

**TNT Construction/Kerkhoff, Inc.**

**EMPLOYEE  
HANDBOOK**

**&**

**SAFETY & HEALTH  
POLICY**

Revised [February 26, 2018](#)

This Handbook supersedes all previous employee manuals and memos that may have been issued from time to time on subjects covered in this Handbook.

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# INTRODUCTION

The success of TNT Construction/Kerkhoff, Inc. has been built upon excellent customer service. It is our intention to continue this tradition and to serve all our customers to the best of our ability. The customers let us know.

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 of the Company should always use the highest standards of ethical conduct.

This Handbook is designed to acquaint you with TNT Construction/Kerkhoff, Inc. and 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 the Company to exist ...**its employees.**

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 the Company.

Descriptions of various benefits (such as health insurance and simple IRA) are summaries only. Should the descriptions in this handbook differ with any formal agreements or documents involved, the formal agreements or documents shall be considered correct.

However, since our business and our organization are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes.

The language used in this handbook is not intended to create or constitute a contract of employment. The Handbook is a summary of our policies, which are presented here only as a matter of information. The interpretation and administration of these policies shall be at the sole discretion of the Company. No permanent employment or employment for any term is intended or can be implied from any statements in this handbook. This handbook is not an employment contract express or implied. Only the Secretary and/or the Treasurer and the Board has the authority to create an employment contract and then it must be signed and in writing.

You are responsible for reading, understanding, and complying with the provisions of this Handbook and any changes that may be made at any future time. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

No individual supervisor or manager has the authority to change policies at any time. If you are uncertain about any policy or procedure, speak with office personnel.

# **SECTION 1 EMPLOYMENT**

## **1.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at TNT Construction/Kerkhoff, Inc. will be based on merit, qualifications, and abilities. TNT Construction/Kerkhoff, Inc. does not discriminate in employment opportunities or practices because of race, color, religion, sex, national origin, age, disability, citizenship status, creed, marital status, familial status, sexual orientation, status with regard to public assistance, disability, membership in a local commission, genetic information, or any other characteristic protected under federal, state or local law.

The Company will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of management. Any employee feeling that they have been discriminated against should contact their Supervisor or the Secretary and/or the Treasurer. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

## **1.2 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, The Company 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; and,

Determine whether a reasonable accommodation can be made for a qualified individual.

## **1.3 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 or employee's sex, race and veteran's status, including service in the Vietnam era.

## **1.4 IMMIGRATION LAW COMPLIANCE (I-9)**

The Company is committed to employing U.S. citizens and those non-U.S. citizens 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 Reform and Control Act (IRCA) of 1986, each new employee as a condition of employment must complete an Employment Eligibility Verification form (I-9) and present documents that establish identity and employment eligibility.

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

Former employees who are rehired must also complete the form if they have not completed an I-9 with the Company within the past three years or if their previous I-9 is no longer retained or valid.

## **1.5 EMPLOYMENT OF MINORS**

The following provision applies 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. This law states that no person under the age of 18 may work in a job that is considered by the Department of Labor to be hazardous.

## **1.6 APPLICATION FOR EMPLOYMENT**

All persons seeking employment must first fill out an application. This will be reviewed with previous references and employment dates checked. We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. An employment application form completed by an applicant not selected for available openings will be maintained in an active file and reviewed as suitable openings occur.

The Company reserves the right to test new prospective employees to verify statements concerning proficiency in a stated area, or to test for basic skills that are critical for the successful performance of their job. An application must furnish a copy of his/her driver's license and all documentation required for the Employment Eligibility Verification I-9 form.

## **1.7 DEFINITIONS OF EMPLOYEES STATUS**

### **“EMPLOYEE” DEFINED**

An “employee” of TNT Construction/Kerkhoff, Inc. is a person who regularly works for TNT Construction/Kerkhoff, Inc. on a wage or salary basis. An employee may include regular full-time, regular part-time, temporary persons and others employed with the Company who are subject to the control and direction of TNT Construction/Kerkhoff, Inc. in the performance of their duties.

### **FULL-TIME**

Full-Time Employees are those who have completed the 30-day probationary period and who are regularly scheduled to work 40 or more hours per week. Generally, they are eligible for the Company's benefit package, subject to the terms, conditions, and limitations of each benefit program.

## **PART-TIME**

Regular Part-Time Employees are those who have completed the 30-day probationary period and who are regularly scheduled to work less than 40 hours per week. They are not eligible for any of the Company's benefit programs.

## **TEMPORARY (FULL-TIME or PART-TIME)**

Those whose performance is being evaluated to determine whether further employment in a specific position or with the Company is appropriate or individuals who are hired as interim replacements to assist in the completion of a specific project. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Company's benefit programs.

Your employment status will be determined at the time of hire at TNT Construction/Kerkhoff, Inc. Employees who are granted regular (full-time) employment status is considered regular (full-time) employees. All other employees are considered part-time or temporary regardless of the work schedule or the hours worked.

Regular full-time employees are expected to work forty or more hours per week on a regularly recurring basis without outside conflicts or excessive absenteeism.

### **1.8 CONFIRMATION OF PREVIOUS EMPLOYMENT**

It is the policy of the Company 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.

### **1.9 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 along with a current health card for CDL drivers. Employment and/or assignment will be conditional pending the receipt of a satisfactory report from the appropriate State Department of Transportation.

### **1.10 PRE-EMPLOYMENT DRUG TESTING & MEDICAL EXAMINATION**

To help ensure that employees are able to perform their duties safely, Management reserves the right to request medical exams and/or drug testing for all prospective employees.

The Company is committed to providing a safe, efficient, and productive work 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. A copy of the Company's *Alcohol & Controlled Substance Policy and Testing Policy* is included as Exhibit A to his handbook. Questions regarding this policy should be directed to office personnel.

## **1.11 EMPLOYMENT-AT-WILL**

We hope that each employee's period of employment at TNT Construction/Kerkhoff, Inc. can be a rewarding experience. However, we recognize that circumstances change with the passage of time and that some employees may seek opportunities elsewhere or choose to leave the company for other reasons. Other employees may not fulfill the operational needs of the company or changed circumstances may reduce available employment opportunities, which may result in involuntary terminations. We sincerely hope that none of these situations occur, but realistically we have to acknowledge that the possibility does exist. Therefore, the right of the employee or the company to terminate the employment relationship at will is recognized and affirmed as a condition of employment.

At-will means that both employees and the Company have the right to terminate employment at any time, with or without advance notice, and with or without cause for any reason not expressly prohibited by law.

## **1.12 PROBATIONARY PERIOD FOR NEW EMPLOYEES**

An employee will be considered a probationary employee for 30-days following the date of hire. A probationary employee is not eligible for company benefits during the 30-day probationary period. When an employee completes the 30-day probationary period, the employee will be notified of his/her new status with TNT Construction/Kerkhoff, Inc.

TNT Construction/Kerkhoff, Inc. determines, during this period, whether or not a continuing employment relationship should be established with new employees. In addition:

- The new hire decides whether there are ready and able to make the necessary commitment to the TNT organization.
- Management decides whether the employee's skills, productivity, quality of work, attendance, and personal conduct meet the company's requirements.
- During this period, the employee will not be eligible for benefits as described in this policy manual. The employee will become eligible for benefits upon successful completion of the introductory period.
- This introductory period may be extended, and new hire will be so advised, by the Company if it considers that some additional time is required to determine the employee's ability to successfully carry out the responsibilities of the position.
- The Management of TNT Construction/Kerkhoff, Inc. reserves the right to dismiss, without cause, during the introductory period.

You enter into employment voluntarily, and you are free to resign at any time for any reason or no reason. Similarly, TNT Construction/Kerkhoff, Inc. is free to conclude its relationship with any employee at any time for any reason or no reason. Following the probationary period, employees are required to follow the Employment Termination Policy (See Section 4.1).

## **1.13 NEW EMPLOYEE ORIENTATION**

New employee orientation is conducted by TNT management or a supervisor, and includes: an overview of the company's procedures and policies. In addition, the new employee will complete all necessary paperwork, review their job description, be introduced to staff, and scope of position. Employees are presented with all keys, and procedures needed to navigate within the workplace.

A copy of the Handbook for Employees will be available to each employee to read and review on the Company's website. After review, each employee must sign a copy of the statement

acknowledging his/her receipt of and his/her understanding of the Handbook. The signed copy must be returned to the office within (10) days at the start of employment. The signed copy of this acknowledgement will become part of the employees personnel file.

## **1.14 TRAINING & DEVELOPMENT**

TNT Construction/Kerkhoff, Inc. recognizes that training is an important asset for the company. The Company requires employees to attend different training, including but not limited to: annual MSHA, annual meeting and weekly 'toolbox' meetings etc.

The Company encourages its employees to attend other training to further their education. The Company will evaluate requests for training on a case by case situation. If training will help the employee and the company, TNT Construction/Kerkhoff, Inc. will pay for training of the employee.

## **1.15 PAYROLL INFORMATION**

Following the acceptance of employment the employee needs to provide:

- W-4 (Withholding Certificate)
- I-9
- Copy of Social Security card
- Copy of a valid driver's license
- Current health card for CDL drivers
- And any copies of trade certificates or licenses

The completed forms, the employment application form, and information regarding starting pay, starting date and other pay or benefit information will be filed in the employee's personnel file.

**Make sure to check your withholdings on your first payroll check.**

## **1.16 ANNIVERSARY DATE**

So that the company can maintain a record of the benefits for each employee, an anniversary date will be established for each full-time employee. The anniversary 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 the Company.

## **1.17 EMPLOYEE INFORMATION/DATA CHANGES**

Employees are asked to help keep the Company informed about any major change, which 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 the Office.

- 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 (W-4, Simple IRA, Medical)

- Additional education and special training courses

**An employee's personnel data should be accurate and current at all times.**

### **1.18 TSHEETS & GPS TIME TRACKING POLICY – TIME KEEPING**

Employees will be given thorough instructions on usage and instructions on the implementation of tsheets for clocking in and out.

After review, each employee must sign a copy of the TSheets & GPS Time Tracking policy and agree to the policies & procedures. The signed copy of this policy will become part of the employees personnel file.

### **1.19 PERSONNEL FILES**

Employee personnel files may include the following:

- Original Employment Application
- Employment Eligibility Verification (Form I-9)
- Starting Wage/Starting Date
- Disciplinary Action Notices
- Educational Certificates
- Employee's Resume (if submitted)
- Signed Acknowledgement of Online Handbook
- Signed Tsheets & GPS Tracking Policy
- Signed Vehicle Use Policy
- Other relevant documents as determined by the office

Personnel files are the property of TNT Construction/Kerkhoff, Inc. and access to the information is restricted and confidential. **Management** personnel of TNT Construction/Kerkhoff, Inc. who have a legitimate reason to review the file are allowed to do so. It is the responsibility of each employee to promptly notify their supervisor in writing of any changes in personnel data, including personal mailing addresses, telephone numbers, names of dependents, and individuals to be contacted in the event of an emergency.

Employees who wish to review their own file should contact the office. With reasonable advance notice, the employee may review his/her personnel file in the company's office and in the presence of office personnel.

### **1.20 RIGHT TO PRIVACY**

Personal information about employees will not be released to third parties without prior authorization of the employee, with the exception of information required under DOT regulations or by law. Limited information may be released, such as job title and dates of employment, without authorization from the employee.

#### **Review of Personnel Records:**

It is our intent to comply with Minnesota law regarding employee access to personnel records. You have a legal right to review certain personnel records that we maintain for you. During your employment, you may review your personnel records if more than six months have passed since the last time you reviewed those records. After your separation, you may review your personnel records once each year for as long as we maintain those records.

To review your personnel records, you must make a written request. We will comply with your request within seven working days if your records are located within Minnesota, and within 14 working days if they are not.

With respect to current employees, we will make personnel records available for review during our normal hours of operation at your place of employment or another nearby location. We may make them available outside your normal working hours. We may require that you review the records in our presence. After your review and upon your written request, we will provide you with a copy of the records.

With respect to former employees, we will provide a free copy of personnel records upon the former employee's written request.

We reserve the right to deny a request to review a personnel record if the request is not made in good faith.

**Disputed Information:**

If you dispute any specific information contained in your personnel record, you may ask us to remove or revise the disputed information. If we do not agree, you may submit a written statement, not to exceed five written pages, specifically identifying the disputed information and explaining your position. We will retain your statement along with the disputed information, and we will provide a copy of your statement to any person to whom we provide a copy of the disputed information.

**Omitted Information:**

If, in providing records for your review, we omit any information that should be in those records, we may not use the omitted information in any subsequent legal proceeding, unless the omission was unintentional and we provide you with a reasonable opportunity to review the omitted information prior to its use.

**Retaliation Prohibited:**

We will not retaliate against you for asserting your rights or remedies set forth in this memo.

**1.21 EMPLOYMENT OF RELATIVES**

Finding the best employees to work for the Company is of the utmost importance, and on occasion, a relative of a current employee may be the best-qualified candidate for a position. In the event that a relative of an employee is hired, the Company may:

- Limit the supervisory/subordinate relationships of the relatives;
- Limit the situations whereby one checks or verifies the work of the other; and
- May limit the situations in which a conflict of interest is likely to exist;

The intent of these guidelines is to protect the Company and rights of other employees, not to put a potential employee at a disadvantage due to his or her relationship with a current employee. When appropriate, the Company may determine if alternative methods of organizing work are to be considered to avoid disqualifying qualified candidates who are related to current employees.

