gross negligence or willful acts in the performance of duties resulting in damage to company property.
- Gross insubordination- a willful and deliberate refusal to follow reasonable orders by a member of management.
- Willfully misusing company property.
- Violation of the company's equal opportunity or sexual harassment policies.
- Serious safety violation resulting in injury.
- Not following a reasonable order or failure to perform work assigned or to comply with work and safety rules.
- Violation of company policies.
- Misuse of company equipment.
- Gaining unauthorized access to company records.
- Speeding or reckless driving or unauthorized use of company vehicles.
- Use of threatening, profane or abusive language.
- Demonstration of lack of courtesy towards other employees, customers or vendors.
- Not completing assignment up to the quality required by the company.
- Failure to report personal injury resulting from an on-the-job work situation.

## SECTION 8 SAFETY

N.C. Sturgeon, LP is committed to the safety of its employees and its property and equipment. To this end, we will utilize a safety program in our daily activities. It is necessary that the company establish safety rules and regulations to be observed by all employees at all times.

Any employee who disregards any company safety rule and/or regulation is subject to disciplinary action including termination of employment.

With regard to these rules, the following will be considered standard procedure for all employees:

- Should a safety regulation be modified so that an employee's safety is something less than it should be, the employee should inform Chuck Sturgeon ( or his successor).
- All questions concerning the reason for doing something in a certain manner may be asked of any member of management at this time.
- Employees' decisions should always be guided by the company's commitment to safety.
- Should a hazardous situation or condition exist and a decision has to be made on safety or production, safety concerns should always take precedence over production.

It is management's responsibility to see that every employee at N.C. Sturgeon, LP is provided with safe working conditions, all safety regulations are observed and employees use good common sense to protect themselves as well as others. Management will periodically inspect working conditions and may suspend all work activity until an unsafe condition is corrected.

The most important part of safety is **YOU**. It is **your responsibility** to abide by the safety rules- these rules are made for your protection. Report any personal injury **IMMEDIATELY**, however minor. Report all dangerous conditions and practices to your Supervisor.

## SAFETY RULES

The following is not a complete list of safety rules and these rules are not intended as a substitute for common sense and good judgment.

- Hard hats will be worn on the job when working under heavy objects which may be dropped or fall accidentally.
- Hard-toed shoes will be worn when working on jobs where heavy objects may fall.
- First aid kits are provided on each job. It is the responsibility of the Superintendent to see that the kits are on the job and remain well stocked.
- All gasoline shall be stored in approved safety cans. Never use gasoline for cleaning.
- Know where the fire extinguishers are located and know how to use them.
- Extension cords used with portable electric tools and appliances shall be of the three-wire type. Defective cords shall be replaced on the day, which they become defective.
- All ditches 5' deep must be shored or slanted to the angle of repose. Dirt and materials must be at least 3' back from the ditch.
- Defective materials or tools must be turned in to the Supervisor and not remain on the job.
- Read all Material Safety Data sheets supplied with hazardous materials and abide by the instructions. Direct any questions to the Superintendent.
- Employees should check with the Superintendent regarding any potentially hazardous material.
- Keep oxygen and gas cylinders in an upright position and secured. Caps should be kept on tanks not in use. Keep tanks free from oil and grease.
- The company will provide safety goggles or glasses and hearing protection when necessary. These protective devices will be used when breaking out concrete or asphalt, grinding, using a cutting torch, welding, sanding, using chisels, chipping slag, breaking rock, handling hazardous materials and operating loud power tools and machinery.
- Wear clothes suited for the job. This means hard-soled work shoes, shirts and long pants. Remove all jewelry before reporting to the job.
- Practice good housekeeping. Keep work area neat, clean and free from stumbling hazards, grease, etc.
- Learn to lift the correct way. Bend knees, keep back erect, get help from heavy loads.
- No scuffling or horseplay on the job.
- Do not run. Keep firm footing and proper balance at all times
- Keep materials out of walk-ways. Bend down and remove protruding nails.
- Do not throw anything from a height before checking to make sure that no one is below.
- Keep guards and protective devices in place at all times. When guards are removed for repairs, replace in proper order before starting up.
- Use tools only for their intended purposes. Do not use broken or dangerously dull tools.
- Do not attempt to operate special machinery or equipment without permission and instructions.
- Do not repair or adjust machinery while it is in operation. Never oil moving parts except on equipment fitted with safeguards for this purpose.