In the event that two existing employees become related while employed, the Company also reserves the right to alter job assignments to minimize the impact of the reporting relationship. In extreme cases termination may be necessary.

## **1.22 FORMS AND POLICIES**

## TSHEETS & GPS TIME TRACKING (TIME KEEPING)

- Reasons for implementation for employees & employer
  - a. Maintaining accurate time-keeping records
  - b. Increasing productivity/efficiency
  - c. Employee accountability/monitoring compliance w/company policies
  - d. Recovery and correct classification of billable time
  - e. Less time to create timesheets
- This includes cell phones (employee owned while on company time & employers) & some equipment that may have GPS monitoring incorporated into it.
- Employees may be subject to GPS monitoring for job location & next job placement.
- Employee has no expectation of privacy when using company-owned equipment (vehicles, phones, computers, etc.) or personal phone when used on company time for time keeping on job locations.
- Time tracking will be limited to and used only during working hours and will not occur on employee's personal time. Employer will notify employee if he/she has not clocked out for the day.
- Accurate time-keeping is expected when clocking in and out. (**Clocking In or Out IS to be done when vehicle or equipment is stopped**).

I have read **TNT Construction/Kerkhoff, Inc.**, TSheets & GPS Time Tracking Policy & consent to this acknowledgement and agree to the policies & procedures as outlined above.

Please Print

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

Employee

Signature \_\_\_\_\_

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



**Life is worth it. Distracted driving is not.**

## VEHICLE USE POLICY

This policy has been prepared as documentation on what is expected of you in the operation and maintenance of your company vehicle. You are provided with safe, dependable transportation. In turn, you are entrusted to use good judgment and have a complete understanding of the responsibilities involved, both of which are necessary to continue to drive a company provided vehicle on company business.

Any driver of a company vehicle (or driving on company business) must meet the following requirements:

- Possess a valid driver's license
- Maintain an acceptable driving record per company policy, and
- Follow the guidelines stated in this policy

### CELL PHONE USE

- Hands free devices are **mandatory** and to be used while the vehicle is moving.
- Allow voice mail and/or text to handle calls and return the calls when **stopped and safe**.
- Violation of CELL PHONE USE will result in disciplinary action and possible immediate termination



**Life is worth it. Distracted driving is not.**

### USE OF VEHICLE

You have been provided a company vehicle to assist you in your job. Its use is strictly limited to business purposes. All travel in company vehicles other than company business must be authorized in advance by Management. It may only be used for personal reasons with a verbal agreement. This includes vehicles that may be leased by the company as well as those vehicles that are owned by the company.

- Company-owned/leased vehicles will be driven only as needed for jobs during working 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.
- Loaning the vehicle to anyone is strictly prohibited.
- Seat belts must be worn at all times.
- 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/leased vehicle.
- Transporting strangers, hitchhikers and use as Uber is strictly prohibited.

**VEHICLE CARE**

You are expected to keep your vehicle in a clean well-maintained condition. Unusual wear and tear or neglecting to maintain your company-provided vehicle will result in the loss of your vehicle.

- Expected care includes but is not limited to: tires, oil changes, belts and hoses, lights, turn signals, windshield wipers, horn, and etc.
- Daily walk around of vehicle is to be completed.
- Vehicles must be kept clean (interior and exterior) at all times and thoroughly washed on a regular basis.
- 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 carelessness or misjudgment is the responsibility of the employee.
- In addition any fines, citations, or related penalties sustained by any employee from improper operation of a company-owned vehicle must be paid by the employee.

**OTHER COMPANY POLICIES**

A valid insurance card plus vehicle registration shall be carried in the vehicle at all times. Radar detectors, laser detectors, or any other radar-detecting devices shall not be used in a company vehicle.

Vehicles shall be locked when parked on job sites overnight.

Firearms or other weapons are not allowed on owned or leased company premises including company vehicles. Possession of weapons on company property by anyone other than a licensed law enforcement officer is grounds for termination.

**MOTOR VEHICLE RECORD CHECK**

Continued eligibility to drive a company-provided vehicle, or driving on company business in any manner, requires each driver to maintain a safe and clean driving record. Management reserves the right to review driving records at least once per year.

**ACKNOWLEDGEMENT**

I have read **TNT Construction/Kerkhoff, Inc.’s** Vehicle use policy and agree to abide by all the policies and procedures in this handbook and I understand my responsibilities to drive safely and maintain a safe vehicle. I give management my permission to secure my driving record any time of the year.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Driver’s license number

\_\_\_\_\_  
State issuing license

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Social Security Number  
(last 4 digits)

\_\_\_\_\_  
Date

**TNT CONSTRUCTION/KERKHOFF, INC.**  
**Acknowledgement of Understanding**  
**Employee Handbook**

I understand the statements contained in the online Employee Handbook are for informational purposes only concerning its existing policies, procedures, practices of employment and employee benefits of TNT CONSTRUCTION/KERKHOFF, INC.

The online Employee Handbook does not represent a contract of employment or a guarantee of a job for any specified length of time.

Furthermore, I understand any or all the contents are subject to change, at the sole discretion of management at any time.

I have access to an online copy of the Employee Handbook. I have read and understand the information outlined in the handbook. I have asked questions that I may have concerning its contents and I will comply with all policies and procedures to the best of my ability.

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

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

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

Location: \_\_\_\_\_

Management Signature: \_\_\_\_\_

## CELL PHONE USAGE POLICY

- Hands free devices are **mandatory** and to be used while the vehicle is moving.
  - **Or** the safest options:
    - If you need to place or receive a call, pull off the road to a safe location and stop the vehicle before using your phone.
    - Ask a passenger to make or take the call.
    - Inform regular callers of the best time to reach you based upon your driving schedule.
- Allow voice mail and/or text to handle calls and return the calls when **stopped and safe**.
  - The only exception to this policy is for calls placed to 9-1-1.
- When receiving an emergency call, ask the caller to hold briefly until you can safely pull your vehicle off the road.
- If placing or accepting an emergency call, keep the call short and use hands-free options.
- **Under NO circumstances is texting while driving allowed.**



**Life is worth it. Distracted driving is not.**

*Note: Drivers that fail to adhere to the above policy will be subject to disciplinary action.*

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

Signed: \_\_\_\_\_

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

## **SECTION 2 WORKING HOURS AND PAY**

### **2.1 WORKING HOURS**

Management will determine an employee's hours of work. Workdays may include Saturdays, if deadlines need to be met Sundays and Holidays will be expected. Each employee is expected to complete a normal workday and week including whatever reasonable additional hours are required to meet company needs.

### **2.2 OVERTIME**

The Company is open for business 50-60 hours per week. Overtime compensation is paid to employees in accordance with federal and state wage and hour restrictions. The employee's regular hourly rate is payable for all hours worked over 40 per week at an hourly rate of one and one-half times. Time off on personal time, holidays, or any leave of absence will not be considered hours worked when calculating 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. Exceptions to this would be snow plowing.

### **2.3 PAYROLL DEDUCTIONS FROM GROSS PAY**

The Company is required by law to deduct taxes and court-ordered payments from your paycheck. Prior to placement on payroll, the employee must complete a W-4 Federal IRS Form. Each paycheck will include your wages for the indicated pay period less the following deductions:

- Federal and State Income taxes, Social Security and Medicare taxes.
- Federal & State tax levies
- Garnishments (including child support) or other court ordered wage deductions
- Employee's portion of insurance premiums if applicable
- Simple IRA Plan contributions

### **2.4 ATTENDANCE/PUNCTUALITY**

The Company expects that every employee will be regular and punctual in attendance. This means being in the shop ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on the Company.

If you are unable to report for work for any reason, notify the office before regular starting time. **Employees are expected to personally make the effort to notify the company of any absence or tardiness.** It is not acceptable to leave a message on a supervisor's voice mail or text, except in extreme emergencies. In the case of leaving a voice-mail or text message, a follow-up call must be made later that day. The company phone number is (507) 249-3182.

Punctuality applies to returning from lunch and/or break periods as well as the beginning of the workday.

Disciplinary actions may include verbal or written reprimands, suspension without pay and/or termination.

## **2.5 UNEXCUSED ABSENCE WITHOUT NOTICE**

If any employee has three (3) consecutive days of unexcused absence, it will be assumed that the employee resigned and employment will be terminated as of the last day worked.

## **2.6 LUNCH/BREAK PERIODS**

Employees are allowed one unpaid lunch break per day (30 minutes in length) based on a schedule of 8 to 12 hours per day. The 30 minute break is a continuous break and includes travel time to and from location(s). The Company expects the employee to take a lunch break if broke down or waiting for parts during the lunch times stated in this policy. Days spent working in the shop full time you are required to take lunch break.

If employees have an unexpected personal business to take care of, they must notify management to discuss unpaid time away from work and make provisions as necessary.

## **2.7 NURSING MOTHERS/BREAK PERIODS**

The Company will provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. Breaks should not unduly disrupt the operations of the employer. A reasonable effort will be made to provide a room or other location, without intrusions and with an electrical outlet, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy.

## **2.8 PAY PERIOD AND PAYMENT**

Pay period is work performed Sunday through Saturday of the previous 2 weeks. Employee paychecks are issued every other week on Fridays.

Checks will be available at the end of the scheduled workday on Friday. Optionally pay checks can be picked up, mailed or directed deposited in the employee's bank account.

No paycheck will be given to another person (third party, even spouse) unless the employee gives authorization to the employer.

## **2.9 TIMEKEEPING – TSHEETS & GPS TIME TRACKING**

Accurately recording time worked **IS** the responsibility of every employee.

“Time Worked” Defined as

The actual time spent **ON A** customer(s) job performing assigned duties.

The Company reserves the right to delay pay for any tsheet that is not completed the day. If the internet is not working for tsheets you are required to manually fill out a time card for the day.

Altering, falsifying, tampering with timecards, or recording time on another team member’s time record will result in disciplinary action, including termination of employment.

Authorized personnel will review time records each week. Any changes to an employee’s time record must be approved by the office. Questions regarding the timekeeping system or time cards should be directed to the office.

## **2.10 TRAVEL TIME**

All employees will be paid travel time to the customer job site (This will go under customer mobilization as billable on tsheets) at the beginning of their work day.

If the employee is required to drive a Company vehicle with equipment or supplies back to the shop/yard he/she will be paid travel time back to the shop. (This will go under customer mobilization as not billable on tsheets).

All employees are considered to be clocked out once you arrive at the shop/yard at the end of your work day. **NO** time standing in the shop at the end of the day will be paid unless working. The office reserves the right to change an employee's tsheet if not clocked out when arriving back to the shop.

It will be the supervisor's responsibility to ensure that the employees under their supervision are recording travel time properly. Failure to abide by this policy may result in disciplinary action.

## **2.11 WEATHER/RAIN DELAYS**

The Company will pay for weather/rain delays beyond the Company's control, unless management chooses to do otherwise depending on the delay. (Note on tsheets so the customer does not get billed for time not worked.)

## **2.12 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 office. The company will make every attempt to adjust the error no later than the employee's next regular pay period.

## **2.13 EMPLOYEE ADVANCES**

**Good business practice and Company Policy prescribe that A Company not loan money to employees.**

In the event of an employee advance the employee will sign an authorization form for the deduction(s) (other than statutory deductions). All deductions will be itemized on the employee's paycheck stub. Any questions regarding payroll deductions should be directed to the Office.

**You are discouraged from loaning money to a fellow employee.**

## **2.14 PERFORMANCE IN PAY**

The starting wage rate for all employees is the present minimum wage or higher, depending on the job classification, experience, training, and discretion of management.

Although the Company's hourly wage schedules will be adjusted on an ongoing basis, the Company does not grant "cost of living" increases. Performance is the key to wage increases in the Company. As a result, raises if given will be at the discretion of the management and will not necessarily increase at the same increments for all employees.

New employees will be reviewed at the end of their probationary period (see Section 2.2, Probationary Period for New Employees). At this time their status with the Company will be determined.

## **2.15 HOLIDAYS**

The Company observes the following non-paid holidays per year for all employees:

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

## **2.16 FAMILY EMERGENCY**

In the event the office receives word of an emergency related to a member of an employee's family, the employee will be notified & arrangements will be made to contact the employee, and if necessary, arrange for the employee to return home immediately.

**OR**

In the event an employee receives word of a family emergency the employee will notify the office as soon as possible before leaving.

## **2.17 SEVERE WEATHER CONDITIONS AND EMERGENCY CLOSINGS**

Occasionally, severe weather or emergency situations [such as rain, snow, fire, power failure or flooding] may disrupt the Company's operations and necessitate early closing, late opening, or cancellation of work. A determination on opening or closing will be made by management.

When the decision is made to open or close the Company employees will receive official notification from management. Time off from scheduled work due to emergency closings will be unpaid for all employees.

## **SECTION 3 BENEFITS**

The Company makes contributions, on your behalf, to Federal and State Insurance programs. While required by law, these insurance programs are a very real part of your fringe benefits program.

Questions concerning benefits and/or insurance claim information should be directed to the office. The terms of the benefit plans described are subject to change at any time by the insurer(s) or the Company.

### **3.1 GROUP HEALTH INSURANCE**

Group health insurance is available to all full-time employees. Coverage will become effective on the first (1st) day of the month following thirty (30) days of continuous employment.

At the present time, the Company pays a significant portion towards the cost of premiums for coverage on employees (The Company does not cover dependents). 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.

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

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

The Company will comply with federal regulations relating to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), which is designed to provide employees 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. If cobra payment is not met, insurance can be cancelled. Further information may be obtained from the office upon layoffs.

### **3.3 GROUP LIFE INSURANCE**

Group life insurance is not available.

### **3.4 SIMPLE IRA PLAN**

The Simple IRA plan is administered through Ameriprise Financial and managed internally by the Company. The Company makes matching contributions equal to 100% of Elective Deferrals that does not exceed 3% (and not less than 1%) of annual compensation. Each year in October the Company chooses the percentage of matching funds for the following year (between 1% and 3%).

Eligibility occurs after \$5,000.00 of compensation has been reached.

For any year, a Contributing Participant's Elective Deferrals shall not exceed \$12,500.00 maximum under age 50 for an individual. \* If over age 50 an additional \$3,000.00 catch up provision exists. Please see the Office for the current percentage.

### **3.5 VESTING**

Employee and Employer Contributions are 100% vested. All company contributions added to the

Simple IRA Plan account is vested according to the plan documents published and distributed at the time the employee becomes eligible for the plan.

### **3.6 SOCIAL SECURITY (FICA)**

The Company shares equally with you the cost of Social Security contributions. Social Security taxes must be deducted from your paychecks as required by Federal law.

### **3.7 WORKER'S COMPENSATION**

Worker's Compensation is governed by state law. Premiums are paid for by the Company. These are benefits paid to you for injuries arising out of, or in the course of, your employment. This provides replacement income, temporary disability, permanent partial disability, permanent total disability, and medical expenses.

To protect this benefit, you must:

- Report any accident, no matter how small, to the office immediately after it occurs.
- Provide your employer with as much information as possible.
- Follow the course of treatment recommended by the doctor authorized to treat the injury;
- Obey all the safety rules.

State law determines whether or not an injury or illness is covered by Worker's Compensation. You may lose or forfeit this benefit if you fail to follow these Procedures.

### **3.8 UNEMPLOYMENT COMPENSATION**

Unemployment compensation insurance is a benefit paid **entirely** by TNT Construction/Kerkhoff, Inc. and is administered by the State. Weekly income protection is provided by the state.

Employees may be eligible for unemployment benefits upon termination of service with the company, depending on state law and circumstances connected with termination. In some cases, benefits may be reduced if an individual leaves without a satisfactory reason or is dismissed for cause.

After leaving company employment, the terminating employee can file an unemployment claim with the State Employment Office, which will explain the rights, benefits, and eligibility determination process provided by state law.

## **SECTION 4 SEPARATION AND LEAVE OF ABSENCES**

### **4.1 SEPARATION/TERMINATION FROM EMPLOYMENT**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are a few examples of some of the most common circumstances under which employment is terminated:

- **Resignation** – voluntary employment termination initiated by an employee.
- **Termination** – involuntary employment termination initiated by the Company.
- **Layoff** – involuntary employment termination initiated by the Company for non-disciplinary reasons.

When an employee intends to terminate his/her employment with TNT Construction/Kerkhoff, Inc., he or she must notify office personnel. Upon voluntary termination of employment the Company requests two weeks' notice to help with scheduling issues.

Since employment with TNT Construction/Kerkhoff, Inc. is based on mutual consent, both the employee and TNT Construction/Kerkhoff, Inc. have the right to terminate employment at will, with or without cause during both the Introductory/Probationary Period for New Employees (See Section 1.12, Probationary Period for New Employees), and during an employee's continued employment with the Company after such introductory/probationary period.

Any employee who terminates employment with TNT Construction/Kerkhoff, Inc. shall return all files, records, keys, and any other materials that are property of the Company. No final settlement of an employee's pay will be made until all items are returned in appropriate condition. The cost of replacing non-returned items will be deducted from the employee's final paycheck. Furthermore, any outstanding financial obligations owed to the Company will also be deducted from the employee's final check.

Employee's benefits will be affected by employment termination in the following manner. All accrued vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense (See Section 3, Benefits) if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

### **4.2 REQUESTS OF LEAVE**

#### **➤ MEDICAL/SICK DAYS**

The Company's employees are required to call the office or Jill's cell phone to report a sick day at the earliest possible time as not to disrupt operations of the Company.

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. If you do not report for work and the office is not notified of your status, it will be assumed after three consecutive days of absence that you have resigned, and you will be removed from the payroll.

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

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.

If you become ill while at work or must leave for some other reason before the end of the workday, be sure to inform the office or your supervisor.

➤ **PERSONAL LEAVE**

Personal leave refers to short-term absences for reasons other than illness, such as taking a child to a physician, school appointments, time to run errands, etc. No federal law requires employers to provide paid or unpaid personal days.

Consideration will be given to requests for a personal leave of absence, without pay. All leaves of this nature must have prior approval from the Company. The employee is responsible for their insurance benefits for any personal leave lasting longer than (7) consecutive days.

➤ **LEAVE OF ABSENCE (LOA)**

The leave of absence is defined as a leave from your job without pay. A leave of absence will only be considered in special circumstances. The leave of absence policy of TNT Construction/Kerkhoff, Inc. exists in order to protect the longevity of employees who must take a leave of absence for themselves for acceptable reasons for temporary periods.

Any request for a leave of absence must be submitted in writing for the period of time and must be approved by the Company in advance of the commencement of the leave.

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.).

If the time period requested is longer than the position can be held open, then the employee will be advised at that time that the job may not be available upon the employee's return to work.

- 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 TNT Construction\Kerkhoff Inc. by the first day of each month which the employee is on an approved leave of absence.
- The employee will retain his/her original employment date (continuous service or anniversary date) showing no interruption in service.
- The employee will retain his/her membership in the company's Simple IRA Plan up to the amount of time allowed in the Plan.
- If an employee accepts other employment, all of his/her benefits with the company will be terminated.

➤ **FAMILY MEDICAL LEAVE ACT (FMLA)**

The Federal and Minnesota versions of the Family and Medical Leave Act (FMLA) provide eligible employees a defined amount of unpaid leave for certain family and medical reasons during a 12-month period. Such reasons include (but are not necessarily limited to):

- A serious health condition of the employee, employee's spouse, or certain relatives of the employee or covered service member;
- Birth or adoption of a child (parental leave);

- Bone marrow donations; or
- An employee's need to provide or obtain assistance because of a sexual assault, domestic abuse, or stalking (safety leave).

For additional information: See both the Minnesota and Federal Employment Notices posted on the Employee Bulletin board for more information regarding State or Federal FMLA rules and regulations or talk to the office personnel.

Requests for FMLA Leave. An employee should request FMLA leave by completing the Company's request for leave form and submitting it to your supervisor

➤ **VOTING, ELECTION JUDGE AND POLITICAL CONVENTION LEAVE**

The company encourages its employees to vote in every election; however, time off with or without pay is not provided for voting. Employees should plan to vote prior to or following normal work hours.

Election Judge

If an employee is serving as an election Judge time off will be granted with pay. The employee must provide the Company no less than 20 days' notice. The Company may reduce the employee's pay by the amount paid to the employee to serve as an election judge by the appointing authority.

Political Convention Leave

An employee who is a member of the state central committee or executive committee of a major political party, or who is a delegate to a political convention, will be granted unpaid leave to attend a meeting of the committee or attend the convention. The employee must provide the Company no less than 10 days' notice.

➤ **FUNERAL LEAVE**

In the event of a death in an employee's immediate family, the employee will be allowed up to three (3) days off without pay in order to assist with arrangements or to attend the funeral.

For the purpose of this leave Policy "immediate family" is defined as spouse, child, father, mother, sister, brother, or grandparents of either the employee or employee's spouse.

➤ **JURY/WITNESS DUTY**

Employees will be granted time off to serve on a jury duty leave without pay. However, you must let your employer know well in advance, as soon as you receive your summons. All regular employees both full-time and part-time will be kept on the active payroll until their civic duties have been completed. A copy of the jury duty summons and all other associated paperwork are required for the personnel file.

➤ **MILITARY LEAVE AND FAMILY LEAVES RELATED TO MILITARY**

Military Leave

Employees in the Reserve, National Guard, or other military services will be granted time off without pay. However, you must let your employer know well in advance, as soon as you receive your notification. All regular employees both full-time and part-time will be kept on the active payroll until their civic duties have been completed. A copy of the notification or activation paperwork and all other associated documentation is required for the personnel file. Note that FMLA as referenced in this Section 4.2 above also covers events involving exigency leave and family caregiver leave. See Minnesota and Federal Employment Notices posted on the Employee

Bulletin board for more information regarding State or Federal FMLA leave or talk to the office personnel.

#### Family Leaves Related to Military

Time off up to two consecutive days or a total of six days in a calendar year is available to employees attending certain events related to military service of an employee's spouse, parent or child (e.g. departure or return ceremonies, family training, readiness events, or reintegration programs). An employee must provide reasonable notice to the Company.

Time off of one day per year is available to employees to attend military send-off or homecoming ceremonies for a grandparent, legal guardian, sibling, grandchild or fiancé. An employee must provide reasonable notice to the Company.

The Minnesota Family and Medical Leave Act allows employees up to 10 working days of unpaid leave for an immediate family member (parent, child, grandparent, sibling or spouse) who is injured or killed while on active duty in the armed services.

The Company may limit the amount of leave to the actual time necessary. The leave may not be granted if it would unduly disrupt the operations of the employer.

#### ➤ **PUBLIC OFFICE/PUBLIC SERVICE LEAVE**

An employee elected to public office will be permitted time off to attend scheduled functions required by the office. The time off will be without pay. Employees serving in a role such as a voluntary fire department member or EMT will also be allowed time off to respond to emergency situations. Again, the time off will be without pay. In both of the mentioned situations, time off may be denied if the employee's absence causes a hardship or leaves a location or station unstaffed.

#### ➤ **SCHOOL PROGRAM LEAVE**

Employees who have worked at least half time for the previous 12 months are eligible to attend special education, pre-school or school conferences, classroom activities and preschool activities for their children or foster children that cannot be scheduled during nonworking hours. Time off is unpaid and may not exceed 16 hours annually. When the need for the leave is foreseeable, the employee must provide reasonable notice prior to the leave and must make a reasonable effort to schedule the leave so as not to disrupt company operations.

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

### **5.1 COMPANY PROPERTY & GENERAL HOUSEKEEPING**

Every employee will be working with company equipment, using supplies, and handling company property. The best rule to follow is to use care for company property with the same respect you would want shown for your personal property.

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, and good housekeeping is expected. Unsafe, destructive, careless, negligent, or improper use or operating of equipment may result in disciplinary action up to and including termination of employment.

If shop supplies or tools are lost, damaged, or stolen because of employee neglect, the Company may ask the employees to purchase their own supplies and tools.

The Company reserves the right to regulate the outside use of their office space, shops, equipment, and materials by employees for non-work related activities.

Equipment clean up and House Keeping is everyone's responsibility. **Clean Up Your Own Mess!** You are expected to keep your equipment and work area clean and free of obstructions. Clean your work area immediately after completing a job. Everyone is expected to leave his/her work area clean at the end of each shift. This practice will contribute to safer working conditions and greater productivity. **Have Pride In Your Work Area!**

### **5.2 PERSONNEL 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. Employees should be well mannered and respectful to all customers.

The following items are considered appropriate working attire for the Company for safety reasons.

- Safety boots (tennis shoes are NOT proper footwear)
- Long pants (No Shorts)
- Shirts are required.

### **5.3 SMOKING POLICY**

The Company is dedicated to providing a healthy and productive work environment for our employees as well as a 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 the Company office facilities.

If a non-smoker asks a fellow employee not to smoke in their piece of equipment the Company supports and respects the non-smokers right.

The use of tobacco products is not permitted on any job site that stipulates no smoking on premises. The Company will not pay employees for time lost for stepping off site of jobs for smoking. This applies to the use of smokeless tobacco also.

#### **5.4 EXPENSE REIMBURSEMENT**

In the event an expense is incurred by an employee on the jobsite s/he must have prior approval by a supervisor. Reimbursements will be included in the employee's next regular paycheck as long as a receipt is turned in.

#### **5.5 CHARGE RECEIPTS**

There are situations when an employee must sign for parts or supplies. All charge receipts must include **LEGIBLE** employee name and unit number of equipment. **NO EXCEPTIONS!!**

#### **5.6 BUILDING SECURITY**

All employees who are issued keys to the office and/or shop are responsible for their safekeeping. The last employee, or a designated employee, who leaves the office and/or shop at the end of the business day assumes the responsibility to ensure that all doors are securely locked, and all appliances and lights are turned off. Employees or guests are not allowed on Company property after hours without prior authorization from the Company.

#### **5.7 PARKING**

Employees must park their cars in areas indicated and provided by the Company.

#### **5.8 VISITORS IN THE WORKPLACE**

To provide for the safety and security of employees, visitors, and the facilities only authorized visitors if escorted by a TNT representative are allowed in the workplace. Restricting unauthorized visitors helps ensure security, decreases insurance liability, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

#### **5.9 POLICY ON HARASSMENT, INCLUDING SEXUAL HARASSMENT, AND VIOLENCE**

**The Company operates on the basis every individual deserves to be treated with respect, courtesy, tact, and consideration. Therefore we expect you to treat customers and your fellow employees in this manner. You must constantly be aware of, and sensitive to, any behaviors which are offensive to others.**

The Company is committed to ensuring an employment environment where employees can work, learn, and develop their full potential. Harassment, as well as offensive, degrading and inappropriate remarks and conduct, are not permissible and have no place in our work environment. Employees have the right to work in a healthy and safe environment free of harassment, offensive and derogatory behavior.