- Never work under vehicles that are supported by jacks or chain hoists without protective blocking in case of hoist or jack failures.
- Do not disconnect air hoses and compressors until hose line has been bled.
- Field personnel are required to attend all scheduled tool box meetings. Employees must sign their name acknowledging participation at the meeting.
- Special customer requirements for safety, including the governments, may apply to projects on which the company is working. Employees will be advised of these situations and expected to follow these policies and procedures.
- All employees are required to read and learn N.C. Sturgeon Safety Manual.
- All employees are required to attend safety classes.

## **HAZARDOUS WASTES**

The Environmental Protection Agency has grouped certain chemicals and chemical groups into categories which have been defined as toxic. This means that in concentrated forms or by accumulating and combining with other chemicals (even the air) these chemicals can be hazardous to human health if exposure occurs.

From time to time in the normal course of their jobs, employees may handle materials which have been classified as hazardous by the standards of the Occupational Safety and Health Act (OSHA) regulations.

Hazardous materials that are received from our suppliers should have Material Safety Data Sheets (MSDS) or labels which state the chemical ingredients of the contents, precautions to take, and what to do if exposure occurs.

Employees will be instructed on how to control hazardous wastes and what to do if they are exposed to hazardous wastes.

If any employee suspects that the materials or wastes he/she may encounter as an employee are hazardous (whether or not they are being created or used by the company), he/she should inform their Supervisor immediately.

As a company, we are committed to not creating or disposing of hazardous wastes which will contaminate the environment. Whenever possible, we will choose materials which have been judged as non-hazardous and will properly dispose of hazardous materials if used. Also, we will not knowingly dump any wastes into the environment at any time.

## **REPORTING INJURIES AND ACCIDENTS**

When any accident, injury, or illness occurs while an employee is at work, it must be reported to Job Superintendent or Supervisor as soon as possible regardless of the nature or severity.

The company will provide the proper forms for reporting job-related accidents, injuries and illnesses. Any employee failing to report such occurrences will be subject to disciplinary action.

In the event of a vehicular accident involving a company-owned/leased vehicle or while on company business, the employee must report all information immediately to Job Supervisor and/or the Office. In no instance should responsibility for an accident be expressed to anyone, until the proper person in the company has been notified and permission has been obtained to make statement.

## **SECTION 9 TRANSPORTATION AND TRAVEL EXPENSES**

### **COMPANY-OWNED/LEASED VEHICLES**

All travel in company vehicles on other than company business must be authorized in advance by Chuck Sturgeon (or his Successor). This includes vehicles that may be leased by the company as well as those vehicles that are owned by the company.

The following are specific policies related to company-owned/leased vehicles.

- Daily records must be kept for all mileage driven.
- Company-owned/leased vehicles will be driven only as needed for jobs during work hours.
- Company-owned/leased vehicles will be driven only for transportation to and from destinations as specified.
- Company-owned/leased vehicles will not be driven for private use unless specific arrangements have been made in advance.
- Only the driver assigned to the vehicle is authorized to sign for gasoline, oil, etc.
- All charge receipts must include the name and address of the vendor, the date of purchase, the number of gallons purchased, the amount paid, the vehicle ID number, the license tag number, the license plate number, and the mileage on the odometer.
- Alcoholic beverages or illegal drugs or chemicals will not be allowed in a company vehicle at any time.
- No driver who has been drinking alcoholic beverages or is under the influence of drugs or chemicals will be allowed to drive a company-owned vehicle at any time.
- No one, other than an authorized company employee, is permitted to operate or ride in a company-owned/leased vehicle.
- Vehicles must be kept clean (interior and exterior) at all times and thoroughly washed on a regular basis.
- Vehicles must be properly maintained according to the manufacturer's schedule.
- Any employee who misuses a company-owned/leased vehicle will be subject to dismissal.
- Any damage to a company-owned/leased vehicle caused by employee's carelessness or misjudgment is the responsibility of the employee. This includes insurance deductibles.