This policy is designed to further the Company's goal of a healthy, respectful and discriminatory free environment that promotes dignity and equality and to comply with federal and state laws. It is *each* employee's responsibility to maintain a workplace free of any form of harassment and discrimination.

It is also the policy of the Company to prohibit any form of workplace harassment against any employee or any applicant for employment because of race, color, genetic information, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, physical or mental disability, veteran/military status, sexual orientation, ancestry, familial status, membership or activity in a local human rights commission. The Company will not tolerate workplace harassment, whether committed by an employee, supervisor/manager, vendor, contractor, or client against anyone including managers, supervisors, and co-workers.

**Policy Applies to Whom, Where, and When:**

Those covered under this policy include all the Company's employees, visitors, contractors, clients, and vendors. The policy is in effect anytime employees are on company business including outside of the office, for example - travel, meetings, and other events. It may also include social gatherings if the behavior directed from one employee to another is egregious enough to negatively impact the work environment.

**Harassment Definition:**

Harassment may consist of, but is not limited to:

- Verbal harassment (e.g. epithets, derogatory statements, slurs, and offensive comments or jokes based on an individual's protected class),
- Physical harassment (e.g. unnecessary or offensive touching), and
- Visual harassment (e.g. offensive posters, cartoons, drawings, gestures, screen savers, clothing) that demeans or intimidates an employee or group of employees because of their protected class.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature:

- Where giving in to or rejecting the behavior is used as the basis for employment decisions affecting the individual (e.g. getting hired if one submits to the sexual behavior; continuing employment depends on "going along" with harassing conduct, or "giving in" to sexual demands such as dates, 'late night meetings', or a sexual relationship, to name a few)
- Which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (please see examples below)
- When demeaning, degrading, and offensive behavior is directed towards one gender when the behavior may *not necessarily be sexual in nature*, but would not occur to that individual if not for her/his gender.
- Sexual harassment also includes harassment between members of the same sex, (heterosexual or gay, lesbian, bisexual, or transgender) including harassment motivated by a belief that a co-worker does not conform to the stereotypes of his or her gender. Harassing behavior aimed at an individual because of their real or perceived sexual orientation will not be tolerated and is a violation of the law.

**Examples of Sexual Harassment and other Protected Class Harassment:**

Same-sex and/or opposite-sex conduct that the Company considers unacceptable and often a part of harassment includes, but is not limited to, the following:

- Unwelcome sexual invitations or requests for sexual activity or a date in exchange for promotions, preferences, favors, selection for special projects, job assignments etc.

- Unwelcome and offensive public sexual displays of affection including groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive body language and massages
- Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions such as sexual remarks or innuendoes about an individual's clothing, appearance or activities, sexual jokes, sexual gestures, public conversations about sexual activities or exploits, sexual rumors and "rating lists", howling, catcalls and whistles, sexually graphic computer images or files or e-mail messages or games etc.
- Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on gender stereotypes or sexual orientation
- Unwelcome physical contact or closeness that is sexually suggestive, degrading, or intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal-body hugs, etc.
- Unwelcome and offensive physical pranks or touching of an individual's clothing based on gender and/or other protected class
- Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, sexual and gender-based activity of a criminal nature as defined under the Minnesota criminal code.
- Unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions
- Clothing with sexually obscene or sexually explicit slogans or messages
- Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.

Additional examples of protected class harassment may include:

- Any unwelcome behavior that is offensive, degrading, intimidating, demeaning, and that is based on stereotypes and attitudes of that protected class
- Protected class slurs and name-calling
- Stalking due to one's protected class
- Graffiti regarding one's protected class
- Derogatory comments made based on one's protected class
- Use of computer and/or e-mail for derogatory notes and graphics towards one's protected class
- Protected class offensive graphics, magazines, T-shirts, posters, etc.
- Treating one group differently because of their protected class whereas it creates a hostile environment for that group
- Same-race harassment (e.g. one African American calling another African American the "N" word)
- Harassment may be aimed at an individual due to an intersection of their class, for example, harassing someone because of their race, gender, and religion, together.

The fact that someone did not intend to harass an individual is no defense to a complaint of harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes harassment.

Unacceptable/Offensive/Degrading Conduct may or may not constitute harassment. Usually harassing behaviors must be severe and/or pervasive to a reasonable person to be considered harassment. However, unacceptable/offensive behavior does not have to rise to the level of harassment before disciplinary action occurs up to and including termination. Complaints received

will be thoroughly investigated to determine whether the behavior and circumstances are against this policy and/or constitute harassment.

**Complaint Procedure:**

To the extent she/he feels safe and comfortable in doing so, the offended employee is encouraged to confront the offender, verbally or in a letter and/or with an advocate present, and tell him/her to stop the offensive conduct because it is unwelcome.

If the offended employee's concerns are not resolved satisfactorily by communicating with the offender, or if the offended person feels she/he cannot discuss the concerns with the offender, the offended employee should inform her/his supervisor/manager, human resources, or any member of management including the General Manager.

The offended employee is encouraged to document the incident(s) as soon as it occurs in as much detail as possible, including: the nature of the incident(s); dates, times, and places it has occurred; name of the offender; witnesses; their response to the incident(s); the effect/impact of the behavior on them. A form is provided for this purpose. The offended person who contacts management with a complaint is encouraged to submit this documentation; however, complaints may be filed verbally. Alternate methods of filing complaints shall be made available to individuals with disabilities who need accommodation.

The offended employee of offensive conduct and harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.

Employees who believe that the actions or words of another employee, visitor, client, contractor, or vendor constitutes harassment, offensive, inappropriate or degrading behavior, or who have knowledge of any conduct of other employees, contractors, clients, visitors or vendors which may constitute such behavior, are encouraged to report the behavior as soon as possible to her/his immediate supervisor/manager, or human resources or any other manager.

The offended employee is encouraged to report the behavior as soon as possible after the incident in order to be effectively investigated and resolved.

**Investigation Procedures and/or Resolution of the Complaint:**

The Company will promptly and thoroughly investigate complaints of harassment or other violations of this policy to determine whether improper conduct has occurred.

*The offended employee has the right to pursue other options such as filing a complaint with state or federal agencies. Pursuit of these options by the offended person will not preclude processing of complaints by the Company. Once a complaint has come to the attention of the Company, follow through must and will occur, even if the complainant says she/he does not want anything done.*

The officers of the company is the decision making authority to review the investigative reports and to make a finding of whether the harassment policy has been violated based upon the investigation, and to determine the appropriate action to be taken based upon the findings.

**Informal Resolution:**

A full investigation may not always be required for every complaint. An informal resolution is often an appropriate/alternative response depending upon the nature of the complaint. The goal of the informal resolution is to stop the inappropriate behavior.

**Confidentiality:**

The Company will make every effort to protect the rights and concerns of the offended person, the offender, and any witnesses. Respect for the privacy of all parties will be adhered to as much as possible. However, because an individual's right to confidentiality must be balanced with the Company's obligations to investigate and take necessary action to resolve a complaint, the Company retains the right to disclose the identity of any of the parties in appropriate circumstances and only to those with a need to know.

**Disciplinary Action:**

The Company will take appropriate remedial action based on the results of the investigation and will monitor the situation to ensure that the remedial action is effective. Individuals found to have violated this policy will be subject to disciplinary sanctions which may include but are not limited to:

- Verbal warnings/reprimands
- Written warning/reprimand in employee file
- Written apology to the offended person
- Education and/or coaching on harassment
- Referral for psychological assessment or treatment
- Involvement of law enforcement
- Suspension or termination
- Referral to Employee Assistance Program/counseling
- Loss of promotion or salary increase

**Right to Appeal:**

Both the offended employee and the offender shall have the right to appeal decisions within 10 working days after notification of the outcome of the investigation. The appeal shall be in writing, and a response will be made within 10 working days at which time the parties may present their case and arguments.

Within 10 working days of the appeal the Company shall provide all parties with a written decision. During the time of the appeal and review, disciplinary action taken as a result of the complaint will be enforced.

**Retaliation:**

The Company will not tolerate retaliation or intimidation of any kind towards anyone making a report or complaint of harassment or offensive behavior. No employee who reports a violation of this policy will be subject to any adverse employment action because of the reporting. No manager or employee at the Company will retaliate against an employee because he or she has opposed discriminatory practices including; complaining of discrimination or harassment through the internal complaint procedures; filing a charge of discrimination with any municipal, state, or federal equal employment opportunity agency, or participating in an investigation of a charge or complaint of discrimination or workplace harassment. Such retaliation and intimidation not only violates this policy but also violates state and federal law.

All parties involved shall be informed of their right to be free of retaliation and intimidation. The Company shall bring swift and strict disciplinary action against any individual who retaliates against a person reporting harassment or who retaliates against a person who testifies, assists or participates in an investigation proceeding or hearing in connection with a harassment complaint.

Examples of retaliation include but are not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, unfair

performance review, not being informed/included about important events such as meetings or changes in policies, ridicule (public or private), name calling, refusal to meet with a person even though that person has a right to do so, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension, probation or termination.

**Consensual Relationships:**

Consensual relationships in situations involving a supervisor/manager and an employee are generally inappropriate and strongly discouraged by the Company. Any supervisor/manager that enters into a sexual relationship with a staff member, where a professional power relationship exists, is warned that if a charge of sexual harassment is subsequently made, that staff member may assert that the relationship was not consensual and/or became non-consensual.

**Employee Responsibility:**

Every employee is to refrain from participation in, or encouragement of, actions that could be perceived as harassment or offensive conduct, and is encouraged to assist in the prevention and intervention of harassment by:

- Reporting acts of harassment and/or offensive conduct to a member of management, human resources, or the General Manager.
- Encouraging any employee who complains of being harassed or discriminated against to report these acts to a supervisor/manager
- Informing the offender that his/her behavior is unacceptable, against policy and that he/she should stop the behavior
- Offering support to the offended employee

**TNT Construction/Kerkhoff, Inc.**

**Harassment and Violence Report**

General Policy Statement: Harassment, either intentional or unintentional, has no place in the work environment. Accordingly, the Company does not authorize and will not tolerate any form of harassment of or by any employee (i.e., supervisory or non-supervisory) based on race, color, sex, religion, age, national origin, citizenship status, disability, creed, marital status, familial status, sexual orientation, status with regard to public assistance, disability, membership in a local commission, genetic information, or any other characteristic protected under federal, state or local law. Employees may use this form or make complaints directly to their supervisor, any member of management, or the General Manager. Refer to the Harassment Policy in the employee handbook for additional information.

Complainant: \_\_\_\_\_ Home Phone # \_\_\_\_\_

Home Address: \_\_\_\_\_

Work Location: \_\_\_\_\_ Work Phone # \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_ Nature of harassment: Sexual, Racial, Religious, etc. \_\_\_\_\_

Name of person(s) you believe harassed or was violent toward you: \_\_\_\_\_

If the alleged harassment or violence was toward another person, identify that person: \_\_\_\_\_

Describe the incidents(s) as clearly as possible, including such things as: what force, if any, was used; verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved (Attach additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Use additional space if necessary to accurately record your complaint.

This complaint is filed based on my honest belief that the above named individual(s) has harassed or been violent to me or to another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

## 5.10 ALCOHOL AND DRUGS

The Company is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and drugs of abuse have been established for all staff members, regardless of rank or position, including both regular and temporary employees.

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.

Come to the office if you suspect alcohol/drugs or have complaints.

The Company has random drug/alcohol testing that is done quarterly for non-DOT drivers and DOT drivers. All records pertaining to Alcohol & Drug Testing are kept separate of the Personnel File, and are strictly confidential. Employees with CDL licenses will receive a copy of the policy and are required to sign an acknowledgement.

For additional information: See complete copy of the Company's *Alcohol & Controlled Substance Policy and Testing Policy* is included as Exhibit A to his handbook. Questions regarding this policy should be directed to office personnel.

## 5.11 TWO-WAY RADIOS

Employees must use proper procedure and appropriate language when using company two-way radios and they are to remain on at all times.

## **SECTION 6 CONFLICTS OF INTEREST**

Employees of the Company must accept the responsibility to treat information about customers, suppliers, our internal operations, and internal records with absolute confidentiality.

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.

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

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

### **6.2 OUTSIDE EMPLOYMENT**

The Company makes every effort to keep its employees fully employed. When an employee is on the job, this means that 100% of his/her effort is required.

Employees may hold outside jobs in non-related businesses or professions as long as the employee meets the performance standards of their job. If the outside job(s) interferes with the obligations and deadlines of the Company (customer contracts) then the Company reserves the right to ask the employee to leave his/her outside employment and return to work.

If a leave of absence (LOA) is requested, it must be approved by Management. The Company reserves the right to limit the number of employees requesting leave at the same time.

### **6.3 GIFTS & GRATUITIES**

The acceptance of gifts and gratuities creates the potential for a conflict of interest therefore; Company policy prohibits the acceptance of gifts and gratuities such as (but not limited to) holiday gifts, trips, and cash awards from vendors or other business contacts. Promotional items of minimal value such as calendars, coffee cups, and pens are allowed. When no potential for a conflict of interest exist, an exclusion from the policy may be approved by Jill Kerkhoff. All questions or concerns as to the extent of the policy (what is considered a gift or gratuity) should be addressed with the Board.

## SECTION 7 WORK RULES OF GENERAL CONDUCT

### 7.1 ORDER OF CORRECTIVE ACTION

**These rules are guidelines only and are not all inclusive.**

The Company holds each of its 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 customers.