## **PERSONAL VEHICLES**

Employees may use their personal vehicles on official company business provided prior approval has been obtained from Bob Perry (or his successor). A mileage rate based on acceptable and current Internal Revenue Service regulations will be paid to an employee who use his/her personal vehicle on official company business. Minimum insurance requirements as specified by the company's insurance carrier must be in effect at the time the employee's personal vehicle is used and the employee may be required to provide the appropriate proof of insurance. See Company or Job Specific Policy(s).

## **TRAVEL EXPENSES**

The company will reimburse an employee for some expenses incurred when he/she is on assignment away from the normal work location. The company will reimburse the employee for the cost of travel, lodging, meals, or other expenses directly related to accomplishing the assignment. Employees are expected to limit expenses to reasonable amounts.

All business travel must be approved in advance by Chuck Sturgeon, Bob Perry or Job Superintendent.

Travel and/or business expenses submitted for reimbursement must be accompanied by receipts showing name(s), date(s), business discussed, amount(s), and the account to be charged.

Questions concerning the proper procedure for making travel arrangements or reservations, the types and amounts of expenses that will be reimbursed, personal travel and traveling with companions, use of credit cards, or the completion of expense reports should be directed to the Personnel Department.

## **EXPENSE RECORDS**

All expense records (including gasoline credit card receipts) must be turned in biweekly. An Expense Report form must be properly completed and submitted. Documentation for all expenses is required. Any item that is not accompanied by a receipt will not be approved.

## **TRAVEL ADVANCES**

An advance to cover reasonable anticipated expenses for (out-of-state) travel may be provided to an employee after travel has been approved. The employee should submit a written request to Chuck Sturgeon (or his Successor) when an advance is necessary.

## **SECTION 10 EMPLOYEE CONCERNS**

N.C. Sturgeon, LP believes in open communication. If any employee has a suggestion or concern, management wants to know about it. In most cases, an employee will get satisfaction by discussing the matter with his/her Supervisor. However, the company recognizes that not all complaints will be satisfactorily resolved between an employee and his/her Supervisor.

For complaints, which cannot be resolved informally between an employee and his/her Supervisor; the following procedure has been established to ensure a fair and impartial review. All complaints will be given prompt and objective consideration in an atmosphere of mutual assistance.

Time periods specified may be extended at the discretion of the management person reviewing a particular complaint if extenuating circumstances justify a longer period.

This complaint reporting procedure does not apply directly to complaints of harassment which are more specifically discussed in Section 5- Work Policies and Regulations.

- Step 1** The employee must present his/her complaint to Bob Perry (or his Successor) who will make a thorough inquiry into the facts and circumstances of the complaint and will make every effort to resolve the matter promptly and fairly (within 10 working days of receiving the complaint).
- Step 2** If an employee is dissatisfied with the decision of Bob Perry (or his Successor), the employee may submit a written report to the next management level within 10 working days of receiving the decision of Bob Perry (or his Successor).
- If further review is required, the higher management level will conduct the appropriate investigations and hearings and advise the employee (in writing) of the findings and of any change in the earlier decision.
- Regardless of the time limits established, the filing of a complaint will not be accepted after an employee has been terminated from employment.
- Step 3** At any time within 5 working days following receipt of the decision reached in Step 2 or within 5 working days after the employee's termination date, the employee may submit a written request for further review of his/her complaint to the President of N.C. Sturgeon, LP. The personnel actions taken previously will be reviewed and a final decision will be made.

**Acknowledgement of (Receipt and) Understanding  
Read and Sign Immediately**

**I understand and/or agree that;**

- The statements contained in the Information Handbook for Employees of N.C. Sturgeon, LP are intended to serve as general information concerning N.C. Sturgeon, LP and its existing policies, procedures, practices of employment, and employee benefits.
- Nothing contained in the Information Handbook for Employees of N.C. Sturgeon, LP is intended to create (nor shall be construed as creating) a contract of employment (express or implied) or guarantee employment for a definite or indefinite term.
- From time to time N.C. Sturgeon, LP may need to clarify, amend and/or supplement the information contained in the Information Handbook for Employees of N.C. Sturgeon, LP and that the company will inform me when changes occur.
- I have (received) (reviewed) a copy of the Information Handbook for Employees of N.C. Sturgeon, LP, have read and understand the information outlined in the handbook, have asked any questions I may have concerning its contents and will comply with all policies and procedures to the best of my ability.

Employee's  
Signature \_\_\_\_\_

Date \_\_\_\_\_

Location \_\_\_\_\_

Authorized  
Witness \_\_\_\_\_

The federal Drug-Free Workplace Act requires employers with government procurement contracts, purchase orders, or grants of \$25,000 or more to certify that their workplaces are drug-free. In addition, a number of states have laws requiring certain employers to maintain a drug-free workplace.

However, some employers voluntarily establish and promote substance abuse policies and drug-free awareness programs even when not required to do so by law. A drug and alcohol abuse policy effectively communicated to all employees can help to reduce the harmful effect of substance abuse in the workplace.

The following is a sample policy only. Therefore, to ensure compliance with the various federal and state laws affecting substance abuse, consultation with legal counsel is recommended regarding the implementation of a drug and alcohol abuse policy.

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## **Drug-Free Workplace Policy**

### **INTRODUCTION**

In response to federal requirements for drug-free workplaces, and in keeping with N.C. Sturgeon, Inc.'s concern for the health and safety of its workforce, the following Drug-Free Workplace Policy has been instituted.

This policy certifies the company's intent to maintain a drug-free workplace. The first section describes the prohibitions of this policy such as the manufacture, distribution, sale, possession or use of a controlled substance in the workplace.

In addition, this policy creates a Drug Awareness Program that provides information on the dangers of workplace drug use to all employees as well as information about available private and community treatment facilities. The last section of this policy lists the disciplinary actions that employees will face for any violation of N.C. Sturgeon, Inc. Drug-Free Workplace Policy. Finally, an employee acknowledgement must be signed and dated by each employee who receives a copy of this policy.

The Drug-Free Workplace Act specifically requires N.C. Sturgeon, Inc. to notify each employee that, as a condition of employment, each employee must:

- Comply with the company's Drug-Free Workplace Policy; and
- Notify N.C. Sturgeon, Inc. of any conviction for a drug-related offense committed in the workplace within five (5) days of the conviction.

Any employee who violates this company policy will be subject to disciplinary action up to and including termination of employment.

## **PROHIBITIONS**

N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy prohibits employees from engaging in any of the following activities:

1. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs on company premises or company business, in company supplied vehicles, or during work hours.
2. Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a controlled substance on company premises or while on company business or while in company supplied vehicles.
3. Storing in a locker, desk, automobile or other repository on company premises any controlled substance whose use is unauthorized.
4. Being under the influence of a controlled substance on company premises or while on company business, or while in company supplied vehicles.
5. Any possession, use, manufacture, distribution, dispensation or sale of illegal drugs off company premises that adversely affects the individual's work performance, their own or the safety of others at work, or the company's regard or reputation in the community.
6. Failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled.
7. Failure to notify N.C. Sturgeon, Inc. of any conviction under criminal drug statutes for a workplace offense within five (5) days of the conviction.
8. Refusal to sign a statement to abide by N.C. Sturgeon's Drug-Free Workplace Policy.



## **AUTHORIZED USE OF PRESCRIPTION MEDICINE**

An employee undergoing prescribed medical treatment with any drug which may alter their physical or mental ability must report this treatment to his/her Supervisor, at the time the prescription is ordered to determine whether a temporary change in the employee's job assignment is warranted during the period of treatment.

## **DRUG AWARENESS PROGRAM**

To assist employees and their families to understand and avoid the perils of drug abuse, N.C. Sturgeon, Inc. has developed a comprehensive Drug Awareness Program. The company uses this program in an educational effort to prevent and eliminate drug abuse that may affect the workplace.