The usual sequence of corrective actions includes a verbal warning, a written warning, disciplinary suspension and or probation from work without pay and benefits, and finally termination of employment. In deciding which initial corrective action would be appropriate, management will consider the seriousness of the action, the circumstances surrounding the matter, and the employee's previous record.

➤ **Step No. 1: Verbal Warning**

Inform the employee that he/she must correct his/her actions or further disciplinary action will be taken; record the results of this conversation on the appropriate form; and have the employee sign the form. This form will remain in the employees personnel file for 30 days.

➤ **Step No. 2: Written Warning**

When the performance or the policy violation does not improve or change, management will explain to the employee that through observations, it appears that he/she is knowingly not meeting the job requirement; explain that if the employee does not correct his/her actions he/she will be subject to discipline; record the results of this conversation on the appropriate form; and have the employee sign the form. This form will remain in the employees personnel file for 30 days.

➤ **Step No.3: Disciplinary Suspension and Probation**

If the employee's performance continues to be below standard or the policy violation is continually violated, the management will: discuss the situation; inform the employee of his/her continued deficiency; **inform the employee of a suspension without compensation, benefits will not accrue nor will benefits be recoverable during the suspension period**; record the result of discussion; have employee sign the appropriate form and suspend the employee. The employee will also be notified that they will be on probation when s/he returns to work. Length of probation will be determined on a case by case situation. This form will remain in the employees personnel file.

➤ **Step No. 4: Termination**

This is the final step involved in the process and the Company is hopeful it does not have to employ this step. In the event of Theft, Sexual Harassment and/or other types of actions PROHIBITED by policy, this step may, in fact, be the "first" step because of the serious offenses involved. In this step management will: discuss the situation, record the termination action on the appropriate form; inform the employee of the decision; show the employee the discipline form; collect all Company materials and equipment; escort the employee from Company premises. This form will remain in the employees personnel file.

Management reserves the right to terminate or discipline any employee as the Company, in its sole discretion, considers necessary in individual circumstances

## 7.2 STANDARDS OF CONDUCT

The work rules and standards of conduct for the Company are important, and the Company regards them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting the Company's business. Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment (See Section 7.1, Corrective Action).

### **General Conduct Rules:**

- All employees shall comply with all Federal, State and Local ordinances, codes, provisions, laws, rules and regulations pertaining to work at all times.
- All employees shall comply with all Company, Industry, and Regulatory safety codes and standards.
- Idling, loitering, wandering, sleeping on the job, disorderly conduct, pranks, practical jokes, and other misconduct will not be tolerated.
- The use of radios will be permitted as long as these do not distract the employee, or annoy customers or fellow workers or interfere with the two-way radios.
- Employees are responsible for reading and knowing all announcements posted on the Company bulletin board.

### **EXAMPLES OF UNACCEPTABLE CONDUCT**

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule violations or misconduct that may result in disciplinary action, including termination of employment.

- Theft or inappropriate removal or possession of property; company's, customers or any employee
- 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 timekeeping records
- Working under the influence of alcohol or illegal drugs (See Section 5.10, Alcohol and Drugs);
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Use of threatening, profane or abusive language
- Negligence, sabotage, willful or improper conduct leading to damage of company-owned, customer-owned or employee-owned property.
- Gross insubordination – a willful and deliberate refusal to follow reasonable orders by a member of management or other disrespectful conduct;
- Violation of safety and/or health rules (See Section 10);
- Smoking in the workplace;
- Sexual or other unlawful or unwelcome harassment (See Section 5.9, Policy on Harassment, including Sexual Harassment);
- Excessive absenteeism or any absence without notice (See also, Section 2.4 Attendance/Punctuality and 2.5, Section Unexcused Absence);
- Unauthorized use of phones, or other company-owned equipment;
- Use of mobile phones while working, driving vehicles or operating equipment.
- Texting (since it is State Law, may result in immediate termination).
- Using company equipment for purposes other than business (i.e. playing games on computers or personal Internet usage);

- Unauthorized disclosure of confidential information to outsiders;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.
- Unauthorized use or sale of any company-owned property, salvage material or equipment.
- Gross negligence or willful acts in the performance of duties resulting in damage to company property or injury to others.
- Willfully misusing company property.
- 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;
- Misuse of company equipment
- Gaining unauthorized access to company records.
- Failure to report personal injury resulting from an on-the-job work situation.
- Unethical conduct or serious conflicts of interest.
- Speeding or reckless driving or unauthorized use of company vehicle.
- Not completing assignment up to the quality required by the company.
- Demonstration of lack of courtesy towards other employees, customers or vendors.

## **SECTION 8 TRANSPORTATION**

### **8.1 PERSONAL TRANSPORTATION**

Employees may use their personal vehicles 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 vehicles is used and the employee may be required to provide the appropriate proof of insurance.

All employees should be sure that their own personal insurance policies cover the loss of anything occasionally left at the office. The Company assumes no risk for any loss or damage to personal property.

## **SECTION 9**

### **EMPLOYEE COMMUNICATIONS/CONCERNS**

#### **9.1 BULLETIN BOARDS**

Bulletin boards placed in the office to provide employees access to important posted information and announcements. The employee is responsible for reading necessary information posted on the bulletin boards.

#### **9.2 PROCEDURE FOR HANDLING COMPLAINTS**

Whenever a group of people are required to work together for an extended period of time, problems and misunderstandings can occur (conflict resolution).

A formal complaint Procedure has been established to provide you with a prompt and fair means of resolving personal complaints regarding work or working relationships, This Procedure guarantees courteous and fair treatment, and there shall be no reprisals against you for voicing your concerns provided you follow the established Procedure and behave in a courteous and respectful manner. Employees are encouraged to discuss the problem with management in the office.

#### **9.3 EMPLOYEE ACKNOWLEDGEMENT**

See Section 1.22 Forms & Policies to Sign - Acknowledgment of Handbook

## **SECTION 10**

### **SAFETY & HEALTH POLICY**

#### **SAFETY POLICY COMMITMENT**

The Company is committed to the safety of its employees, Subcontractors, Suppliers, Customers, 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.

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** and to help you do your job correctly and safely.

As you know, safety often involves using common sense. Therefore, when a hazardous condition seems apparent, please ask or notify management immediately. Always remember that the common sense – **safe way** is the best way to do every job to prevent injury to yourself...or someone else Discuss your concerns with the office when in doubt.

Report any personal injury **IMMEDIATELY**, however minor. Report all dangerous conditions and practices to the Immediate Supervisor

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 his/her Supervisor
- All questions concerning the reason for doing something in a certain manner may be asked of any member of management at any 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 the Company 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.

As you know, safety often involves using common sense. Therefore, when a hazardous condition seems apparent, please ask or notify your supervisor immediately. Always remember that the common sense – **safe way** is the best way to do every job. Discuss your concerns with your immediate supervisor when in doubt.

Most successful projects take more than one person. Safety and production is a team effort. Therefore, focus on production with safety.

**EMPLOYEES WHO ARE FOUND TO BE IN VIOLATION OF ANY OF THE SAFETY RULES, THAT EMPLOYEE WILL RECEIVE AN "EMPLOYMENT VIOLATION". REPEATED VIOLATIONS MAY BE CAUSE FOR TERMINATION.**

## 10.1 A WORKPLACE ACCIDENT & INJURY REDUCTION (AWAIR)

The Company promotes a safe and healthful working condition for all employees. To do so, management and employees will strive to reduce to extent and severity of work related injuries and illnesses. The Company specifically proposes the following steps to meet that objective.

- All persons employed by the Company will become keenly AWAIR that reducing injuries is everyone's business. Continued discussions, toolbox meetings, job site inspections by management, and an annual safety meeting are avenues we will use to become even more AWAIR of avoiding jobsite hazards.
- All employees of the Company will attend training sessions to enhance job skills. Any accident involving injury will be reported immediately so we can learn how to avoid that injury in the future. At the annual safety meeting, all employees will be asked their input in discussions where together we can identify, analyze, and control new and existing hazards, conditions, and operations. The issues raised at this meeting become priority items in our risk management.
- Our plan of action will be by verbal discussion at the safety meeting and followed up on issues that were raised and the appropriate way to minimize the risk of injury for each situation.
- Management will investigate the accident involving injury to see what caused the injury and what will be done to reduce future risk of that injury. This will be communicated to all employees.

## 10.2 GENERAL EMPLOYEE SAFETY RULES:

- Employees will be required to know the Company's Safety & Health policy.
- Employees of the Company are required to attend tool box meetings and annual "Right to Know" training and "Injury & Illness Prevention (AWAIR) Program".
- Informal tool box meetings will be held to air any safety or hazard issues that may be discovered while working.
- Know the location of all safety equipment and how to use them. Put safety equipment back where they belong so the next person can find them.
- Employees must be familiar with safe operating procedures for each piece of equipment before operating it. Do not attempt to operate special machinery or equipment without permission and instructions.
- Employees must be familiar with OSHA'S safety regulations for jobs performed before starting.
- Employees are encouraged to suggest in person or anonymously, to Management of any equipment or procedure that is discovered to be a hazard, unsanitary, or dangerous to your health. **Do not** operate any equipment which in **your opinion** is unsafe or is in need of repair.
- Employees are required to report any injuries, accidents, or "near misses" to the office immediately so proper first aid or medical treatment can be given.
- Maintain and inspect all tools and equipment prior to their use.
- Use tools only for their intended purposes. Do not use broken or dangerously dull tools.
- All switches or drives on machinery shall be shut off and locked-out before cleaning, greasing, oiling, or making adjustments or repairs.
- Maintain and operate all equipment and vehicles in a clean and safe condition.
- Maintain good housekeeping in all your work areas. This is a reflection of the quality of your work. Disorder wastes time and energy and often results in injury.
- Use of **seatbelts is mandatory** while operating all company vehicles and equipment. **BUCKLE UP!!!!!!**
- Only authorized personnel should access equipment. No unauthorized passengers.

- Lift Properly - keeping your back as straight as possible and with knees bent. **If the load is too heavy to lift safely, get help!!!!!!!!!!**
- Do not walk or work under suspended loads and be aware of moving equipment when on the ground.
- Fighting and horseplay is prohibited.
- No alcohol or illegal drugs use will be tolerated during work hours or anytime this practice will compromise the safety or production in the workplace.
- Any repeated disregard or violation of accepted safety practices will be cause for possible dismissal of any employee without notice.
- **Watch out for YOURSELF & the OTHER GUY - DON'T ASSUME!!!!!!**
- Hard hats should be worn at all times when overhead exposure exists.
- Vests are to be worn at all times on the job site or high visible shirt.
- Safety boots are required for all employees. No tennis shoes.
- Eye protection **must** be worn at all times when breaking out concrete or asphalt, cutting, grinding, using a cutting torch, welding, sanding, using chisels, chipping slag, breaking rock, handling hazardous materials or any other times when exposed to flying objects or debris. This includes shop work.
- Hearing protection to be used when exposed to loud noises when operating loud power tools and machinery.
- Wear clothes suited for the job. This means hard sole non-slip safety boots, shirts and long pants. Remove all jewelry before reporting to the job.
- All gasoline shall be stored in approved safety cans. **Always** place gasoline containers on the ground before filling them. **Do not** place on pickup bed. This could cause static electricity buildup and result in an explosion.
- Secure all job sites with proper signing and warning devices and be sure they are properly maintained each day as necessary.
- Dirt and materials must be at least 2' back from the ditch.
- Utilities must be notified before any excavation is performed. **(Gopher One Call)**. Copy of ticket will be emailed to persons working onsite to have in possession and read.
- Report any damaged utilities to the office immediately (do not cover up).
- All excavations must be protected.
- No employee shall enter an unshored trench or excavation unless the soil has been sloped.
- Proper sloping practices shall be performed. (See trench safety slope calculator app)
- Soils to be properly identified.
- Monitor soils for unsafe conditions.
- Test for possible gases present in confined space entry.
- Park all equipment with attachments lowered in a safe and orderly fashion.
- Securely tie down all loads to be transported or towed. No chains to be taken off any hauling unit.
- First aid kits are provided in each pickup. It is the responsibility of the driver to see that the kits are on the job and remain well stocked.
- Know where the fire extinguishers are located and how to use them. Notify the office when fire extinguisher has been used to replace or get recharged.
- Extension cords used with electric tools and appliances shall be of the three-wire type. Defective cords shall be replaced on the day they become defective.
- Defective materials or tools must be labeled with accident prevention tags and brought to the office or let office personnel know. This must be done on the day in which that piece of equipment becomes defective and not remain on the job.
- Do not repair or adjust machinery while it is in operation. Never oil moving parts except on equipment fitted with safeguards for this purpose.
- Abide by all hazardous materials instructions provided.
- Employees should check with management 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.
- Do not run or jump from objects. Keep firm footing and proper balance at all times.
- Keep materials out of walkways. 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. Removal of any guard or safety device is **prohibited**.
- 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.
- Mobile phones should not be used while working, driving vehicles or operating equipment unless a hands free device is worn.



**Life is worth it. Distracted driving is not.**

This is not a complete list of general safety rules and these rules are not intended as a substitute for **COMMON SENSE and GOOD JUDGMENT**.

### **10.3 REPORTING INJURIES AND ACCIDENTS**

When any accident, injury or illness occurs while an employee is at work, it must be reported to the Immediate 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 the Immediate 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 statements.

### **10.4 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 Safety Data Sheets (SDS) 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 the Immediate 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.