The Drug Awareness Program will inform employees about:

- Dangers of drug abuse in the workplace.
- N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy
- Availability of treatment and counseling for employees who voluntarily seek such assistance, and
- Disciplinary actions for violations of N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy.

Employees of N.C. Sturgeon, Inc. are our most valuable resource and, for that reason, their health and safety is our number one concern. Any drug use which imperils the health and well being of our employees or threatens our business will not be tolerated. The use of illegal drugs and abuse of other controlled substances on or off duty is inconsistent with the law abiding behavior expected of citizens. Employees who use illegal drugs or abuse other controlled substances on or off duty tend to be less productive, less reliable, and prone to greater absenteeism. This, in turn, can result in increased costs, delays and risks to N.C. Sturgeon, Inc.'s business.

Drug use in the workplace puts the health and safety of the abuser and all other workers around them at increased risk. Employees have the right to work in a drug-free environment. In addition, drug abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers.

Early recognition and treatment of drug abuse is important for successful rehabilitation. Whenever feasible, N.C. Sturgeon, Inc. will assist employees in overcoming drug abuse by providing information on treatment opportunities and programs. However, the decision to seek diagnosis and accept treatment for drug abuse is primarily the individual employee's responsibility.

Employees with drug abuse problems should request assistance from management. N.C. Sturgeon, Inc. will treat all such requests confidentially and will refer the employee to the appropriate treatment and counseling services. Employees, who voluntarily request N.C. Sturgeon, Inc.'s assistance in dealing with a drug abuse problem may do so without jeopardizing their continued employment, provided they strictly adhere to the terms of their treatment and counseling program. At a minimum, these terms include the immediate cessation of any use of drugs, and participation, where required by a program, in periodic unannounced testing for a twenty-four (24) month period following enrollment in the program.

Voluntary requests for assistance from employees will not, however, prevent disciplinary action for violation of N.C. Sturgeon Inc.'s Drug-Free Workplace Policy.

N.C. Sturgeon, Inc. has instituted a zero tolerance level program. N.C. Sturgeon, Inc. is committed to maintaining a safe workplace free from the influence of drugs. All employees are hereby notified that N.C. Sturgeon, Inc. will comply with the requirements of the Drug-Free Workplace Act of 1988, and all applicable regulations issued there under, as well as, when applicable, any more stringent rules created by other federal agencies.

N.C. Sturgeon, Inc.'s Drug Awareness Program does not create an employment contract between the employer and employee. Furthermore, N.C. Sturgeon, Inc. has the sole right to modify the policy and program at any time.

## **DISCIPLINARY ACTIONS**

1. A violation of N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy is subject to disciplinary action, up to and including termination of employment, at the company's sole discretion.
2. As a minimum, any employee testing positive for drugs will be placed on 10 day suspension and must show verification of completion of drug rehabilitation. After successful completion of drug rehabilitation at the employees expense. It shall be the Company's decision as to reemployment.
3. N.C. Sturgeon, Inc. will promptly terminate any employee who tests positive for drugs while undergoing treatment and counseling for drug abuse.

## **NOTICE TO ALL PERSONNEL OF DISCIPLINARY POLICY**

This is a formal notice of N.C. Sturgeon, Inc.'s intent to take disciplinary action, up to and including termination of employment, against any employee who violates N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy.

N.C. Sturgeon, Inc.'s Drug-Free Workplace Policy prohibits the use, sale, distribution, manufacture or possession of all controlled substances as listed in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Company policy also prohibits the performance of work or presence at any company building, facility, equipment or work area/site while under the influence of a controlled substance.

## **DISCIPLINARY ACTION**

- 1<sup>st</sup> Offense**      Suspension for 10 working days without pay to immediate termination and verification of completion of Drug Rehabilitation.
  
- 2<sup>nd</sup> Offense**      Immediate termination.