## **10.5 WRITTEN HAZARD COMMUNICATIONS/RIGHT TO KNOW PROGRAM**

In order to comply with the OSHA Hazard Communication/Right to Know Standard, the following Right to Know Program has been established for the Company.

The Safety Officer is the program coordinator and has overall responsibility for the Hazard Communication program. This program includes guidelines on identification of chemical hazards and the proper use of labels and Safety Data Sheets.

### **➤ SAFETY DATA SHEETS (SDS)**

The Company maintains an inventory of all known chemicals in use on the work site, in the shop and yard areas. A copy of the list is included with this program as well as with each set of SDS sheets. Further information on each noted chemical can be obtained by reviewing the SDS sheet. Hazardous chemicals brought onto the work site will be included on the Hazardous Chemical Inventory list which will be in the SDS booklet.

The safety officer will be responsible for obtaining, maintaining, and updating the SDS. Copies of SDS's for all hazardous chemicals and fact sheets to which employees may be exposed will be kept in the office, employee pickup, shop, and in the pit tool van.

### **➤ CONTAINER LABELING**

All chemicals will be stored in their original containers with a proper label attached. Workers may dispense chemicals from original containers in small quantities for immediate use and any chemical left over must be returned to the original container.

No unmarked containers of any size are to be left in the work area unattended. Manufacturer labels are to be left intact whenever possible. **Containers that are not labeled will be relabeled.**

**DO NOT leave extra oil in the oil cans!!!!**

## **EMPLOYEE TRAINING**

All employees will receive the following training before being allowed to work with Hazardous chemicals found in the work site. **Read instructions on chemical container labels and SDS before working with chemicals. Make sure you wear the correct gloves for the chemical being used.**

1. An overview of the Hazard Communication/Right to Know Standard and this written program.
2. The location and availability of the written Hazard Communication Program.
3. Chemical and physical agents present in their workplace.
4. Physical and health effects of the hazardous chemicals.
5. How to lessen or prevent exposure to these chemicals through proper handling and use of personal protective equipment.

6. Emergency procedures to follow.
7. Location of SDS's and other information and how to interpret this information.

➤ **HAZARDOUS NON-ROUTINE TASK**

Prior to employees performing any special task that may invoke possible exposure to hazardous chemicals, a review of safe work procedures will be conducted and the required personal protective equipment will be utilized.

➤ **INFORMING OTHER CONTRACTORS AND EMPLOYEES**

Other contractors and employees are required to adhere to the provisions of the Hazard Communication Standard Information on hazardous chemicals, which are present at this facility. An SDS will be available upon request from the office.

➤ **RECORD KEEPING AND PROGRAM REVIEW**

The Company will maintain this Hazard Communication Policy and will make changes and updates as required. The written program will be available at the office for employee review upon request or from your immediate supervisor.

SUBCONTRACTORS - SUPPLIERS - OWNERS – VISITORS

Everyone we work with or do work for are expected to abide by these safety rules and any other OSHA rules that pertain to their type of work or exposure.

Report any unsafe conditions that come to your attention to the supervisor or office.

**FIRST AID INJURY RESPONSE POLICY**

**In an effort to provide our employees with the best medical treatment available in an emergency injury situation, dial 911 or other emergency medical services. Be familiar with the location of the nearest medical facility on each job site in case of an emergency.**

**10.6 CELL PHONE USE**

- Cell phones should not be used while the vehicle is moving or operating a piece of machinery unless hands free devices are used.
- **Hands free devices are required. (TNT will supply one hands free headset, if lost, damaged, stolen or not working you're on your own after that). Headsets to be turned in to the office at the end of the season.**
- Allow voice mail and/or text messaging to handle calls and return them when stopped and safe.
- Use two way radios when traveling.
- **Cell Phones for personal use should be limited. Inform your spouse, friends, family members or whomever not to call or text you on company time.**
- Violation of cell phone use will result in disciplinary action and possible immediate termination.



Life is worth it. Distracted driving is not.

## 10.7 3-POINT CONTACT MOUNTING & DISMOUNTING CONSTRUCTION EQUIPMENT

**Definition:** Three point contacts are when two feet and one hand, or two hands and one foot are in firm contact with surfaces at one time. A triangle is formed when the three points of contact to the equipment are made.

Instructions:

- Maintain three-point contact at all time, and break only when reaching stable surface or platform.
- Face the equipment during mount and dismount.
- Do not mount or dismount when equipment is moving.
- Take your time, **do not jump**.
- Use access points or positions provided with equipment (i.e., hand and footholds.) Retrofit equipment lacking steps, rails, etc.
- Equipment should be stationary.
- Repair, replace, retrofit equipment.
- Use skid-resistant surfaces.
- Keep platforms, treads, step, etc. free of mud, ice, snow, grease, and other slippery materials.
- Wear a hard sole non-slip work boot.

## 10.8 EMERGENCY PROCEDURES

- Know the location of all emergency telephone numbers. Know the address or location of the jobsite so as to be able to direct emergency personnel to the job site.
- First aid kits will be supplied to the jobsite. Know its location before you need it. Replenish any first aid supplies used as soon as possible, let the office know.
- All pickups should have first aid supplies in them.
- The location of available emergency facilities and the proper use of 911 or other emergency telephone numbers should be discussed at tool box meetings at every new construction site.

## MEDICAL EMERGENCIES

- At the earliest possible time following a serious injury, the 911 emergency rescue system should be activated
- Locate someone qualified to administer first aid, if needed.
- Do not move an injured person unless he/she is in a life-threatening condition.
- Wait for help to arrive, if necessary to move an injured worker, keep the head, neck, and back in a straight line.
- In extreme conditions, the immediate transportation of an accident victim may be warranted over waiting for an ambulance to arrive. Use your best judgment in determining the urgency of the situation.

## ON-THE-JOB INJURIES

An employee injured on the job, during the performance of his regular duties, must report the injury immediately. **Failure to report an injury no matter how small, whether medical attention is required at the time, may result in the loss of any Workers Compensation Insurance Benefits.**

## **FIRE**

If an emergency situation arises due to the breakout of a fire, or from any other hazard, employees will immediately exit the building by using the nearest door for the purpose. **Do not** try to fight an out of control fire yourself. Your duty is to get clear of the danger, warn others, and call for help.

## **TORNADO/STORMS**

The Company will at its earliest convenience try to shut the company down before bad weather is imminent. Report injuries to management even if medical attention is not required

### **10.9 FIRE PROTECTION**

1. The use of gasoline is prohibited for cleaning purposes or for starting fires.
2. Observe all "No Smoking Rules".
3. Know the location of and how to use fire extinguishers. Inform your supervisor of any use of an extinguisher and arrange to have it recharged or replaced.
4. Unauthorized removal or tampering of firefighting equipment is prohibited.
5. Compressed acetylene and oxygen tanks shall be stored in an upright position and secured from falling regardless whether full or empty.
6. All tank caps are to be in place when tanks are not in use.

### **10.10 FIREARMS & WEAPONS**

Do not bring firearms or weapons into the workplace or customer site. If you normally carry a legal weapon or a hunting gun in your vehicle, keep it locked and unloaded. Do not remove weapons, 'demonstrate', or show them to others while you are on Company property.

### **10.11 PERSONAL PROTECTIVE EQUIPMENT**

Employees working next to or exposed to the same hazard shall wear the same equipment.

#### **1. Head, Face, and Eye Protection-**

- All persons performing work in areas at risk to falling objects or where objects are suspended overhead shall wear hard hats.
- Safety glasses, safety goggles, or face shields shall be worn when sledging, chipping, grinding, and working in extremely dusty areas, handling hazardous chemicals, while using power tools, or any other operation where an eye injury could result.
- Safety glasses shall be worn by all personnel in shops, and all mechanics shall wear safety glasses while performing their work in the shops or not.
- Eye protection suitable for welding, cutting, and burning shall be worn during those operations. Regular safety glasses are not considered suitable. Side shields are required.

#### **2. Hearing protection-**

- Hearing protection is required for all operators, and anyone who is exposed to prolonged or loud noises. Consult your supervisor or inquire at the office for ear plugs and ear muffs.

#### **3. Clothing and Hand Protection-**

- All employees shall wear the proper clothing to perform their work. Long pants and shirt are required (safety vests shall be worn).
- Hard sole non-slip work boots are recommended.
- Hot spots on machines can cause burns; chemicals can cause burns or irritate the skin on the hands.
- Pointed objects and sharp blades like screwdrivers, knives, punches, staples or splinters can cause hand injuries.

- Moving loads through doorways and aisles can cause hand injuries.
- Guards must **always** be in place. **Always** disconnect the power and lockout machines before repairing.
- Do not wear gloves around moving machinery.
- Always use the correct tool for the job. For example, do not use a screwdriver as a chisel. Make sure the tools are in good working order and follow instructions. Store tools properly - one in the wrong place could cause an accident.
- Always cut away from your body.
- Do not put hands for feeding materials into machinery.
- Do not put hands near moving machinery parts.
- Read instructions on chemical container labels and SDS before working with chemicals. Make sure you wear the correct gloves for the chemical being used.
- Report any injuries to the office.

### **10.12 HARD HAT POLICY**

Hard hats must be worn at all times on all hard hat designated jobs. **Hard hats must be worn at all times on all jobs with exposure to overhead loads such as excavators, backhoes, loaders, cranes, etc.**

The only exceptions to this policy are people involved protected by cab enclosures.

### **10.13 EYE PROTECTION POLICY**

Any person operating hand tools such as chop saws, chipping hammers, jack hammers, breaking mallets, hydraulic breaker, etc. or any other tool that could produce an eye injury hazard without using proper safety equipment will be given one warning.

### **10.14 MACHINE GUARDING**

It is the responsibility of all supervisors to train employees of safe work practices while working with guards. Severe injury may result when there is improper safeguarding. Safeguarding is a method of eliminating a hazard.

- No safeguard, barrier, or enclosure shall be adjusted or removed for any reason by anyone unless that person has specific permission from the supervisor, the employee has been specifically trained to do the work, and machine adjustment is considered a normal part of their job.
- Before safeguarding or other guarding devices are removed for repair, or adjustments or servicing are done, the power to the equipment must be turned off and the main switch locked out and tagged.
- No equipment or machine will be started unless the safeguards are in place and in good condition.
- Defective or missing safeguards must be immediately reported to the supervisor.
- No employee shall reach around a safeguard, barrier, or enclosure. The primary benefit of safeguarding is that it helps improve production. By safeguarding, employees are not afraid of the machine and they pay more attention to their production responsibilities.

### **10.15 LOCKOUT PROCEDURES**

Purpose: To prevent injury from the **unexpected energization, start-up or stored energy** that could cause injury.

## Examples of Energy for Lockout/Tagout Applies To:

- A. Electrical
- B. Mechanical
- C. Thermal, Steam
- D. Chemical, Acids & Caustics
- E. Explosives, Natural Gas
- F. Hydraulic
- G. Pneumatic
- H. Gravity

## Safety Rules for Lockout

- Never remove guards or reach around guards while any machine is operating.
- Prior to starting work on a piece of equipment, shut off the main power switch and place a lockout device on the switch.
- Make sure all movement has stopped before entering or servicing any machine.
- If more than one person is working at the same time, EVERY individual on that machine must have a lock on the lockout device. No lockout will be permitted to be cut off without authority from your supervisor.
- Any time you are working on presses, changing dies, or removing rules, the operator must lockout the machine and safety block must be in place.
- Lockouts must be placed when changing blade or adjusting blade.
- Make sure machine is clear, prior to restarting the machine.
- **NO Machine down-time is worth LIFE, LIMB, or JOB!!!!**

## Lockout Procedures

It is the responsibility of all supervisors to train employees on lockout procedures. This is essentially due to the grave threat to life and limb. Lockout procedures must be documented on the supervisor's safety training checklist. Enforcement of lockout shall be the responsibility of supervisors and management.

- If equipment needs repair, alterations, inspections, clearing of jams, or cleaning, the equipment must be shut down and locked out.
- The machine operator and others must be notified that the equipment cannot be set into motion without supervisor's permission.
- All sources of power are to be identified, turned off, and locked out. All stored energy sources must be removed. All personnel must be clear of the equipment. The equipment must be turned on to be sure the equipment power source is locked out, and then turned off again. Your padlocks must be placed on the control switch, lever or valve, even though someone has locked the controls before you. You will not be protected unless you put your own padlock on it.
- Once lockout is completed, you must hang a "danger tag" on the controls showing the date and the employee's signature. Pad-lock and tags must be in place before any work can be performed.
- When work is done, you must replace all guards and remove your own padlock and tag. Never permit someone else to remove it for you. Be sure you are not exposing another person to danger by removing your padlock or sign.
- When power has to be continued in order to perform a job, the area supervisor must be notified. A maintenance employee or supervisor will stand by while work is being performed. When the job is completed, padlocks will be reinstalled.
- If work is not completed by the end of the shift or day, the person locking out the equipment must notify their supervisor. The supervisor will make sure locks and tags are changed to those that will continue the work.

- The supervisor is responsible for inspecting the equipment before starting it. The supervisor must see that guards are in place and all personnel are clear of danger areas.

## **10.16 BACK INJURY PREVENTION**

It is the responsibility of all supervisors to train employees on proper lifting techniques. Supervisors must correct employees when using incorrect lifting techniques.

Approximately fifty percent of all personal injuries are caused by overexertion and most of these injuries are back injuries. Everyone should follow these proper lifting techniques.