**N.C. STURGEON, INC.**

**Drug-Free Workplace Policy Employee Acknowledgement**

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**Read and Sign Immediately**

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I acknowledge, understand, and/or agree that:

- I have received a copy of the Drug-Free Workplace Policy for Employees of N.C. Sturgeon, Inc.
- I have carefully and thoroughly read the Drug-Free Workplace Policy for Employees of N.C. Sturgeon, Inc.
- I understand the requirements of the Drug-Free Workplace Policy for Employees of N.C. Sturgeon, Inc. and agree, without reservation, to follow this policy.

Employee's Name Printed \_\_\_\_\_

Location/Department \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Authorized Witness \_\_\_\_\_

**NOTICE TO ALL EMPLOYEES  
“POST INJURY FIT FOR DUTY” TESTING**

Effective January 1, 2001, it is the policy of N.C. Sturgeon, LP hereinafter to as “Company” that any officer or employee of the “Company” who has a non-work or work related injury or illness that reasonably may affect the ability to perform their usual job, will be required to undergo WorkSTEPS Fit for Duty Employment testing as soon as their condition is stable and/or at the professional discretion of the doctor or licensed therapist performing such testing. The doctor or therapist performing the test is an independent contractor and is not owned or operated by WorkSTEPS.

“Fit for Duty” testing is authorized by Federal Law under the “Americans With Disabilities Act” (ADA), as referenced in the Technical Assistance Manual under Section VI-13 &14 which states:

Under the ADA, medical information or medical examination may be required when an employee suffers an injury on the job. Such an examination or injury also may be required when an employee wishes to return to work after an injury or illness, if it is job-related and consistent with business necessity:

- to determine if the individual meets the ADA definition of “individual with a disability,” if an accommodation has been requested.
- to determine if the person can perform essential functions of the job currently held, (or held before the injury or illness), with or without reasonable accommodation, and without posing “direct threat” to health or safety that cannot be reduced or eliminated by reasonable accommodation.
- to identify an effective accommodation that would enable the person to perform essential job functions in the current (previous) job, or in vacant job for which the person is qualified (with or without accommodation).

WorkSTEPS Post Injury Fit for Duty Employment Testing must be accomplished within three (3) working days from the date of release to work in any capacity by a physician or notification via certified mail by “Company”. “Fit for Duty” information will be kept in a confidential file separate from personal records. Failure to return to work as scheduled via physician release will result in immediate termination and failure to perform WorkSTEPS Fit for Duty Employment testing within three (3) working days of certified notification will result in termination of employment by “Company”.

**NOTICE TO ALL EMPLOYEES**  
**Re: RETURN TO WORK AFTER AN INJURY OR ILLNESS**

Effective January 1, 2003, it is the policy of N.C. Sturgeon, LP hereinafter referred to as the “Company”, that said “Company” reserves the right to fill light or modified duty positions, if any are currently available, with temporarily injured or ill employees until they reasonably able to transition to their previous position or transfer to a permanent position with the “Company” that does not exceed their capabilities within the time periods described below.

Any employee who has a stable non-work related injury or illness will be required to return to work full duty within 60 days post injury or be subject to termination unless significant progress has been documents by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS Fit for Duty Employment Testing no more than ever 30 days as status changes after the injury or illness. Employees who continue to show significant progress up to 60 days, but still can’t perform “full duty”, may have a 30 day extension to this policy as determined by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS Fit for Duty Employment Testing. Furthermore, employees who have reached maximum medical improvement (MMI) as determined by their physician and have not demonstrated adequate capability to perform the essential functions of the job held prior to the injury or illness with or without accommodation will be terminated unless there are vacant permanent positions the employee is qualified for outside of light, or modified duty that do not exceed their physical capabilities. Federal District Court has held that a “return to work program does not violate the American with Disability Act (ADA) when it permits the employer to place on medical layoff injured employees who reach MMI.” (Hendricks-Robinson vs. Excel Corporation). It is our policy that modified or light duty positions are available for recently injured employees needing transitional return to work.

**CONFIDENTIALITY NOTICE:**

The medical information collected during “Fit for Duty” examinations or received or received regarding functional tests and MMI determinations will be kept in a separate file from the personnel file of the employee who has suffered the injury or illness.

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Employee Initials