### **The two-hand squat and stoop method as follows:**

- Get close to the load and grasp it firmly, hugging it.
- Set your stomach muscles as if you were doing a pelvic tilt. This helps prepare them to support the load.
- Keep your back upright with a slight backward arch as you use your leg muscles to lift the load.
- Set the load down smoothly.

### **The assisted one-hand lift method is as follows:**

As you bend over into a container, rest your free hand on the edge of the container for support, and use the other hand and to lift the object or part. As you come out of the lift, push down with your free hand on the container edge to push your back and object up. When there is no container to rest your free hand on, use the area right above your knee as an anchor point.

The assisted one-hand lift method is a way of lifting that is shared by the shoulder muscles, which are more developed than lower back muscles. This method does have limitations. This is the best method when the weight to be lifted does not exceed 15-25 pounds.

In addition, these are back injury prevention safety tips:

1. Lift comfortably.
2. Avoid unnecessary bending, twisting, and reaching.
3. Lift gradually and slowly.
4. Keep in good physical shape.

If at all possible use a skidloader or get help!!! Don't think you're Superman.

## **10.17 WASTE CONTAINMENT**

All waste fluids (oil and other fluids) drained from any equipment will be collected, stored in proper containers, labeled and disposed of in an approved manner. Waste oil must be recovered at all times.

- Waste oil from the jobsite may be brought to the shop facility and stored for future consumption or disposal.
- All disposal filters to be placed in 50 gallon barrel for proper disposal.

## **10.18 GARBAGE**

All garbage is to be cleaned out of vehicles & equipment daily (no exceptions).

- Place garbage in brown receptacle east side of shop.
- Recyclable material (plastic, glass, steel & aluminum, paper & cardboard) in blue receptacle east side of shop.

If you are in doubt about what's recyclable the list is on the bulletin board.

## 10.19 VEHICLE, TRUCK & EQUIPMENT OPERATORS

- All vehicle, truck and equipment operators shall make a full and complete walk around inspection prior to the start of the workday and at the end of their day.
- There should be a 10-minute warm-up (a.m.) and a 10-minute cool-down (p.m.) on all equipment.
- Do not let equipment idle longer than 30 minutes unless cold weather conditions exist.
- Truck drivers are required to complete a pre-trip and post-trip safety checklist for each unit they operate and it shall be submitted to the office at the end of the day.
- No piece of equipment should be started without first checking **OIL, FUEL, & WATER WILL BE CHECKED BEFORE TURNING THE KEY**. It is the operator's responsibility to check fuel levels of equipment and prevent down time due to low fuel levels. (If you should run out of fuel because of not checking, you are on your own time. It causes downtime for the company, you, and another employee because you need fuel). Fuel tank should be filled every day.
- Keys shall not be left in unattended vehicles and equipment at the end of the day if left at a jobsite.
- All ignition keys are to be removed from equipment when being serviced and lower all attachments. All employees must adhere to lockout/tag out procedures as described in this policy.
- All equipment, trucks & vehicles will be kept in good working condition. The safe operation and maintenance of the equipment is the responsibility of competent and caring operators.
- Windows and lights need to be clean before operating equipment.
- Backup alarms on equipment must be working at all times.
- It is the operator's responsibility to check on oil change schedules, greasing intervals, and needed repairs for each piece of equipment operated.
- Kingpins and U-joints should be greased once a week.
- All pivot points on loaders, dozers and excavators must be greased twice each day.
- Only qualified operators are allowed to run equipment on THE COMPANY jobsites. Employees shall be trained before performing a new task.
- Make sure area is clear before moving.
- All safety guards, shields, warning lights and backup alarms will be kept operational on all pieces of equipment.
- All safety features such as seatbelts, handrails, climbing handles and anti-slip walkways shall be used at all times and in the correct manner.
- Operators are required to report to their supervisor whenever repairs or adjustments are necessary. (Also note on daily checklist book.)
- If the operator feels there is a serious hazard, the operation of the unit at work shall stop until the hazard is eliminated.
- No passenger, other than operator shall ride on any trucks, loaders, heavy equipment, or any other moving equipment unless specifically authorized to do so.
- Truck drivers shall follow all rules in the Motor Carrier Safety Regulation Pocketbook provided by the Federal Highway Administration.
- Operators shall maintain at least 10 feet of clearance between any piece of equipment and any electrical line or energized equipment.
- Watch your tire tread (know when to recap virgin tires).
- Hauling equipment - tie it down correctly, no exceptions. Chains have to be pulling in four directions.

- No employees, except mechanics trucks are to park in front of the shop overhead doors or along that side of the building unless loading or unloading equipment or supplies. Employees' vehicles are to be parked in designated areas.
- Always practice common sense when operating any equipment.

Poor maintenance practices which include not greasing and not checking oil and coolant levels on a regular basis for each machine operated will not be tolerated.

All equipment repair problems must be reported in writing to either a mechanic or to the office. No excessive abuse to the equipment will be tolerated. **Always remember.... the equipment will do its job if we do ours and take proper care of it.**

## **10.20 ROPES, SLINGS, CHAINS & HOOKS**

- Know the load capacities of all ropes, slings, chains, and hooks. **DO NOT OVERLOAD.**
- Care must be taken to understand that the method of lifting can severely change to force that is transmitted through the chain or cable during the lifting process.
- All ropes, cables, and chains will be kept in good working condition.
- Inspection for defects is always done before the use of a device such as a chain or cable.
- All splices, fittings and other material shall be free of defects and of the highest quality.
- All damaged or defective lifting devices shall be repaired or tagged and discarded.
- Safety latches shall be maintained on all hooks used for lifting.

## **10.21 PRE-TRIP & POST-TRIP CHECKLISTS**

Employees must fill out check lists as required by law on each unit operated every day and the checklist turned in every evening. The duplicate copy should be placed in the time card slot in the office.

"Equipment Repairs that are needed" must be written on the white board, in the shop, for each piece of equipment operated by the operator.

## **10.22 OIL CHANGES & FILTERS**

Engine oil change intervals should not exceed one hundred seventy-five (175) hours of operating time. The oil change date, hour meter reading or miles must be written on the tsheets and in the repair book in the shop. Filters should be cut open and inspected for evidence of wear. If there is engine wear, show the open filter to management along with the grindings that are found.

The person who drains the oil is responsible for putting the plug back in. Oil and filter to be disposed of properly.

Air filters are to be serviced regularly, depending on the dusty conditions you are working in.

## **10.23 GREASING**

All equipment is required to be greased daily. It is the operators' responsibility to assure that his equipment is greased. Lubrication:

- General Greasing
- Check rear end - add grease if needed
- Check King Pins - Jack Up Wheels Off Ground
- Throw Out Bearing Greased

- Grease U-Joints and Check for wear

## 10.24 TRUCKERS MEMO

This memo is to inform you as a driver for the Company, that you have a responsibility to retain all of the paperwork pertaining to driving a truck. If a vehicle is involved in an accident the insurance and cab cards must be shown to law officials. Penalties will result for not having these papers.

- Daily Inspection Book: Tells law enforcement officials about the mechanical status of the unit on a pre-trip and post-trip basis in the event of an accident. These records will be reviewed, so they must be done daily. The inspection book must stay in the unit. You will turn a copy in at the end of the day along with your load sheets, proving the mechanical status of the unit you drive.
- Insurance Card: Tells the effective dates of the insurance policy that covers the vehicle as well as the name of the insurance carrier and a policy number. (Check to make sure you have an updated insurance card).
- Cab Card: Tells about the licensing of the unit and registered weights and total gross weight as registered. (Check to make sure you have cab card for the trailer you are pulling as well).
- MN Dot Inspection Report: States that the vehicle met State specifications as inspected by a certified mechanic. Inspection is done once a year for both tractor and trailer.

## TRUCK SAFETY

All motor vehicle CDL requirements for drivers are to be filed with the office.

All drivers are required to fill out Vehicle Inspection Reports daily. The original white copy to be left in the booklet in truck and other copy should be placed in time slot in office.

All trucks must be inspected and comply with the new pre-trip safety laws before operating.

- Check tires, wheels, and rims for damage and correct pressure to prevent accidental failure.
- Check brake drums, shoes for damage and adjustment.
- Check steering and suspension.
- Check engine oil, water, and fuel levels before operation.
- Perform walk around inspection before operation and during the day.
- Monitor warning gauges during operation. Oil pressure - Air pressure 70 lbs - Water temperature
- Check all trailer hookups when towing, including hitch, safety chain, and light connections.
- Check backup alarms daily for proper operation.
- All truck folders to include the following:
  - Vehicle Inspection reports
  - Proof of Insurance
  - Vehicle Weight Information Card
  - Current Cab Card
- Check for safety equipment in truck. (Fire extinguisher — spare fuses —emergency reflectors — current insurance and cab cards)
- Check lights for safe operation and cleanliness.

You MUST have a commercial driver's license in the state of Minnesota to operate:

- A single vehicle or combination with a gross vehicle weight of 26,001 or more
- A towed unit with a GVW of more than 10000 lbs.
- A vehicle designed to transport more than 15 persons.
- Any vehicle which requires hazardous materials placards.

## ACCIDENTS

In case of an accident, these are the procedures to be followed:

- If possible, get the vehicle to the side of the road, out of the traffic lane.
- Park away from the accident if stopping to help.
- Put emergency flashers on.
- Set out reflective triangles.
- Notify authorities either by radio or phone or send someone for help. Call 911 or other emergency numbers.
- If a qualified person is on the scene, stay out of their way.
- Don't move a severely injured person unless absolutely necessary for their safety.

If you are involved in an accident you are required to:

Collect information on the accident.

- Who were the persons involved? Names?
- Were there any apparent injuries?
- What was the damage to any vehicles or property?
- Make notes on how the accident occurred.
- Document time and location of accident.
- Notify the office as soon as possible.
- Only discuss details of the accident with the proper authorities.
- Try to stay calm and use good judgment.
- Never admit to fault, this will be decided later.

Drivers should always practice defensive driving techniques and be courteous to other vehicles on the road.

## DRIVER REQUIREMENTS

- All trucks weighed must meet State of Minnesota Gross Vehicle Weight Requirements. This includes a maximum weight of 80,000 lbs. or less, depending on the length, number of axles and distance between axles.
- All Drivers are responsible for meeting state, county, and city bridge law requirements. This applies to single, tandem, tri-axle, quad-axle and 5 axle trucks.
- All frame rails and undercarriage must be cleaned prior to exiting load site.
- All trucks must have mud flaps in place.
- Mud flaps on "belly" dump trucks must be across the entire rear of vehicle and have a ground clearance of 6" or less when vehicle is loaded.
- Drivers must inspect load for correct load height. All loads must be 6" down from the top of the box next to the sidewall.

Always drive safely and use good judgment according to current road conditions.

Use common sense and monitor dump areas for unstable areas and changing conditions that could lead to possible rollover.

Use extreme care whenever you are backing. Use a ground man to watch and give signals.

## 10.25 TRENCHING AND CONFINED SPACE ENTRY-SAFE PRACTICES

- **Gopher State One Call** (See Professional Excavation Manual)
  - Know where underground utilities are located before digging.

Who must call - Anyone who engages in any type of excavation?

When - Must call at least 48 hours prior to underground activity to notify utility operators who may be affected.

Where - Give precise location of work area.

Utilities will be marked using these color codes:

Red - Electric power lines, cables, conduit

Yellow - Gas, oil, steam, petroleum, gaseous material

Orange - Communication, alarm, signal lines, conduit

Blue - Water, irrigation, slurry lines

Green - Sewer and drain lines

Pink - Surveying and removals

**White - Used to mark work space**

Must hand dig within 2 feet of utility.

You must immediately notify utility the owner in case of damage or possible damage. Do not cover up!!

Some utility owners are not GSOC members and may not have been notified or located. They need to be called directly.

Excavating contractor is ultimately responsible for damage done to underground utilities.

Gopher State One Call	800-252-1166 or 811
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➤ **Sloping and Benching Requirements/Types of Soils**

- Keep excavated soil (spoils) and other materials at least 2 feet (0.61 meters) from trench edges.
- Keep heavy equipment away from trench edges.
- Approved shields or protective devices are to be used when sloping requirements cannot be met using sloping techniques.

Stable Rock

Natural solid mineral matter that can be excavated with vertical sides and remain intact while exposed, but cannot be undercut.

Type A Soil

Cohesive soil with compressive strength of 1.5 ton/per square foot or greater

Examples: clay, silty clay, clay loam, silty clay loam

NO soil is Type A if it is fissured (split and/or cracked) or has been previously disturbed. OSHA requires walls be sloped 9 inches out for every 1 foot of trench depth. (53%)

\*Trenches less than 20' deep

Type B Soils

Cohesive soil with compressive strength of .5 to 1.5 tons/per square foot

Examples: Granular cohesion less soils such as angular gravel, sandy loam, sandy clay loam, previously disturbed soils.

Type A soils which are fissured (split and/or cracked)

Layered soils

Dry rock that is not stable

OSHA requires walls be sloped 1 foot out for every 1 foot of trench depth. (45%)

\*Trenches less than 20' deep

### Type C Soils

Cohesive soils with compressive strength less than 0.5 tons/per square foot

Examples: Gravel, sand, loamy sand, soil in which water is flowing, wet soils.

submerged soil or soil from which water is freely seeping, submerged rock that is not stable, or material in a sloped, layered system where the layers dip into the excavation or with a slope of four horizontal to one vertical (4H:1V) or steeper.

OSHA requires walls be sloped 18 inches out for every 1 foot of trench depth. (34%)

\*Trenches less than 20' deep

Note: Unconfined compressive strength means the load per unit area at which a soil will fail in compression. It can be determined by laboratory testing or estimated in the field using a pocket penetrometer, thumb penetration tests, or other methods.

#### ➤ **Competent Person**

A competent person is an individual, designated by the employer, who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to workers, and who is authorized to take prompt corrective measures to eliminate them.

- Trenches that are open more than a short period of time must be regularly inspected by competent person.
- Identify any equipment or activities that could affect trench stability.
- Inspect trenches at the start of each shift.
- Inspect trenches following a rainstorm or other water intrusion.
- Inspect trenches after any occurrence that could have changed conditions in the trench.(PROPER SHORING & TRENCHING TECHNIQUES TO BE USED BASED ON SITE CONDITIONS)
- Laser beams shall not be directed at employees.
- Laser units in operation should be set up out of the way of moving equipment.

#### ➤ **All trenches over 20 feet in depth to be designed by a registered professional.**

#### ➤ **Access and Egress Requirements and Confined Space Entry – Atmosphere Testing**

- Slopes, ladders, and stairs are to be no more than 25 feet from work area. Ladder is to extend 4 feet beyond edge of excavation.
- Ensure that personnel wear high-visibility or other suitable clothing when exposed to vehicular traffic.
- No materials to be placed above persons working in excavation that may possibly fall and cause injury.
- No employee is permitted under loads handled by lifting equipment.
- If equipment operates near edge of excavation to backfill, a signal person shall be used to protect persons in excavation.
- When the workers are more than 4 feet deep test for atmospheric hazards i.e. low oxygen, hazardous fumes, and toxic gases.

Employees shall not enter excavations, manholes, or other confined spaces if these or other hazardous atmospheres exist:

- Atmosphere containing less than 19.5% oxygen
- Atmosphere containing more than 20% of flammable gas

Portable testing equipment is available at the office. Employees will be trained in how to use and calibrate this equipment.

## **10.26 SAFETY CHECKLIST**

### ➤ **OFFICE**

- OSHA workplace poster is displayed.
- Emergency phone numbers posted.
- Material Safety Data Sheets available upon request.
- Post OSHA injury summary form during the month of February.
- Make written safety program available to all employees.
- Fill out proper forms and perform necessary investigations in case of accident or illness.
- First aid kits to be made available.
- Provide personal protective safety equipment as needed.

### ➤ **SHOP AND YARD**

- Safety glasses, goggles or face shields to be worn in shop.
- Keep doors and overhead doors closed when not in use.
- Locate fire extinguishers in proper location and inspect them on a regular basis.
- Use proper footwear and noise protection as necessary.
- Maintain shop and yard in a clean and orderly fashion.
- Clean up all spills as soon as possible to prevent floors from becoming slick and oily.
- Remove all garbage on a regular basis and dispose of oily rags and old oil filters in appropriate approved containers.
- Toilet facilities to be kept clean.
- Provide sufficient lighting in the work area.
- Keep stairways, doorways, and aisles clear and marked.
- Make sure all ladders are checked for damage before using and only use properly.
- Maintain all hand and stationary tools in safe operating condition.
- Watch for mushroomed chisels, punches, etc.
- Replace broken or bunt tools.
- Store tools in an area so they don't become damaged.
- Make sure all guards and safety devices are intact and properly adjusted.
- Inspect all electrical cords and plugs on a regular basis.
- Use hoists only when familiar with procedures for safe loads and operation.
- No employee to perform welding, cutting, or brazing without proper PPE or training.
- Compressed gas cylinders to be maintained and stored in a safe location.
- All lift chains, cables, and jacks need to be inspected on a regular basis.
- First aid kits need to be kept clean and accessible.
- Report all injuries/illness to the office to fill out proper paper work.
- Use proper lifting techniques and get help for heavy loads.
- Use caution when working on tires and inflating them.
- All tools must be put away when not in use.
- Copy of all Material Safety Data Sheets (MSDS) must be on file.
- Use COMMON SENSE and safe practices at all times.

➤ **JOB SITE**

- Make sure all traffic control is in place.
- Locate fire extinguishers in proper location and inspect them on a regular basis.
- Use protective goggles, face shields, and aprons. Keep in good operating condition.
- Use proper footwear and noise protection as necessary.
- Maintain job site in a clean and orderly fashion.
- Make sure all ladders are checked for damage before using and only use as they are intended.
- Maintain all hand and stationary tools in safe operating conditions.
- Make sure it is safe to dig before starting.
- Replace broken or bent tools.
- Store tools in an area so they don't become damaged.
- Make sure all guards and safety devices are intact and properly adjusted.
- Inspect all electrical cords and plugs on a regular basis for damage.
- All lift chains, cables, and jacks to be inspected on a regular basis.
- First Aid kit is to be kept clean and accessible.
- Report all injuries/illness to the office.
- Use proper lifting techniques and get help for heavy loads.
- All tools must be put away and secured at the end of a day.
- Know where MSDS Sheets are located.
- Always look for changing conditions that make things unsafe.

**VOLUNTARY PAYROLL DEDUCTION AUTHORIZATION FORM  
FOR EMPLOYEE ADVANCES**

Today's Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Effective Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Employer Name: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Employees Social Security Number: \_\_\_\_\_

Type of Deduction	Total Requested Amount	Deduction Amount Per Pay Period

I hereby authorize my employer to make the above deductions from my pay in accordance with the above terms. I understand and agree that I am responsible for satisfying the above amounts. I understand and agree that any amount that is due and owing at the time of my termination, regardless of whether my termination was voluntary or not, will be deducted from my last paycheck or any other amounts that may be owed to me. This authorizes TNT Construction/Kerkhoff, Inc. to retain the entire amount of my last paycheck in compliance with the law. I further understand and agree that deductions will be made after any mandatory taxes as well as for any employer programs in which I have enrolled, for which I am eligible, or to which I have agreed.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



# TNT Construction/Kerkhoff, Inc.

## Employee Write Up

### Employee Information

Employee Name:

Date:

Employee ID:

Job Title:

Manager:

Department:

### Type of Warning

Verbal Warning

Written Warning

Disciplinary Suspension

Termination

### Type of Conduct

Tardiness/Leaving Early

Absenteeism

Violation of Company Policies

Substandard Work

Violation of Safety Rules

Rudeness of Customers/Coworkers

Other \_\_\_\_\_

### Details

Description of Infraction:

Plan for Improvement:

Consequences of Further Infractions:

### Acknowledgment of Receipt of Warnings

By signing this form, you confirm that you understand the information in this warning.

Your success is important to the Company; however, you must meet certain policy/performance standards.

You also confirm that you and your manager have discussed the warning and a plan for improvement.

Signing this form does not necessarily indicate that you agree with this warning.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

A copy of this written reprimand will be placed in your personnel file for 30 days.

**Exhibit A**  
**to**  
**TNT Construction/Kerkhoff, Inc.**  
**Employee Handbook**  
**&**  
**Safety & Health Policy**

**Alcohol & Controlled Substance Policy and Testing Policy**

It is the desire of TNT Construction/Kerkhoff, Inc. (the “Company”) to provide a drug-free, healthful, and safe workplace. To promote this goal, Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

The Company recognizes drug and alcohol dependency as an illness and a major health problem. The Company also recognizes that substance abuse is a complex problem with no easy solution. It can create severe emotional, physical, and financial damage to individuals, families, and corporations. It is also seen as a potential safety threat to all employees.

Having made a commitment to the health, safety, and well-being of our employees and property, the Company must focus on the impact of substance abuse as it affects the safety and performance of our employees. Therefore, the Company reserves the right to request or require an employee or job applicant to undergo drug and alcohol testing in accordance with Federal Law, Minnesota’s Drug and Alcohol Testing Statute, and this Policy. Employees needing help in dealing with such problems are encouraged to contact their supervisor and/or seek help through the appropriate agency. The Company complies with the Federal Drug Free Workplace Act of 1988 and Minnesota’s Drug and Alcohol Testing Statute.

(a) Substance Policy: The use, possession, concealment, transportation, promotion or sale of the prohibited substances by employees while on company premises, or while conducting company business off company premises, is strictly prohibited and is just cause for termination of employment.

(b) Prohibited Substances:

Illegal Drugs – Any substance defined or classified as a controlled substance pursuant to Title II of the Comprehensive Drug Abuse Act of 1970 (including being under the influence of such drugs and/or having a detectible amount in an employee).

Alcohol – Any beverage containing alcohol.

(c) Prescription Drugs: The Company reserves the right to have an independent physician determine if a prescription drug or medication used by an employee produces potentially hazardous effects. If so, the company may restrict the employee’s work activity.

(d) Testing:

Applicants – Applicants for employment, after receiving a conditional job offer which fall under DOT requirements shall be required to submit to a drug test with the company assuming the cost of the test. Any applicant whose test results are positive is not eligible for hire.

Employees – Current employees may be required to submit to drug and alcohol testing for the following reasons:

- Randomly – The Company will complete random drug/alcohol testing on a quarterly basis for non-DOT drivers and DOT drivers.
- Reasonable Suspicion – The Company may require an employee to submit to a drug and or alcohol test when there is reasonable suspicion based on facts and reasonable inferences. For the purpose of this policy, facts and reasonable inferences may be based upon, but not limited to, any of the following:
  - Direct observation of alcohol or drug use or abuse, or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
  - Observed abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - A report of alcohol or other drug use provided by a reliable and credible source.
  - Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the Coop.
  - Evidence that an employee has caused an accident while at work which resulted in an injury to a person, or resulted in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed one thousand dollars.
  - Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working or while on the company's premises or while operating the company's vehicles.
- Safety Sensitive Position – Meaning a job wherein an accident could cause loss of human life, serious bodily injury, or significant property or environmental damage, including a job with duties that include immediate supervision of a person in a job that meets this definition.
- Participation in a Chemical Dependency Treatment Program – An employee may be required to participate in drug and alcohol testing if the employee has been referred by the company to a drug or alcohol evaluation and treatment program. The employee may be subject to random testing, without prior notice, during the period of evaluation, treatment, and for up to two years following the completion of a treatment program.

- (e) Consent: No urine drug screen, breath alcohol test, or any other such test or inspection will be conducted without prior consent of the employee. Employees will be responsible to provide information stating that they:
- Have read the company's *Alcohol & Controlled Substance Policy*;
  - Will make known any over-the-counter or prescription medications they are taking or have taken recently; and
  - Provide any other relevant information requested by the company.
- (f) Refusal To Test: Any employee who refuses to submit to any required drug or alcohol test, refusing to execute any relevant documentation (e.g., release and consent form), failing to cooperate with collection site personnel, or engaging in any conduct which creates reason to believe a specimen has been altered or substituted will be suspended pending termination of employment.
- All testing will be performed with concern for an individuals' personal privacy.
  - Any adulterants found in testing samples will be treated as a positive result and a fraudulent act resulting in immediate termination of employment.
- (g) Results: Test results will be reported, in writing, to the employee within three days of receipt by the company. If the result is positive, the employee or applicant will be notified of his or her right to:
- Request a copy of the test result.
  - Request to have the original sample retested at his or her expense provided the individual request to do so within five working days of receipt of the results.

An employee whose test results are positive for the first time will be given the opportunity to participate in a drug or alcohol counseling or rehabilitation program before any disciplinary action is taken, if any, by the Company. It is important to note, however, that an employee whose test results are positive may be subject to termination of employment if:

- The employee tested positive on a previous occasion in a work-related incident.
- The employee refused to participate in an evaluation, counseling, and/or rehabilitation program.
- The employee failed to successfully complete the evaluation, counseling, and/or rehabilitation program.
- The employee test positive a second time, following the successful completion of evaluation, counseling, and/or a rehabilitation program.

To successfully complete a treatment program, an employee must comply with all recommendations for post-release treatment activities.

- (h) Follow Up Testing: An employee who successfully completes an evaluation, counseling, and/or rehabilitation program will be subject to random follow-up testing for a period of up to two years.
- (i) Assistance Considerations: An employee will not be disciplined for their initial request for assistance. An employee who, of their own accord, request assistance

for substance use/abuse, will not be considered as having a positive test for the purpose of this policy. However, the employee will be required to successfully complete an evaluation, counseling, and/or rehabilitation program. Any subsequent request for assistance may be considered the same as testing positive.

- (j) **Required Reporting:** Under the Drug-Free Workplace Act, an Employee who performs work for a government contract or grant must notify the Company of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within 5 days of the conviction.

**Alcohol & Drug Policy for CDL Drivers, and Testing Policy**

In addition to the *Alcohol & Controlled Substance Policy and Testing Policy* set out above, employees of the Company who are required to hold and maintain a current commercial driver's license (CDL), are subject to drug and alcohol testing according to DOT regulations. Such as: pre-employment, post-accident, reasonable suspicions, random, return to duty and follow-up. An employee, who is tested pursuant to DOT guidelines, and test positive, will be subject to appropriate disciplinary action, including the termination of employment. All records pertaining to Alcohol & Drug Testing are kept separate of the Personnel File, and are strictly confidential.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with office personnel without fear of reprisal.

Additional copies of this Policy can be obtained from office personnel. The Company will treat all information as private and confidential except as required by Minnesota Law, M.S.A. 181.954 (Privacy, Confidentiality, and Privilege Safeguards).

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I acknowledge that TNT Construction/Kerkhoff, Inc., has provided me with a copy of its *Alcohol & Control Substance Policy and Testing Policy*, including its *Alcohol & Drug Policy for CDL Drivers and Testing Policy*, on the date referenced below.

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

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